

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	2025/65/92290/E
Site Address:	152, Penistone Road, Shelley, Huddersfield, HD8 8JQ
Description:	'Change of use from beauty salon (use class E) to residential (use class C3) and associated alterations (Listed Building)'
Recommending Officer:	Elenya Jackson

DECISION – CONSENT 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.

John Holmes

AUTHORISED OFFICER

Date: 24-Feb-2026

Officer Report.

Site Description.

2025/92290 152, Penistone Road, Shelley, Huddersfield, HD8 8JQ

152 Penistone Road is a stone built, four storey semi-detached building in Shelley, Huddersfield . Due to the topography of the area, the building appears two-storey scale to the front and four-storey scale to the rear and is set down from the street scene due to the topography between the site and the main road.

To the rear of the property there is a small area of hardstanding for turning and parking as well as a lawned area and planting.

The site is a grade II Listed Building.

The listing reads as follows:

'Pair of houses. Early C19. Hammer dressed stone (1st floor rear, rendered). Stone slate roof with gable copings on cut kneelers. Two and three storeys. Symmetrical facade. Each house has central door with single light to each side and one 7-light window to 1st floor. To rear each house has two 2-light windows at 1st floor level. Ground floor and basement level mainly altered'.

Description of Proposal.

The majority of the building is a residential dwelling; however, the first floor when viewed from the rear of the site (which appears subterranean from the street scene) has previously been used as a beauty salon.

As a result, this application has been received for a Change of use from commercial beauty salon (Class E(c)(iii) '*Other appropriate services in a commercial, business or service locality*') to a residential use (C3).

In addition, the proposal would include two roof lights into the rear elevation of the building and internal alterations to facilitate the development.

History of Negotiations.

During the course of the application, alterations were requested to remove the balconies from the proposal.

Relevant Planning History.

2015/92027 Change of use of dwelling to beauty salon (Listed Building within a Conservation Area).
Conditional Full Permission

Representations.

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via a site notice and within the newspaper, collectively expiring on 17th October 2025.

Kirkburton Parish Council confirm they have no comment to make.

Consultation Responses.

Conservation & Design – Initially requested that the proposed balconies were removed from the proposal.

Policy.

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses'.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP24 – Design
- LP35 – Historic Environment

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 2025, and 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 12 – Achieving Well-Designed and Beautiful Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Legislation:

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

Assessment.

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of the NPPF is also of relevance and states that *“in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and b) the desirability of new development making a positive contribution to local character and distinctiveness”*.

Paragraph 212 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 215 of the NPPF goes on to state that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The planning application submitted alongside this listed building consent application is for the change of use of a beauty salon into a residential use. To facilitate this change of use, the following alterations are required to the fabric of the building.

- Addition of new staircase
- Addition of rooflights
- Alterations to internal layout

As part of the assessment and determination of this planning application, an informal consultation was undertaken with KC Conservation & Design.

The proposal would have make a number of alterations to the external appearance of the Listed Building and would impact the internal fabric of the

listed building therefore, there would be some impact the architectural merit of the building.

Officers consider that the harm caused to the significance of the listed building would be less than substantial. As a result of this harm, justification of the in relation to public benefits is required.

Officers have discussed the harm with conservation officers and it is considered that, as the remaining building is currently residential, the proposed changes would facilitate the optimum use of the listed building, preventing the former beauty salon from remaining vacant.

It is considered that as the proposal would have limited external alterations but those requested would secure the long term use of the building thus protecting the heritage asset, the public benefits would outweigh the less than substantial harm to the architectural merits of the building arising as a result of the development.

As the proposal would be making alterations to the fabric of the building, it is considered that conditions are necessary relating to the rooflights being conservation style roof lights.

As the proposal would be making alterations to the fabric of the building to facilitate the use, it is considered that conditions are necessary to preserve the details where applicable and limit the harm to the building. Officers would require the following details to be conditioned:

- Proposed staircase details to be provided to ensure in-keeping with the dwelling
- The re plastering in the building to be lime plaster on external walls to improve the buildings breathability and prevent degradation of building fabric.
- Repointing to be lime
- No expandable foam used

The proposed roof lights are conditioned as part of the full application as they would impact the external appearance of the building.

Therefore, for the reasons set out above and subject to conditions, the proposal is considered to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

Representations

Kirkburton Parish Council confirm they have no comment to make in relation to the development, which is noted.

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 constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Consent
Decision Authorisation – Delegated Powers
Application Number: 2025/92290
Officer Recommendation: Approve

Conditions and Reasons:

1. The development shall be begun within three years of the date in which this consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP2, LP24 & LP35 of the Kirklees Local Plan and policies within Chapters 2, 12 & 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted details any repairs or repointing to the historic fabric of the building shall be undertaken using lime mortar only and no strap pointing shall be used.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework.

4. Notwithstanding the submitted details any plastering / replastering works to the walls forming the historic fabric of the building shall be undertaken using lime plaster only.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to

accord with Policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework

5. Notwithstanding the submitted details there shall be no use of filler or expandable foams or silicone sealants in any part of the works which would intersect or touch the historic fabric.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework

6. Prior to the insertion of the new staircase, details shall be submitted to and approved in writing by the Local Planning Authority. These shall include product specifications showing their appearance including materials, finish, colour, design.

The approved scheme shall be completed in accordance with the approved details and retained.

Reason: To retain the significance of the designated heritage asset and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 of the National Planning Policy Framework.

NOTE: This Decision Notice should be read in conjunction with Decision for the associated full planning application reference: 2025/92289

NOTE: Any paints used shall ensure they are permeable, and none plasticised to ensure the movement of moisture.

NOTE: In order to avoid damage to the Listed Building, care should be taken in the choice of materials to avoid thermal bridging or other issues that may affect the breathability of the Building.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plan Type	Reference	Version	Date Received
Application form	-	-	20/08/2025
Proposed plans	2549-0301-R06	-	22/12/2025
Existing Plans	2549-101-R01	-	20/08/2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer requested the initially proposed balconies were removed from the application; amended plans were received and the application progressed.