

**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:	2025/62/92317/E
Site Address:	JB s Barber Shop, 213a, Old Bank Road, Earlsheaton, Dewsbury, WF12 7AB
Description:	Use of premises as barbers
Recommending Officer:	Elenya Jackson

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13 October 2025

Officer Report

Site Description

JB s Barber Shop, 213a, Old Bank Road, Earlsheaton, Dewsbury, WF12 7AB

The application site relates to a garage adjacent to 213 Old Bank Road which has been subdivided to create a Barber Shop. Garden/amenity space associated with the main dwelling is provided to the rear.

The application site is surrounded by residential dwellings to the east and across the road to the south.

The application site is not located within a Conservation Area or located in close proximity to any Listed Buildings.

Description of development

The application seeks planning permission for the change of use of part of outbuilding to form a barber. This application is retrospective and has been received following an enforcement complaint.

The barbers would have an area of 18sqm.

As confirmed via email by the applicant's agent, the business is to operate with 1 full time employee and one part time employee. Opening hours have not been provided on the application however this will be discussed below.

History of negotiations/amendments received

Through the course of the application, confirmation was received in relation to the hours of use.

Relevant Planning History

2019/92859: Reserved matters application pursuant to outline permission 2017/92901 for erection of one dwelling and demolition of existing garages.

2017/92901: Outline application for erection of one dwelling and demolition of existing garages. Conditional outline permission.

Planning Enforcement

COMP/22/0185 – Change of use from garage to Barber Shop.

Representations

The application was publicised in accordance with the Kirklees Development Management Charter. The publicity period expired 2nd October 2025. No representations were received as a result of site publicity.

Consultation Responses

KC Highways Development Management – Informal discussion on 1/10/2025 and no objections raised.

Parish/Town Council

N/A.

Planning Policy Background

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 application site is unallocated.

Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP13 – Town Centre Uses
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable Energy
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Supplementary Planning Guidance/Documents:

- Kirklees Highways Design Guide (2019)

National Planning Policies and Guidance:

National Planning Policy and guidance is set out in National Planning Policy Statements, primarily the National Planning Policy Framework (NPPF)

updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 – Principle of Development:

1.1 – Sustainable Development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework.

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”.

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.

1.2 – Town Centre Uses

Chapter 7 of the NPPF relates to ensuring the vitality of town centres. It outlines that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The NPPF goes on to say that Local Planning Authorities should apply a sequential test to planning applications which are for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre locations be considered.

It states that if edge of centre or out of centre proposals are to be considered, preference should be given to accessible sites which are well connected to the town centre.

In this case, Policy LP13 of the Kirklees Local Plan is relevant and consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres and local centres), as shown on the Policies and Town Centre maps.

The proposal is to change the use of a garage to barber shop. The Use Classes Order has been updated in 2021 and the updated Use Classes Order now includes Class E, specifically E(c)(iii) which covers the provision of “*other appropriate services in a commercial, business or service locality*”.

The application site is located approximately 21m away from the nearest local centre, which is Wakefield Road Earlsheaton, and in line with the NPPF, for all purposes other than retail, a location within 300 metres of a town centre boundary can be considered as an edge of centre.

Officers have reviewed the context of the area and could not locate a barber or hairdresser within the Wakefield Road Earlsheaton centre. In this instance, Officers consider that a sequential test would not be required as the proposal would not be competing with businesses in the centre.

Officers consider that a condition is necessary restricting the use of the building to that which is being applied for, to protect the vitality and viability of the local centre.

As such, in the broadest sense, subject to conditions, the principle of development of this site is considered acceptable in accordance with Local Plan Policies LP1, LP2 and LP13 of the Kirklees Local Plan. However, the development must now be assessed against all material considerations.

2 – Impact on Visual Amenity:

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

Paragraph 135 of the NPPF is also of relevance, in particular the following parts:-

‘b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change’

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...”

The application relates to a change of use from a domestic outbuilding to a mixed-use building comprising of a barber and a garage. The proposal would add a side facing door into the street scene. It is considered that the addition of fenestration facing into the public realm would not be discordant with the character of the area.

Taking the above assessment into account, it is considered that the proposals would have a negligible impact on the character and appearance of the area and therefore would accord with Policies LP1, LP2 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

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

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

As the proposal includes the addition of windows facing into the street scene, it is considered that this is a usual relationship in the street scene and would not raise any concerns regarding the residential amenity of neighbouring residents

The proposal is outlined to have the following opening hours via google and a sign displayed on site:

Monday: Closed
Tuesday: 9:30-5pm
Wednesday: 9:30-5pm
Thursday: 3-8pm
Friday: 9:30-5pm
Saturday: 9:00- 1pm
Sunday: Closed

These hours of use have been discussed with KC Environmental Health and due to the absence of any management plan or noise mitigation information, it has been requested that the opening hours of the site are limited until 6pm. This has been agreed with the agent and the application progressed on this basis.

Conditions are to be imposed, as outlined above, to ensure that impacts on the residential amenity of adjacent neighbours are mitigated against. This to accord with LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4 – Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. 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.

The application seeks planning permission for the change of use of part of the existing building to create a barbers.

KC Highways Development Management have been informally consulted as part of this application they raise no objections. The site is currently operating and it has been confirmed with Planning Enforcement that the enforcement case does not make reference to highway safety concerns.

For the aforementioned reasons, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22 and Chapter 9 of the NPPF.

5 - Other Matters:

Climate Change

On 12th November 2019, the Council adopted a target for achieving a '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.

Furthermore, Local Plan Policy LP26 refers to renewable and low carbon energy and states that:

'Renewable and low carbon energy proposals (excluding wind) will be supported, and planning permission granted where the following criteria are met:

- a. The proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment;*
- a. The proposal would not have either individually or cumulatively an unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets;*
- b. The statutory protection of any area would not be compromised by the development;*
- c. Any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity;*

d. Any significant adverse effects of the proposal are mitigated by wider environmental, social and economic benefits'.

Given the nature of this application which is for a change of use of an existing building, with minimal external alterations proposed, and that the proposals would provide for the re-use of an existing building, the proposed development is considered to comply with Policies LP24 and LP26 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Biodiversity Net Gain

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.

Within the submitted application form the applicant states that the proposals would be exempt from Biodiversity Net Gain (BNG) conditions as the proposal relates to a site which comprises of entirely hardstanding/built development therefore no habitats would be affected.

Taking the above into consideration, Officers consider the proposals to fall under the de minimis threshold which applies to development that does not impact a priority habitat and impacts less than 25sqm of non-priority onsite habitat or 5m for non-priority onsite linear habitats. As the site wholly consists of hardstanding and the proposals are for the change of use of an existing building, it is not considered that there will be any loss of habitat at the site, the proposals are considered to be exempt on this occasion and therefore the proposals do not need to provide details in respect of a biodiversity metric

6 – Conclusion:

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

Recommendation: Approve subject to conditions.

Decision Authorisation – Delegated Powers

Application Number: 2025/92317

Officer Recommendation: Approve.

Conditions and Reasons:

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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP13, LP21, LP22, LP24, LP26, LP51 and LP52 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. The use hereby permitted shall not be open for business including deliveries to or dispatches from the premises, outside the hours of 9:30-18:00 Monday to Saturday. The use hereby permitted shall not take place on Sundays or Bank Holidays.

Reason: To ensure the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Use Classes Order 2020 (or any Order revoking or re-enacting that Order) no other use within Class E than the use of a barber shop hereby approved shall be permissible without consent from the Local Planning Authority.

Reason: To protect the vitality and viability of the Local Centre and to accord with Policy LP13 of the Kirklees Local Plan and advice within Chapter 7 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Web ID	Date Received
Grouped plans and elevations	P01 Rev:A	-	15/08/2025

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 has, 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. Officers clarified the opening hours of the barbers. The agent confirmed that officers could progress the application restricting the hours of operation.