

**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:	2025/62/92354/E
Site Address:	Rear of, 186-188, Huddersfield Road, Mirfield, WF14 8AT
Description:	Erection of garage, bin store and boundary works
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.

Emma Thompson

AUTHORISED OFFICER

Date: 27-Nov-25

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Officer Report

2025/92354 -186-188, Huddersfield Road, Mirfield, WF14 8AT

Site Description

The application site relates to an area of land set behind 186-188 Huddersfield Road in Mirfield. It is currently used for parking and bin storage. Land has been surfaced in a hard standing material. The plot of land is bounded by walls and buildings. On the north-east elevation is a break in the wall, it leads to a separate plot of land associated with the rear of buildings located along King Street. This area is also used for car parking and bin storage.

In terms of the wider area, there are a mixture of businesses and dwellings located within its surroundings. Access to the site leads from Huddersfield Road. Part of the site is located in the Mirfield District Centre.

Proposal Description

The applicant is seeking permission for the erection of a garage, bin storage unit and boundary works.

The garage unit will be 4.00m(w) x 6.50m(l) with an eaves height of 2.25m and ridgeline height of 3.50m. It will be formed of white rendered exterior walls and concrete roof tiles over a pitched roof.

The bin storage area would have a surface area of 6.50m(w) x 1.15m(l) to secure four bins, each with an opening door. They would be secured with a 1.80m timber perimeter painted black.

Boundary works will consist of the existing wall on the north-east elevation being bricked up in the area where there is a break, with matching materials and height.

Amendments/Negotiations

None required.

Public Representations

The proposal was advertised by way of a site notice, the final publicity date for advertisement was 29-Sep-2025. As a result of the publicity, 7 objections were received. Within one objection was a petition signed by 7 members of the public.

The following comments were received:

- Access to the adjacent plot will be restricted as a result of the boundary works
- The existing access is not wide enough for construction works
- Construction works/the proposed units will block bins from being collected
- Works will make the access onto Huddersfield Road unsafe
- Additional units would make the site unsafe for vehicles
- Swept-paths or a transport statement have not been provided, appropriate highway safety has not been demonstrated.
- There are already sufficient bin storage facilities at the application site
- Development would result in an increase in anti-social behaviour
- There is no need for a garage on the site
- The closure of access will harm established businesses
- The site will become overdeveloped
- The proposal will lead to an increase in on-street parking
- The proposal will remove disabled parking access to nearby buildings
- Planning permission should not be granted for a scheme that cannot lawfully be implemented
- The design and access statement contains factual inaccuracies
- The hours of use should be restricted
- The garage is not economically viable
- The scale of the garage is disproportionate
- The proposal will harm
- The use will create noise disturbance

A title deed, a deed of variation and a deed of grant was submitted to demonstrate access to the adjacent plot is legally recognised.

Planning permission does not override or remove any existing legal rights or obligations relating to land, including rights of access. Issues such as private access rights or covenants remain and should be addressed separately from the planning process. Legal documents relating to ownership and rights of access cannot be considered within the planning decision process and only minimal material weight can be afforded to these documents.

Notwithstanding the above paragraph, it will be considered within the *Assessment* section to what extent material weight can be afforded to the public comments. A summary of which will be made in the *Representation* section of the report.

Consultation Responses

KC Highways – No objection, informal consultation on 03 September. Further review is made in the *Highway Safety* section of the report.

KC Environmental Health – No objection, assessment of noise output.

Relevant Planning History

None relevant to this application.

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 within Mirfield District Centre on the Kirklees Local Plan Proposals Map.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town Centre uses
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & Geodiversity
- **LP 52** – Protection and improvement of environmental quality
- **LP 53** – Contaminated and unstable land

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, 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 4 – Decision-making
- 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

Other materials considerations:

- Kirklees Highways Design Guide Supplementary Planning Document (2019)
- Mirfield Design Guide 2002

Assessment

- 1) Principle of Development
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Representations
- 7) Conclusion

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. The site is partly located in the Mirfield Town Centre boundary, however the area of development is outside of the boundary. As the works are within an open area used in connection of the commercial premises, and development includes uses ancillary to these premises the principle of these works is considered acceptable.

Policy LP24 of the KLP is relevant and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable,

and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, highway safety and environmental matters.

Impact on Visual Amenity

Visual amenity is assessed through Policy LP24 of the Kirklees Local Plan, that relates to design. Within which, the policy specifies proposals should promote good design by ensuring *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*, amongst other factors.

The garage will be located in the north-east corner of the plot set against existing boundary walls. It is appropriate in scale, with the eaves of the building being relative to the level of the boundary wall to the north. The pitched roof draws the mass of the roof away from the shared boundary. The footprint of the building will be 4.00m x 6.50m which is an appropriate size for the plot, retaining a sufficient level of open space. The outbuilding will not compete with the surrounding built form in terms of scale or appearance.

In terms of materials, the unit will be rendered in a white colour. The adjacent wall to the north is rendered white, as are the nearby commercial premises to the south. Concrete tiles are visible in the immediate area. The material pallet is therefore appropriate.

A timber permitter will be formed around bin storage area. The use of wood will soften the appearance of the storage facility.

Matching brick will be used to from the boundary treatment which is appropriate from a visual perspective.

Given the scale, material and character of the wider area, the proposal complies with LP24 in terms of visual amenity.

Impact on Residential Amenity

Section B of LP24 states development should:

'...minimise impact on residential amenity of future and neighbouring occupiers.'

Further to this, Paragraph 135 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.

Development is for a garage unit, bin storage area and boundary works. These are not classed as habitable areas; it is therefore not considered there will be an impact to the privacy of neighbouring occupiers.

The garage unit is a single storey unit with a pitched roof. Considering the mass of the building, it will not lead to a loss of outlook or light to neighbouring properties.

Noise

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources and seeks to compliment LP24b in terms of an impact to neighbouring occupiers.

A number of public comments have been raised in respect of noise disturbance arising from the use of the outbuilding. It would be located adjacent to the curtilage of 190 Huddersfield Road. KC Environmental Health were consulted in respect of the noise output from the garage/storage use.

The outbuilding will be used in association with the commercial premises on Huddersfield Road for storage as a garage/storage facility linked to the existing uses on site. The units currently comprise of a local shop, café and two takeaways. Storage used in connection with these uses would have a low output of noise and would be used sporadically to access/store items. The use of the outbuilding will also be linked with the opening hours of the existing businesses. When considering the impact, KC Environmental Health raised no concern with the use of the building.

Bins will be kept within the timber fenced unit. The area is currently used to store bins for the commercial premises. Given the linked use it is not considered the proposal will result in a material increase in noise disturbance to the nearby properties.

Having considered the above factors, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants. The proposal therefore complies with Policy LP24b) & LP52 of the KLP and Chapter 12 of the NPPF.

Impact on Highway Safety

Policy LP21 states all proposals 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.

Paragraph 116 of the National Planning Policy Framework states, *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, following mitigation, would be severe, taking into account all reasonable future scenarios.*

Development will result in the erection of a garage unit and bin storage area in an area currently used for parking vehicles. Additionally, boundary works will

block access to the adjacent plot which is also used for parking by neighbouring properties.

The proposal was reviewed by KC Highways on 03 September. They have reviewed the application in terms of highway safety policy and requirements. In terms of highway safety, they confirmed the placement of the outbuildings would be suitable to allow sufficient manoeuvrability with the plot for vehicles to turn and exit the site in a forward gear, when considering parked vehicles and the new outbuildings. They agreed the proposal site is used by the commercial premises 186-188 Huddersfield Road and the reduced number of spaces is suitable for staff parking whilst introducing the garage and bin storage area. They did not request any further details from the applicant.

KC Highways also considered the boundary changes that would result in the loss of off-street parking to the adjacent plot. The proposal would increase demand for parking on the public highway and car parks within Mirfield Town Centre.

In considering the proposal, the potential impact on parking requirements for properties along King Street has been reviewed. It was noted that King Street provides unrestricted public parking for up to one hour, Monday to Saturday between 8:00am and 6:00pm, with spaces available directly in front of the affected properties. In addition, residents and businesses can obtain permits for parking on King Street. The properties are located close to Mirfield Town Centre, which benefits from suitable public transport links for customers visiting these sites. A public car park is situated approximately 100 metres to the south-east of the buildings, off Station Road. KC Highways therefore did not object to the proposal as there are suitable provisions in terms of accessibility and parking in the locality.

When considering the availability of public parking, the location of the site in connection with Mirfield Town Centre and the public transport access, the loss of access to the rear of the site would not result in an unacceptable impact on highway safety taking into account all reasonable future scenarios.

In consideration of the above, Officers have been supplied with a title deed, a deed of variation and a deed of grant to demonstrate access to the adjacent plot is legally recognised.

Planning permission does not override or remove any existing legal rights or obligations relating to land, including rights of access. Issues such as private access rights or covenants remain and must be addressed separately from the planning process. Legal documents relating to ownership and rights of access cannot be considered and only minimal material weight has been afforded to these documents.

Environmental Matters

Biodiversity Netgain

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.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

The development is considered to benefit from exemptions as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024. The development area currently consists of a hardstanding material. Due to the works habitat will not be removed, the application therefore meets the requirements of the di minimis exemption.

Ecology

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 development site is within a town centre area is currently consist of hard standing surfacing. The proposal will result in a single-storey building, it is not considered this type of development would benefit from an ecological uplift due to the existing environment found on site and the level of development.

Land Contamination

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

Ground works will be required for the erection of the outbuilding, due to this a condition in the case unexpected ground contamination is uncovered will be attached to the decision notice.

Construction Site Working Times

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

Carbon Budget

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.

Representations

It has been considered whether the objections brought forward would have a material weight in the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Principle of Development

- There is no need for a garage on the site

Officer comment: The outdoor plot is linked to commercial premises. Development is for storage for business purposes which is an appropriate requirement.

- The site will become overdeveloped

Officer Comment: The plot currently operates as a parking and bin storage area. The spatial requirements of the site have been assessed as acceptable in terms of visual amenity and highway safety.

Visual Amenity

- The scale of the garage is disproportionate

Officer Comment: The outbuilding is a modest single-storey building. It has been assessed as a suitable scale in consideration of the surrounding built environment in the locality.

Residential Amenity

- The hours of use should be restricted
- The use will create noise disturbance

Officer Comment: The use of the garage unit is associated with the existing businesses on Huddersfield Road. It is not considered the units will result in noise disturbances to neighbouring occupiers. The garage is located within an area connected to the existing businesses.

Highway Safety

- Access to the adjacent plot will be restricted as a result of the boundary works
- The closure of access will harm established businesses
- The proposal will lead to an increase in on-street parking

- The proposal will remove disabled parking access to nearby buildings
- Additional units would make the site unsafe for vehicles

Officer Comment: Please see *Impact on Highway Safety* section within the *Assessment* section of the report.

- The existing access is not wide enough for construction works
- Construction works/the proposed units will block bins from being collected
- Works will make the access onto Huddersfield Road unsafe
- Swept-paths or a transport statement have not been provided, appropriate highway safety has not been demonstrated.

Officer Comment: KC Highways reviewed the submitted information. They did not raise comments or concerns in relation to these comments.

Environmental Matters

- There are already sufficient bin storage facilities at the application site

Officer Comment: The proposal will result in secure bin storage facilities which is an improvement to the current bin facilities.

Other Matters

- Development would result in an increase in anti-social behaviour

Officer Comment: It is not considered the development will result in crime and disorder.

- The design and access statement contains factual inaccuracies

Officer Comment: The design and access statement has been reviewed and is sufficient for the determination of the application.

- The garage is not economically viable

Officer Comment: Viability is not a material consideration in terms of this proposal.

- Planning permission should not be granted for a scheme that cannot lawfully be implemented – submission of a title deed, a deed of variation and a deed of grant

Officer Comment: Planning permission does not override or remove any existing legal rights or obligations relating to land, including rights of access. Issues such as private access rights or covenants remain and must be addressed separately from the planning process. Legal documents relating to ownership and rights of access cannot be considered and minimal material weight can be afforded the submitted documents.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approval

Decision Authorisation – Delegated Powers

Application Number: 2025/92354

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, LP13, LP21, LP22, LP24, LP30, LP52, LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The external walls and roofing materials of the development hereby approved shall in all respects match those reference on grouped plans ref 1662/03.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of chapter 12 of the National Planning Policy Framework.

4. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either

(a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or

(b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a

timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: No construction related noise should be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays, 08.00 to 13.00 hours Saturdays. With no construction related noise audible beyond the site boundary on Sundays or Public Holidays. 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:-

Plan Type	Reference	Version	Date Received
Location plan	1662/01	-	21 August 2025
Existing site plan	1662/02	-	21 August 2025
Proposed grouped plans	1662/03	-	21 August 2025
Design and access statement	-	-	21 August 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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. No amendments were sought.