

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:	2025/62/92318/W
Site Address:	17, Clare Hill, Huddersfield, HD1 5BS
Description:	Change of use and alterations to dwelling to form 6 bedroom house in multiple occupation (Listed Building)
Recommending Officer:	Edward Cheseldine

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.

John Holmes

AUTHORISED OFFICER

Date: 18th March 2026

Officer Report

2025/92318 - 17, Clare Hill, Huddersfield, HD1 5BS

Site Description

17 Clare Hill is an end-terrace property formed of ashlar stone walls and a pitched roof clad in stone slates. It sits on the western end of the block of terrace dwellings. The building is slightly set back from the roadside, to the rear is a modest residential garden space. The building is currently in a dilapidated state with some windows blown out on the front and rear facades, internally there is fire damage. Remaining windows appear to be casement openings, a fixed original window appears on the rear elevation some of the panes are damaged.

Properties on the south of the street are residential. A large hotel and warehouse are located on the north side of the street.

The application building is part of a row of buildings which are grade II listed. List description:

Mid C19. Ashlar. Pitched slate roof. 2 storeys. Moulded eaves cornice. 2 ranges of sashes each. One door each, with moulded panels and oblong fanlight in moulded stone surround with cornice.

Description of Proposal

The applicant is seeking permission for a change of use and alterations to dwelling to form a 6 bedroom House in Multiple Occupation.

Internal alterations will include new stud walls to create bathroom facilities within each bedrooms.

External alterations relate to new windows, masonry repairs and new pipe water goods. There is a concurrent application for listed building consent (2025/92345) for these alterations.

Amendments/Negotiations

The application description has been amended to 'Change of use and alterations to dwelling to form 6 bedroom house in multiple occupation (Listed Building)' in light of amendment to the layout which removed one of the rooms intended to be used as a bedroom.

Officers requested a bedroom on the first-floor of the dwelling was removed from the scheme for use as a bedroom as the floorspace requirements of the bedroom were too small to accommodate a suitable living space. An amendment was received demonstrating this room would be used for storage and the application is processed on this basis.

New windows openings are proposed, some of the existing frames and glazing has become damaged. A request was made to the agent to provide details of the window replacements for the building. These details have not been provided at any stage of the application process. It will be conditioned window details are submitted and approved by the LPA under the concurrent listed building application (reference 2025/92345).

Public Representations

The application was advertised by way of a site notice and press advertisement, the final publicity date was 24-Oct-2025. As a result of the publicity, no representations were received.

Consultation Responses

None required for this application, however comments have been received for the concurrent application for listed building consent from KC Conservation & Design.

Relevant Planning History

2025/92345 - Listed Building Consent for alterations to window alterations, rainwater goods, internal alterations – Pending decision

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED in the Kirklees Local Plan. The building is Grade II Listed. The site also falls within an area with a known presence of bats and an area known to be at risk of land instability as a result of former mining activity.

The following policies are therefore considered applicable to the determination of this application:

Kirklees Local Plan:

- **LP 1** – Presumption in favour of sustainable development
- **LP 2** – Place shaping
- **LP 7** – Efficient and effective use of land and buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 20** – Sustainable travel
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design

- **LP 30** – Biodiversity & Geodiversity
- **LP 35** – Historic Environment
- **LP 43** – Waste management hierarchy
- **LP 52** – Protection and Improvement of Environmental Quality

National Policies and Guidance:

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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.

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 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

Other Material Considerations:

Kirklees Highways Design Guide SPD (2019)

Waste Management Design Guide for New Development (Version 5, October 2020)

Kirklees Housebuilders Design Guide SPD (2021)

UK Government Biodiversity Netgain PPG (2024)

Nationally Described Space Standards (UK Gov)

Kirklees Amenity Standards for Houses in Multiple Occupation

Legislation

The Town & Country Planning Act 1990 (as amended).

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

The Planning and Compulsory Purchase Act 2004.

Section 17 of the Crime and Disorder Act 1998 (as amended)

The Conservation of Habitats and Species Regulations 2017

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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 interest which it possesses'.

Assessment

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 assessed.

The site UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

"All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below..."

Historic Environment

The application site is a Grade II Listed building. In respect of the historic environment that concerns the application for planning permission, there are no material concerns with the change of use of the building, however this judgment is reserved for the details assessed under application 2025/92345(LBC) which concerns details relating to subdivision, the provision of new windows and openings, masonry repairs and new rainwater goods.

In this case, the replacement of windows is subject to planning considerations, and details of the proposed windows have not been provided. The replacement of windows has the potential to materially detract from the appearance of the listed building and harm its significance. It is therefore necessary to determine which window designs and materials are proposed.

In light of this assessment, and to ensure that the development does not result in harm to the significance of the listed building, it is recommended that

a condition requiring the submission and approval of window details be attached to the Listed Building Consent decision notice.

Subject to the inclusion of the recommended condition, the proposal from a residential dwelling to a House of Multiple Occupation is not considered to lead to harm of the designated heritage asset, therefore complying with paragraph 212 & 215 of the NPPF and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Housing Mix

In this instance, LP11 of the Kirklees Local Plan is also relevant, as the scheme aims to convert an existing dwelling into House of Multiple Occupation. The policy states that: “all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.”

Chapter 11 of the NPPF states that planning decisions should promote the development of under-utilised land and buildings, but this must not be at the expense of creating developments that function well and add to the quality of the area as set out in Chapter 12.

Whilst Policy LP11 of the Kirklees Local Plan promotes the diversification of the existing housing stock, it is stated that factors relating to amenity and design should be taken into account, therefore a balance will be taken when factors in consideration of visual amenity, residential amenity, highway safety and environmental matters are concluded in the below paragraphs.

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.”

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...”

There are no significant external changes proposed. The main alterations relate to windows and drainage infrastructure (soil pipes) upon the building. These would require listed building consent and are considered as part of the concurrent application seeking such consent. In terms of this application seeking planning permission it is concluded there will be no impact to visual amenity comply with LP1, LP2 & LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

The concurrent application for Listed Building Consent set conditions in order to control the appearance of additional domestic paraphernalia on the listed building. These measures are considered to be appropriate in compliance with LP24 of the Local Plan.

Impact on Residential Amenity

Section B of LP24 states that development should:

“provide a high standard of amenity for future and neighbouring occupiers.”

Further to this, Paragraph 135(f) 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.

Submitted plans indicate four new outlooks will be formed on the side elevation on the ground and first-floor. Three of these openings light bathroom areas. In terms of these, in order to protect the amenity of future and neighbouring occupants it will be conditioned they are obscurely glazed, if the application was set for an approval.

The fourth window light a dining room / living area. It is a secondary outlook with views towards the gable-end of the adjacent building, which are separated by a tall boundary wall. As the windows is primarily secondary, it is not considered it will impact upon the privacy of the neighbouring occupants.

Impact on the Amenity of Future Occupiers

There will be a material change that will result in a change to the standard of living enjoyed by current and future occupiers due to the change of use to a House of Multiple Occupation (HMO). Nationally Described Space Standards (NDSS) do not contain specific space standard for HMOs, although it indicates a double bedroom space should have an internal floor space of 11.50m². However, this does not account for living and storage space, it is for a double bedroom only in houses where occupants live as a family. Nationally Described Space Standards do not include floor space calculations for 6 bed rooms living over 4 storeys.

Kirklees Council has its own amenity standards for Houses of Multiple Occupation which can be found at the following link:
<https://www.kirklees.gov.uk/beta/housing/pdf/HMO-amenity-standards.pdf>

Whilst it should be noted that this is not an adopted planning document it does provide a guide as to the standard of amenity that is considered acceptable for an HMO.

For shared accommodation each single space bedroom should be 10m² & each two person bedroom should be 14.9m².

The submitted floor plans outline that each of the double bedrooms will have the following internal floor areas (not including en-suite):

- Bedroom 1 – 14m² (single occupancy)
- Bedroom 2 – 13m² (single occupancy)
- Bedroom 3 – 15.40m² (double occupancy)
- Bedroom 4 – 11.80m² (single occupancy)
- Bedroom 5 – 12.45m² (single occupancy)
- Bedroom 6 – 29.25m² (double occupancy)

The number of occupants within each room has been assessed against the floor space in each bedroom as per the standards set by Kirklees Council. Bedroom 3 & 4 would be considered to be at the minimum end of the scale, however they meet the floorspace requirements set out within Kirklees Council guidance. All rooms include an ensuite. The floor space of the ensuites would not amount to functionable space that could be utilised by a resident to accommodate amenity functions.

Residents of each room, but in particular bedrooms 3 & 4 would rely on the living room to fulfil leisurely activities when accounting for functional space left within each unit when taking into account a double bed, storage and doorways. The amount of functional space will be unsuitable in providing living accommodation for living solely within the rooms. Furthermore, kitchen facilities are not provided in any of the rooms. All occupants would therefore be reliant on shared living facilities to fulfil these activities. Whilst this may be acceptable under certain circumstances, it will depend on relevant matters assessed below.

NDSS recommends that a double occupancy room should have built-in storage facilities with a minimum footprint of 1.5m². When accounting for storage rooms are suitable in providing secure storage when accounting for doorways, windows and a bed space.

Kirklees Council standards state each living room (including a kitchen) should be 8m² plus 1m² per person, which in this case would be 16m².

When applying Kirklees shared accommodation standards, the building could be occupied by up to eight people when accounting for bed spaces and room sizes. A living room/kitchen will be provided which will be 19m², which will provide the sole functionable amenity space for the building, including kitchen

use. The kitchen is sufficiently lit by natural light and provides a suitable amount of space for the maximum number of occupiers.

Summary

The provided floorspace within each bedroom and within the shared spaces would serve as suitable areas to provide an acceptable level of amenity for future occupiers in terms of bedrooms floorspace, amenity space, secure storage and natural light.

When considering the acceptable impact on residential amenity for the future occupants, the proposal is concluded to comply with Policy LP24b) of the Kirklees Local Plan, national Government policy contained within Chapter 12 of the NPPF and Kirklees Council guidance.

Impact on Highway Safety

Paragraph 116 of the NPPF states that, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety'*. The thrust of Chapter 9 promotes sustainable transport methods.

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Key Design Driver 20 of the adopted Kirklees Highways Design Guide Supplementary Planning Document (SPD) states 1-bedroom apartments should be provided with one parking space.

Taking the scheme into consideration, the site is located in a sustainable location. The site is within walking distance to Huddersfield Town Centre and local amenities, including Huddersfield Railway Station and local green spaces. Due to its location, it is not necessary to provide off-street parking. Clare Hill has managed parking, in the form of a single yellow line restricting no on street parking between 8am and 6pm limiting the impact from on-street parking to be to the detriment of the safety of the wider highway network. Additionally, a cycle storage area is proposed.

Bin storage is located away from the highway, and should be presented in the location they are currently collecting for the rest of the dwellings on Clare Hill.

Due to the sustainable location of the site, it is considered the development accords with Policy LP21 & LP22 of the Kirklees Local Plan and the thrust of Chapter 9 of the NPPF.

To ensure suitable waste and cycle storage facilities are provided conditions requiring submission of the specific details and their provision prior to use and retention thereafter is recommended for any grant of permission.

Environmental Matters

Ecology / Biodiversity

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are 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.

The application is for a change of use with no external alterations that would increase the footprint of built form, it is therefore considered the proposal would benefit from being exempt from the statutory requirement for BNG.

The proposal would not significantly alter the nature of the use of the site, and it is considered that a requirement for ecological enhancements would not be reasonable in this case given the scale / nature of the development.

The proposal is therefore concluded to be acceptable in this regard.

Carbon Budget

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.

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. Given the scale of the

development to a listed building it is not considered necessary to require mitigation in this case in relation to climate change.

Safety and Security

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

Houses of Multiple occupation have the potential, if not well managed and/or lacking in security measures, to lead to safety / security issues. It is considered that appropriate measures to be incorporated as part of the operation of a HMO would be postal / mail security, CCTV to communal spaces and external areas and appropriate waste management and cycle storage facilities.

In the event of any grant of permission a condition requiring a scheme of safety and security measures would be included to ensure appropriate measures are provided prior to the use being undertaken.

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: **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2025/92318

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.

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP35, LP52 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the development. The scheme shall include details of CCTV, including location, orientation, and type of camera, recording quality, image storage and frames per second. The approved scheme shall be implemented before the development is first occupied and retained thereafter.

Reason: To ensure that prior to the commencement of development safety and security measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the submitted drawings, cycle storage and waste storage details shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include details of all associated structures, their materials of construction, siting and design. The cycle storage and bin storage details shall be provided in complete accordance with the approved details prior to the development being brought into use and shall be retained thereafter.

Reason: To ensure suitable waste and cycle storage facilities are provided in compliance with Policy LP20, LP21, LP24, LP35 & LP43 of the Kirklees Local Plan and policies within chapters 9, 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	05 September

Plan Type	Reference	Version	Date Received
			2025
Existing grouped plans	HMO17CHMA1101	-	05 September 2025
Proposed grouped plans	HMO17CHMA11020.2	Rev0	25 March 2026
Waste and cycle storage plans	-	-	05 September 2025
Conservation/Heritage statement	BG24.370	-	05 September 2025
Climate change statement	-	-	05 September 2025

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

