

# **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>2025/62/92346/W</b>                                                                                                                               |
| Site Address:         | 26, Westgate, Honley, Holmfirth, HD9 6AA                                                                                                             |
| Description:          | Change of use from residential (use class C3) to beauty salon (use class E) with associated alterations (Listed Building within a Conservation Area) |
| 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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 6<sup>th</sup> November 2025

## **SITE DESCRIPTION**

26, Westgate, Honley, Holmfirth, HD9 6AA a grade II listed mid terrace, back to back property. The property is over three floors with the cellar currently inaccessible.

The site is currently residential in use which is consistent with the properties immediately adjoining the site.

However, the wider area is mixed use as the site is located in Honley Local Centre.

The Historic England listing associated with the site reads as follows:

*'Part of terrace, back to back. Early C19. Hammer dressed stone. Stone slate roof. Two storeys. South-east elevation: 4 entrances (one blocked) with steps. Each dwelling has either 2 single lights or one 2-light stone mullioned window. First floor: two 3-light stone mullioned windows to each dwelling (two 2-light and 4 and 5-light stone mullioned windows, with some alterations and some mullions removed. First floor: two 3-light stone mullioned windows to each dwelling, some mullions removed. North-east gable: 2 entrances to ground floor. Loading door to attic (part blocked) and 2 blocked lights'.*

Access to the property is currently taken from Westgate and there is no private amenity space associated with the property whilst it is a dwelling.

## **DESCRIPTION OF PROPOSAL**

The application is for the change of use of the property from a residential dwelling into a beauty salon.

The alterations are mainly internal; however, the proposal would also feature the replacement of the unauthorised UPVC windows and Composite door with timber.

## **HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED**

Officers accompanied KC Conservation and design on a site visit on 17/10/2025. No comments were raised regarding the internal changes but officers requested amendments were made to the materials proposed for external alterations. Amended plans were received and the application progressed on the basis of those plans.

## **RELEVANT HISTORY**

1998/90456 Listed Building Consent for installation of roof light (within a Conservation Area)

*Consent Granted*

1999/91623 Listed Building Consent for installation of an external flue (within a Conservation Area)

*Consent Granted*

2006/94169 Listed Building Consent for internal refurbishment (including conversion of cellar) to provide protected stairwell throughout building (within a Conservation Area)

*Refused*

2007/91833 Listed Building Consent for internal alterations (within a Conservation Area)

*Consent Granted*

2023/92963 Listed Building Consent for change of use and alterations to offices to form one dwelling (within a Conservation Area) . Listed building consent granted.

2023/92934: Change of use and alterations to offices to form one dwelling (Listed Building within a Conservation Area. Conditional full permission.

## **PUBLIC/MEMBERS RESPONSE**

Final publicity date Expires (press notice & site notice):27.09.25

No letters of representation have been received in respect of this application.

Holme Valley Parish Council confirm they have no objection to the proposal on the basis it is considered acceptably by KC Conservaiton Team.

## **CONSULTATION RESPONSES**

Conservation and Design: Following the receipt of revised plans demonstrating that the windows and doors would be replaced with timber, no further objections.

KC Highways: Due to the proposal being in a sustainable location with parking provision in the wider vicinity, no objections.

## **POLICY**

The statutory development plan comprises:

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 within Honley Conservation area and district centre as identified and allocated within the Kirklees Local Plan and the property is a grade II listed building.

**Kirklees Local Plan (LP):**

- LP 1** – Achieving sustainable development
- LP 2** – Place shaping
- LP 13** – Town Centre Uses
- LP 21** – Highway Safety
- LP 22** – Parking
- LP 24** – Design
- LP 35** – Historic environment
- LP 52** – Emissions

Neighbourhood Development Plans:

- Holme Valley Neighbourhood Development Plan (2020-2031)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan.

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 8 – Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres
- Policy 11 – Improving of transport, accessibility and local infrastructure.
- Policy 12 – Promoting Sustainability.

The application site is within Landscape Character Area 6, Honley Village Centre.

The key landscape characteristics of the area are:

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

The key built characteristic of the area are

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.

Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features

### **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 together with Circulars, Parliamentary Statements and associated technical guidance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Ensuring the vitality of town centres
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change
- Chapter 16 – Conserving and enhancing the historic environment

## **ASSESSMENT**

### **Principle of development:**

The site is within the Honley Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan. In addition, the property forms part of a Grade II Listed Building and therefore Section 66 of the above Act is also of relevance.

Policy LP1 of the Kirklees Local Plan states that:

*“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

The proposal seeks to change the use of the dwelling to a beauty salon (class E) use which constitutes a 'main town centre use' as set out in Annex 2 of the National Planning Policy Framework and the site is within the defined Honley District Centre and Honley Conservation Area within the Kirklees Local Plan.

Policy 8 of the Holme Valley Neighbourhood Development Plan sets out that new developments and changes of use should complement existing provision and ensure that the town, district or local centre offer provides a range of uses appropriate for the relevant type of centre.

Policy LP13 of the Kirklees Local Plan is relevant and in terms of 'District Centres' these are defined as the following:

- Provide a range of shopping for everyday needs and serving specialist markets
- Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services.

The proposal would reinstate a commercial use within a town centre, as the property had been converted from an office use in 2023. There does not appear to be a similar use within the local centre and therefore the proposal would represent a diversification of services available within Honley centre. Therefore, the proposal would be considered to accord with LP13 of the Kirklees local plan.

The uses within use class E cover a broad range including retail, sale of food and drink, financial / professional services, indoor sport & recreation, medical / health facilities, creche / day nursery and/or as an office. On the basis of use of conditions to cover means of extraction and noise matters (discussed in the 'Residential Amenity' section of this report) it is not considered necessary to restrict the use to any particular to within use class E given the setting within Honley town centre, the identified district centre boundary and fact the uses within class E compliment those required by LP13 of the Kirklees Local Plan and policy 8 of the Holme Valley Neighbourhood Development Plan.

In the case, it can be stated that the principle of development could be supported subject to an assessment of impacts on visual and residential amenity and heritage assets being concluded as acceptable, as well as an assessment into other relevant material considerations. comply with Policy LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

**Impact on visual amenity, historic environment and listed building**

In addition to the policy / legislation set out in the 'principle of development' section of this report, of relevance to the consideration of this proposal is policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the NPPF which set out that development should be of an acceptable design.

As stated above, the building is a Grade II listed building. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Section 72 of the Act, and the duty surrounding the desirability of preserving or enhancing the character or appearance of the conservation area, is also relevant. This is re-iterated within Policy LP35 of the Kirklees Local Plan.

Policy 1 of the Holme Valley Neighbourhood Development Plan (HVNDP) sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA 7, detailed in the 'Policies' section of this report)

Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting

In terms of impact on the visual amenity and the Listed Building, Conservation and Design Officers were consulted and concluded that the proposed alterations to the external elevation would be a positive alteration to the listed building as it would remove the unsympathetic upvc and composite door which would enhance the conservation area and preserve the listed building by utilising sympathetic materials.

The proposal would also feature a hanging sign. The principle of this is considered acceptable; however, design details would need to be submitted as part of a separate application seeking advertisement consent as this is a matter which cannot be considered as part of a planning application.

A number of conditions are recommended by the Conservation Team, specifically these are:

- any repairs or repointing to the historic fabric of the building shall be undertaken using lime mortar only.

This condition is recommended to be included.

- any plastering/ replastering works to the walls forming the historic fabric of the building shall be undertaken using lime plaster only and,

- 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.

Given the requirement for listed building consent for such works, and that these elements would largely be internal works, it is concluded that these would be suitably covered by any requirement for listed building consent and the inclusion of such conditions upon any grant of planning permission would not be necessary in this case.

The replacement windows are detailed on the most recently submitted plans to be grey and timber. Whilst this is considered acceptable it is considered necessary for product specifications, 1:5 sections and 1:20 elevations showing their appearance including materials, finish, colour, design details of the external reveals, heads, cills and jambs to be provided as part of this application. A suitably worded condition is therefore recommended to ensure this is provided.

Means of extraction associated with the use could potentially be required. It is therefore considered necessary to require that no flue, vent or any other means of extraction be installed at site unless and until a scheme which details how noise, smoke and odour emissions from the proposed flue, vent, other means of extraction and (or) externally sited plant or machinery will be controlled. This is to ensure the visual impact of such installation would be acceptable and would not lead to harm to the historic environment.

At paragraphs 213 – 215 the NPPF is clear, that where development leads to substantial harm, it is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

On the basis of the inclusion of the recommended conditions it is considered the development would not have a harmful impact upon the historic environment, and there are public benefits clearly present in the case of the proposal insofar as the development would lead to the continued operation of the listed building, and the use of the building as a main town centre use, in a town centre location.

It is therefore considered that the proposal can be supported as it would have an acceptable impact to visual amenity the historic environment and listed building in accordance with the aforementioned policies.

### **Impact on residential amenity**

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised, and security lighting must be appropriate, unobtrusive and energy efficient.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

The proposal would be re-introducing a commercial use between the properties and the proposed use is not considered to generate any significant levels of noise between the property and neighbouring residents. This conclusion is drawn on the basis of the nature of the proposal being for a use within class E and also that the development proposal would operate between the hours of 9 – 9 Monday to Friday, 9 – 6 on Saturdays, Sundays and bank holidays.

Whilst the proposal would see the coming and going of users of the site, this is an occurrence taking place in proximity in any event to neighbouring properties given the siting within an established district centre. On the basis the development is restricted to hours of use as set out in the submitted application form the proposal is considered to be acceptable in terms of noise impact.

There are potentially extraction requirements for the premises, and installation of such extraction would need to be suitably designed to ensure it has an acceptable impact upon the amenity of neighbouring occupiers. As such a condition is recommended to require details of any means of extraction to be agreed in writing with the LPA. Subject to condition the proposal is considered to be acceptable in this regard.

Officers recommend an informative note is in place advising that should noise concerns arise as a result of the proposal, Environmental Health have separate legislative powers to take action.

It is considered that subject to condition the proposal would not result in any significant concerns regarding the residential amenity of adjoining neighbours and would accord with policy LP24 of the Kirklees local plan, Policy 2 of the HVNDP and chapter 12 of the NPPF.

### **Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide. Policy 11 of the Holme Valley Neighbourhood Development Plan seeks the improvement of transport, accessibility and local infrastructure.

The application has been reviewed with KC Highways and it is noted that the site is located within the Honley District Centre with no dedicated parking for the proposed development indicated on the application form. However, given the limited nature of the development, the site previously being for a commercial use and the location of the building being within a sustainable location, there are minimal concerns regarding the lack of dedicated parking.

No details of refuse storage or collection have been provided on plan; officers approached the agent to confirm how waste would be managed on site and it has been confirmed that the existing location for waste would be utilised to support the development. The nature of the proposal is such that it is not envisaged to cause significant levels of wastes and the collection arrangements as existing are considered to be sufficient in this case. Given the scale and nature of the proposal and the size of the development, no further details are considered to be necessary in this case.

The proposal is therefore considered acceptable in this regard in accordance with the aforementioned policies

#### **Other matters:**

##### *Climate change*

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

#### **Representations:**

It should be noted that no representations have been received as a result of site publicity other than Holmfirth parish council which raised no objections to the development.

#### **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.

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2025/92346

**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 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, to retain the significance of designated heritage assets and the openness of the Green Belt and to accord with Policies LP1, LP2, LP13, LP21, LP22, LP24, LP35 and LP52 of the Kirklees Local Plan, policies 1, 2, 8, 11 and 12 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 7, 12, 14 and 16 of the National Planning Policy Framework.

3 Notwithstanding the plans submitted, prior to the insertion of any new windows and external doors, details of the new windows and doors shall be submitted to and approved in writing by the Local Planning Authority. These shall include product specifications, 1:5 sections and 1:20 elevations showing their appearance including materials, finish, colour, design details of the external reveals, heads, cills and jambs. The approved scheme shall thereafter be implemented and retained.

**Reason:** To ensure the satisfactory appearance of the development on completion 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.

4. No flue, vent or any other means of extraction shall be installed at site unless and until a scheme which details how noise, smoke and odour emissions from the proposed flue, vent, other means of extraction and (or)

externally sited plant or machinery will be controlled, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and thereafter retained and maintained for the lifetime of the development.

**Reason:** This detail is required prior to development commencing on site in the interests of visual and residential amenity and to accord with policy LP24, LP35 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework

5. The development hereby permitted shall not take place at any time except between the hours of 09:00 – 21:00 Monday to Friday, 09:00 – 18:00 on Saturdays, Sundays and bank holidays.

**Reason:** To ensure the development has an acceptable impact upon residential amenity as a result of noise to accord with policies LP24 and LP52 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

6. Notwithstanding the submitted details any repairs or repointing to the historic fabric of the building shall be undertaken using lime mortar 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 Chapter 16 of the National Planning Policy Framework.

**NOTE:** This Decision Notice should be read in conjunction with Decision for the associated Listed Building Consent application reference: 2025/92347

**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:** Noisy construction related activities should not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours, Saturdays with no noisy activities on Sundays or Public Holidays

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

| <b>Plan Type</b>                 | <b>Reference</b> | <b>Date Received</b> |
|----------------------------------|------------------|----------------------|
| Location Plan                    | 25-03-LP-01      | 26/08/2025           |
| Existing and proposed elevations | 25-03-PL-03      | 28/10/2025           |
| Proposed plans (sheet 2 of 2)    | 25-03-PL-02      | 28/10/2025           |
| Proposed plans (sheet 1 of 2)    | 25-03-PL-01      | 28/10/2025           |
| Existing plans (sheet 2 of 2)    | 25-03-EX-02      | 26/08/2025           |
| Existing plans (Sheet 1 of 2)    | 25-03-EX-01      | 26/08/2025           |
| Application Form                 |                  | 26/08/2025           |
| Heritage Statement               | RevA             | 28/10/2025           |
| Planning Statement               |                  | 26/08/2025           |

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 Planning 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 amended plans during the application to amend the windows and door details to timber, in addition, clarification was requested relating to the storage and collection of wastes.