

**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:	2025/60/92456/W
Site Address:	Lower Hey Farm, Highfield Crescent, Meltham, Holmfirth, HD9 5RQ
Description:	Outline application for demolition of stables and erection of detached dwelling
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL OUTLINE 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: 16-Jan-2026

Officer Report.

Reference: 2025/92456

Location: Lower Hey Farm, Highfield Crescent, Meltham, Holmfirth, HD9 5RQ

Proposal: Outline application for demolition of stables and erection of detached dwelling

Site Description.

The application site encompasses a parcel of grass land that is bounded by stone walls and occupies 2 detached buildings.

One of the buildings appears to be a garage or storage building. The smaller building appears to be a stables.

Trees are located within the site.

A Public Right of Way (MEL/14/20) is situated adjacent the north site boundary.

Access into the site is off of Highfield Crescent.

Residential dwellings are located to the west of the application site, with garages situated to the south.

There is a Grade II listed building situated northwest of the application site and has a separation distance of approx. 140m.

There is no planning history in relation to when the buildings were constructed, however it is clear from reviewing historic maps that the buildings have been present since at least 2004.

Description of Proposal.

The application is for outline application for demolition of stables and erection of detached dwelling with all matters reserved.

The submitted block plan shows the residential development to be located within the eastern corner of the application site.

The agent has confirmed that the 2 buildings on site will be demolished and replaced with the proposed dwelling.

Access to the site would be off of Highfield Crescent.

History of Negotiations / Amendments Received.

A preliminary roost assessment was submitted and reviewed by KC ecology who found the report reasonable and acceptable.

Relevant Planning History.

None.

Representations.

The application was advertised by site notice and the press. Final publicity date expired 24th October 2025.

5 representations have been submitted.

- Plans submitted are vague and could encourage further development
- Concern the proposed development will have on green belt land
- Concern the proposed development will have on wildlife habitats
- Concern the proposal will have on trees
- Existing properties on this road are not selling
- Concern of a soakaway being used for surface water and risk of flooding
- Concern of loss of privacy
- Concern regarding right of access
- Increased noise levels as a result of increased traffic to the application site
- The existing access route is highly populated resulting in problems for waste disposable
- Concern of emergency vehicles not being able to address the property

Meltham Town Council – Objected as the land is on green belt land.

Consultation Responses.

KC Highways Development Management – In principle, the proposal is acceptable, subject to the following matters being agreed:

- Details of car parking provision and internal turning.
- Details of Waste Storage
- Details for emergency access.

As the application is seeking outline permission with all matters reserved the above details would be addressed as a reserved matter.

The Highways Team confirm they have no objection and that off-street parking and Waste storage and collection will need to be considered / addressed at reserved matters stage.

KC Ecology – No objection subject to conditions.

KC Trees – Outline permission for one dwelling would be achievable with no impact to any of the existing trees and as such KC trees raise no objection.

Policy

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 the Green Belt as identified within the Kirklees Local Plan

Kirklees Local Plan:

- LP1** – Presumption in favour of sustainable development
- LP2** – Place shaping
- LP3** – Location of new development
- LP7** – Efficient and effective use of land and buildings
- LP21** – Highways and access
- LP22** – Parking
- LP24** – Design
- LP28** – Drainage
- LP30** – Biodiversity and geodiversity
- LP33** – Trees
- LP35** – Heritage
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP59** – Brownfield sites in the green belt

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 2023, 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 11** – Making efficient use of land
- Chapter 12** – Achieving well-designed places
- Chapter 13** – Protecting Green Belt land
- Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- 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 Developments (Version 5, October 2020)
- Kirklees Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Housebuilders Design Guide SPD (2021)

Assessment.

1) Principle of Development

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy LP1 goes on further to stating 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”.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or

assets of particular importance provides a clear reason for refusing the development proposed". Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

Green Belt

The site is located on Green Belt land. The NPPF states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 153 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

Paragraph 154 of the NPPF states "*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) *buildings for agriculture and forestry;*
- a) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- c) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) *limited infilling in villages;*
- e) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt."*

The application seeks outline permission for a new dwelling and therefore does not fall within exceptions a, b, c, e or f.

The submitted Design and Access Statement describes the existing buildings as stables. However, during the site visit it appeared that the larger structure is being used for storage or garage purposes, while the smaller structure functions as a stable, although no horses were present at the time.

As a result, there is some uncertainty regarding whether the buildings should be classified as equestrian or agricultural in their current use. Consequently, it is not fully clear whether the site meets the definition of previously developed land as set out in paragraph 154(g) of the NPPF.

However, the site could be identified as grey belt land.

Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed; and*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

Annex 2 of the NPPF defines Grey Belt as:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Planning Practice Guidance published 27 February 2025 pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

Meeting Green Belt Purposes – Land (Paragraph 155a)

The PPG confirms that purpose (a) – to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and the villages should not be considered large built up areas for this purpose.

The nearest town is Meltham, situated around 0.83km to the south of the site. The next nearest town is Slaithwaite located approx. 2.9km from the site to the north-west. Given the semi-rural location of the site, the proposed development will not result in sprawl of towns or villages located close by. The site is located amongst open greenfields and is physically and visually separated from surrounding towns. It does not form part of a settlement edge that would influence the outward spread of an urban area. On this basis, the land is considered to make only a weak contribution to Green Belt Purpose (a)– to check the unrestricted sprawl of large built-up areas.

The PPG confirms that purpose (b) - to prevent neighbouring towns from merging into one another, relates to the merging of towns not villages, and that the degree of contribution depends on whether development would erode visual separation between towns.

The site is a small parcel of land within a much wider swathe of Green Belt. The land is visually and functionally contained with site boundaries in the form of stone walls, and is capable of development that would not affect wider landscape buffers and open fields that provide a clear physical and visual separation between Meltham, and other towns and villages in the wider area.

The site forms part of a small cluster of residential properties and its individual contribution to preventing the merging of towns is limited. On this basis, the site is assessed as making only a weak contribution to Green Belt purpose (b). A well-considered redevelopment of the site in isolation would not materially affect the visual or perceived separation between towns or lead to any realistic sense of coalescence.

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Meeting Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purpose (a), a moderate contribution to Purpose (b), and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a small cluster of existing residential properties within the Green Belt, and that its development would not

undermine the Green Belt's ability to perform those purposes strategically over the plan area.

In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land that is located within a small cluster of residential properties. The land also has existing buildings on site that will be demolished to facilitate the proposed dwelling. On this basis, although the development would see some localised visual change, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area. The proposal therefore satisfies Paragraph 155(a) of the NPPF (2024).

In relation to encroachment, it is noted that built form would be upon the site albeit in a differing location. However on the basis of a suitable design and materials of construction being utilised it is considered there is scope for a dwelling to be within the site which, in conjunction with demolition of existing buildings, would have a suitable visual impact. Furthermore, given the proposal is seeking outline permission there is scope for the dwelling to be sited within the existing built form. As such it is considered the impact with regard to encroachment would not be significant in this case. Given this conclusion it is considered necessary to include a condition upon any grant of permission which requires the removal of the garage in its entirety prior to the commencement of the dwelling.

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), Kirklees currently has a 3.96-year housing land supply, which falls below the required five-year supply.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold. This shortfall is a material consideration and supports the principle of development on Green Belt land. The proposed development would contribute to addressing housing need within Kirklees through the delivery of a new family sized dwelling. The supporting information indicates an intention to deliver a single self build dwelling, that would make a small but positive contribution to local housing stock. While limited in scale, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b).

Sustainable Location (Paragraph 155c)

Paragraph 155(c) requires that the site is in or can be made a sustainable location.

The application site is situated close to a well built up area (approx. 200m) which is within reasonable walking distance of amenities, including schools, shops, and public transport services.

It is recognised that future occupants of the dwelling would be reliant on the use of private vehicles for most day-to-day journeys, however the proposal relates to a single dwelling and associated trip generation would be minimal.

Taking into account the sites rural setting, the site proximity to local facilities and services, and the limited scale of development, it is considered that the development would be in a reasonably accessible and sustainable location for the purposes Paragraph 155c of the NPPF.

Principle of development – Conclusion

The land makes a weak to moderate contribution to Green Belt purposes (a), (b) and (d) due to its small scale and previously built nature. While the change of the land to residential use would result in domestication through additional glazing and associated activity, the scale, massing and footprint of the development would remain similar to existing structures. The proposal dwelling would also be well confined, safeguarding the wider countryside from encroachment given that the site is clearly bounded by stone walls.

There is a demonstrable unmet need for housing in the borough due to the lack of a five year housing land supply, and the site is in a reasonably sustainable location.

Taking these factors together, the proposal is considered to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is acceptable in principle. As a single dwelling Paragraph 155(d) is not applicable.

1) Impact on Visual Amenity

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

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The application is seeking approval for outline permission with all other matters to be dealt with at reserved matters application stage (access, appearance, landscaping, layout and scale).

Under such an application, officers have to consider whether residential development on the site could be achieved without causing detrimental harm to the character and appearance of the area.

The redevelopment of the site, with the demolition of the existing buildings, for one dwelling is considered acceptable, as it would not harm the openness of the Green Belt provided the building remains single storey in height and the existing on-site structures are demolished.

The site has a semi-rural character, with rendered residential properties to the west and detached garage buildings to the south. It is considered that an appropriately designed scheme could be achieved that safeguards the amenity of neighbouring properties while respecting the local character. Given scale, appearance, layout and landscaping are reserved matters it is not considered necessary for conditions to be in place upon any grant of outline consent relating to materials, boundary treatments and finished floor levels of the development given such details can be submitted at the reserved matters stage.

Although the existing mature trees on the site are not formally protected, they contribute positively to the Green Belt character and should therefore be retained wherever possible. Landscaping is a reserved matter which will need to account for this at the reserved matters application stage.

A Grade II listed building is located approximately 140 metres from the application site. Given this substantial separation distance, the Local Planning Authority does not consider the proposed development to have any adverse impact on the character or appearance of the listed building, thereby complying with policy LP24 and LP35 of the Kirklees Local Plan.

The principle of a new dwelling at this application site is therefore considered acceptable, and the proposal would need to ensure the design and scale would meet the guidance as set out above and would be addressed at a reserved matters stage.

2) Impact on Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Further to this, Paragraph 130 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.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of non-habitable rooms;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2-metre distance from the side wall of the new dwelling to a shared boundary.

The current submission seeks approval for outline permission with all other matters to be dealt with at reserved matters application stage (access, appearance, landscaping, layout and scale).

The proposed site will accommodate 1 new dwelling. Officers consider that 1 new dwelling can achieve the minimum separation distances as set out by Principle 16. This would be assessed further at the reserved matters stage.

As part of any application seeking reserved matters consent details of the forms of boundary treatment to be installed at the site, as part of the scheme for residential development including location, heights and materials for boundary treatments could be provided. In addition, details of the finished slab and floor levels of the dwelling (and therefore subsequent overall height / extent of engineering operations to the ground levels to accommodate the dwelling) will need to be provided.

Given these details could be provided at the reserved matters stage it is not considered necessary for inclusion of conditions requiring submission of these details as a condition of outline consent.

An informative will be included in relation to construction hours / noise and separate powers available to the Council to protect the amenity of residential properties.

Future Amenity of the Occupiers:

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”*

Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

Officers consider that residential development which is compliant with the NDSS can be achieved at this site. In terms of external amenity space, it is considered that, it is possible to provide a suitable private amenity space to serve the dwelling but should also be no larger than required for the size of the dwelling given its location within the green belt. This would be assessed further at the reserved matters application stage.

In conclusion, the amenity impact of residential development on the application site could be acceptable from a residential amenity perspective.

3) Impact on Highway Safety

Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Paragraph 115 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, or the residual cumulative impacts on the road network would be severe.

Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The application is seeking approval for outline permission with all other matters to be dealt with at reserved matters application stage (access, appearance, landscaping, layout and scale).

It is noted that the submitted location plan shows a proposed access point off of Highfield Crescent and as such KC Highways have reviewed the proposal.

KC Highways have provided the following comments:

‘Vehicle access:

The site access is a private single track access road, extending from the adopted highway for around 200m. The access track is of insufficient width to enable two-way vehicle movements and currently provides no formal passing places or opportunities for opposing vehicles to pass.

The access currently serves Lower Hey Farm and a dwelling, the proposed dwelling will bring the total number of dwellings served to three. This level of development is generally considered acceptable from a private drive.

It is expected that the proposal will remove traffic associated with the use of the existing buildings and in terms of vehicular movements it is considered there is unlikely to be any material traffic impact.

slight increase in private car movements being offset by the removal of generally larger commercial and agricultural vehicles associated with the current use.

It is considered that there is likely to be an increased probability of opposing vehicles needing to pass on the access track and the proposals should include the provision of three formalised passing places positioned roughly equidistant along the track, with intervisibility between passing places.

Internal layout:

Parking for both the new and existing dwellings will need to be provided in accordance with the Kirklees Highway Design Guide, together with internal turning enabling vehicle to enter and egress the site in forward gear.

The approved vehicle parking areas will need to be surfaced and drained

Emergency access:

The private access road is longer than 20m and, as such, it should be demonstrated that emergency vehicles will be able to access the site, and sufficient turning is available.

Waste storage and collection:

No bin storage areas are shown.

A bin collection/presentation point should be located adjacent to the public highway. The bin collection/presentation point must not obstruct the adopted highway or the private access road.'

KC Highways consider the proposed development acceptable in principle, however the access, parking layout, and waste storage will be subject to further specific detail and assessed at the reserved matters stage.

It is noted that electric charging vehicle points would be a requirement of building regulations for a dwelling.

As such, it is considered that the proposed access point for the new residential site for 1 dwelling is acceptable and would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

4) Other Matters

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is located within flood risk zone 1 and given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development via soakaways.

Contaminated Land:

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is not located on any potentially contaminated land layers. A condition will therefore be included to ensure that in the event that 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.

It is considered that with the inclusion of this condition, the proposal will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Ecology:

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 the self-build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

However, the following policies are relevant:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

A Preliminary Ecological Assessment has been submitted and has been reviewed by KC ecology and deem the assessment reasonable and acceptable.

The submitted PEA makes recommendations for bats, birds, reptiles, and mammals. As a result, it is recommended that the submission of a construction environment management plan (CEMP) be secured via condition.

The report states that a schedule 9 invasive species Wall Cotoneaster (*Cotoneaster horizontalis*) has been observed onsite. As such, an invasive species survey and appropriate removal and / or management plan is recommended to be conditioned.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will be imposed to ensure any external lighting is acceptable.

It is therefore considered that the proposal will accord with policy LP30 of the KLP and Chapter 15 of the NPPF.

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 application's, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

A Climate Change Statement has been submitted. Locally sourced materials are detailed within the statement, at reserved matters stage, further information to how the scheme will be environmentally sustainable will need to be provided.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change.

Trees:

KC Trees have been consulted and provided the following comments:

There are no protected trees within or adjacent the site.

There is, however, two trees located at one potential access point, however there are options for alternative access points avoiding any impact on these trees or select design options to construct an access driveway that does not impact on the tree roots such as cellular confinement systems. This should be acknowledged and carefully considered when designing the parking layout and direct access into the site.

KC trees therefore consider that outline permission for one dwelling would be achievable with no impact to any of the existing trees, therefore there is no objection.

Given that landscaping is a reserved matter it is considered that there is no requirement for inclusion of conditions relating to the finalised landscaping of the site as this would be detailed at reserved matters stage.

5) Representations

The application was advertised by site notice and the press. Final publicity date expired 24th October 2025.

5 representations have been submitted. The representations have been addressed below:

- Plans submitted are vague and could encourage further development

Officer comment: The information is considered sufficient to make a full assessment. Each planning application is assessed against its own planning merits and only the development proposal the subject of this application can be considered.

- Concern the proposed development will have on green belt land

Officer comment: The impact the proposed development will have on green belt land has been assessed under the principle of development and visual amenity section of this report.

- Concern the proposed development will have on wildlife habitats

Officer comment: A preliminary ecological assessment has been submitted and reviewed by KC Ecology who consider the report reasonable and

acceptable. A construction environmental management plan will also be conditioned.

- Concern the proposal will have on trees

Officer comment: There are no protected trees within the site. Nevertheless, KC Trees have been consulted with and have raised no objections.

- Existing properties on this road are not selling

Officer comment: This comment is not a material planning consideration. Limited weight can be afforded current local housing market conditions in the determination of an application seeking permission for residential development. Refusal on such a basis could not be substantiated.

- Concern of a soakaway being used for surface water and risk of flooding

Officer comment: This comment is noted, however as the site is not located within flood risk zone and the proposal is of a minor scale, for only one dwelling, there are no concerns to flood risk and increased surface water.

- Concern of loss of privacy

Officer comment: Matters relating to impact on residential amenity have been assessed within the the 'Residential Amenity' section of this report.

- Concern regarding right of access

Officer comment: This comment is noted, however right of access is a private civil matter and not a material planning consideration. It is also noted that certificate B has been signed which is accepted as accurate and correct, in good faith, by the LPA.

- Increased noise levels as a result of increased traffic to the application site.

Officer comment: As the proposed development is for one dwelling, it is not considered that there will be a significant increase in traffic that would result in unacceptable noise levels.

- The existing access route is highly populated resulting in problems for waste disposable
- Concern of emergency vehicles not being able to address the property

Officer comment: The above comments are noted and have been addressed within the highway safety of this report. It is important to note that the above matters will be dealt with at reserved matters stage.

Meltham Town Council – Objected as the land is on green belt land.

Officer comment: The proposal is considered to meet the definition as grey belt land and is considered acceptable as set out within the principle of development section of this report.

6) 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 materials considerations. It is considered that the development is acceptable in principle and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/92456

Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of Access, Appearance, Layout, Scale and Landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
Reason: This is a pre-commencement condition to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to Access, Appearance, Layout, Scale and Landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
3. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in

the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. 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 Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP24, LP30 & LP51 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

6. The residential development hereby approved shall not exceed a maximum of one dwelling.

Reason: For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

7. In the event that 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. 186, 190

and 195 and policies within Chapter 15 of the National Planning Policy Framework.

8. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP must also include the following specific plans / documents: Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)

Reason: In the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework

9. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.
10. Development shall not commence until a scheme detailing an invasive species survey and assessment of the site been submitted to and approved in writing with the local planning authority. The submitted scheme shall make reference to all associated removal and include a

management plan. Reference to schedule 9 of the Wildlife and Countryside Act 1981 non-native species list shall be included within the scheme. The scheme approved by this condition shall be completed prior to the development being brought into use with ongoing management

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

11. Prior to the commencement of the construction of the dwelling hereby approved the existing buildings within the red line boundary of the submitted location plan dated 1st September 2025 shall be demolished and removed from site in their entirety.

Reason: For the avoidance of doubt as to what is being approved, in the interests of visual amenity and residential amenity to accord with policy LP24 of the Kirklees Local Plan and policy within Chapters 12 and 13 of the National Planning Policy Framework.

NOTE: Contaminated Land

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Construction Site Working Times

Noisy construction related activities shall not take place outside the hours of:

07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays

With no noisy activities 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	-	-	01/09/2025
Proposed Block Plan	-	-	01/09/2025
Design & Access Statement	-	-	01/09/2025
Climate Change Statement	-	-	12/09/2025
Preliminary Ecological Appraisal Report	23465/KK	-	11/12/2025

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. A preliminary roost assessment was submitted and reviewed by KC ecology who found the report reasonable and acceptable.

Report dated: 13/01/2026

Coal – Low