

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:	2025/62/92587/W
Site Address:	adj, 92, Somerset Road, Almondbury, Huddersfield, HD5 8HZ
Description:	Erection of two storey dwelling with associated works
Recommending Officer:	Danielle Cooper

DECISION – REFUSED

I hereby authorise the refusal 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: 21st July 2026

Officer Report

Site Description

The application site relates to a triangular plot of land fronting onto Somerset Road. The topography of the site is such that it rises in a southerly direction and as such is elevated from the road level. Public right of way (Hud/113/50) runs parallel to the western boundary. The surroundings are predominantly residential to the east, south and west with industrial on the opposite side of the road. Traffic regulations are present along the road frontage of the site. These include double yellow lines, a refuge island and speed bumps

Description of Proposal

The application seeks planning permission for the erection of a two storey detached dwelling and associated works.

The proposed dwelling would be two storey in height but appear as a single storey dwelling from the rear elevation. The dwelling has a flat roof form design incorporating a green roof. The dwelling would feature a single storey front projecting element with a cat sliding green roof. A front terrace is also proposed. The external walls of the dwelling would be coursed stone.

The dwelling will comprise of 3 double bedrooms, 1 with an ensuite, shared bathroom, an open plan kitchen, dining and living room, utility, living room, and toilet.

2 on site parking spaces are proposed to the front within the driveway.

An area of private amenity space is proposed to the rear of the dwelling.

The dwelling would have a floor area of 131m².

History of negotiations/amendments received

As the proposed development was deemed to be unacceptable upon submission, the case officer did not request any further amendments or information.

Relevant Planning History

The following planning history relates to the site:

88/00547 - Outline application for residential development - Approved

90/04092 - Erection of 44 No dwellings with garages - Approved

91/03730 - Erection of 6 pairs of semi detached dwellings and associated parking spaces - Approved

94/92436 - Erection of 14 dwellings - Approved

2014/90511 - Erection of 3 student apartments - Withdrawn

2014/93500 - Erection of 2 apartments - Refused for the following reasons:

1. The proposed building, due to its siting in close proximity to no. 92 Somerset Road, fails to meet the distances as set out in Policy BE12 of the Kirklees Unitary Development Plan. The building would be in close proximity to a habitable room opening in the side elevation of 92 Somerset Road and would have an overbearing impact and cause overshadowing of a habitable room resulting in an adverse loss of amenity to the occupiers of this property.
2. The proposal would appear a cramped form of development in particular due to the introduction of a large hard surfaced area to accommodate on- site parking and erection of retaining walls with fencing above (along the eastern and western boundary). This would detract from the visual amenity of the area and fail to retain a sense of local identity.

A subsequent appeal (APP/Z4718/W/15/3005867) was dismissed by letter dated 25th June 2015 with the Inspectorate considering reason 2 for refusal a valid reason to dismiss the appeal.

2022/91627 - Erection of single block of student accommodation, comprising 5 self contained studio study rooms with associated cycle and bin storage - Withdrawn

2023/90194 - Erection of subterranean House of Multiple Occupation - Withdrawn

Representations

The application was advertised by site notice and within the press. Final publicity date expires: 8th October 2025.

Six (6.no) letters of objection have been received. The comments are summarised as follows:

- No written submission for public viewing in the location of the proposed development
- The proposal would be detrimental to highway and pedestrian safety due to location of on site parking, parking restrictions on the road and would increase on street parking.
- Proposal is near identical to previous planning applications submitted.
- Existing wildlife within the area will be impacted.

- Proposed development will negatively affect the character of the area and remove green space.
- The proposed dwelling is not in keeping with the area.
- Proposal will result in overlooking impact.
- Proposal will increase noise, pollution and litter.

The above representations will be discussed in the appraisal of this report.

Consultation Responses

KC Highways Development Management – Requested further information in relation to suitable sight lines, bin collection points, and consideration of the PROW.

KC Highway Structures - No objection subject to a condition requiring a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including the PROW (HUD/113/50)

KC PROW – Objection. Insufficient consideration appears to have been given to the footpath adjacent, we are unsure how the proposal can be built without any impact on the path. The sections provided do not give details of the level including the footpath and how the footpath will be retained by the parking spaces.

Concern regarding water runoff/drainage on the site in connection with the level of the footpath to the proposed dwelling. There is also concern regarding the foundations of the property would have to be dug larger than the proposed house therefore causing further issue to the path.

If consent is given a footpath closure would be required. However, due to recent experience we would not wish this to be in place for the whole of the length of the development, but we would be unsure how construction could take place whilst the footpath is open.

Prow would ask for a pre-commencement survey and insist that the handrail, steps, stones and footpath are reinstated to the same condition including the cobbles relaid.

KC Ecology Unit – The site is within an area of Priority habitat or deciduous woodland. It is a patch of grassland in good condition with hedgerows to the west.

There are areas of priority habitat – ancient and deciduous woodland, watercourses, and bat licence returns within 1km of the site. A Preliminary Ecological Appraisal is therefore required prior to decision to assess the site habitats, the likely presence of protected and/or priority species, and the value of site habitats to protected and/or priority species.

Officer note: Officers did not request any further information to address highways, ecology and PROW comments, as the proposed development was deemed unacceptable upon submission and therefore no amendments have been sought.

Planning Policy Background

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

The site is within the Strategic Green Infrastructure Network within the Kirklees Local Plan.

The application site is located within a bat alert area, it is also important to note that there is a Public Right of Way running to the north-east of the site. The site falls within an area identified as being at lower risk of land instability as a result of former mining activity.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP20 – Sustainable Transport
- LP21 – Highways and Access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 Strategic Green Infrastructure Network
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Nationally Described Space Standards
- Housebuilders Design Guide SPD (2021)
- National Design Guide
- Highways Design Guide SPD (2019)

National Policies and Guidance

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

updated December 2025, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

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

1 – Principle of Development

1.1 – Sustainable Development

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Policy LP3 of the Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way. In addition to the above, Kirklees Council has adopted a Housebuilders Design Guide Supplementary Planning Document (SPD). This document sets out what the Council considers to be good residential design, to raise the quality of housing that is delivered in the district, supporting the Local Plan Vision. To help deliver quality places, the SPD consists of 19 Principles relating to both the broader and immediate context of the site with regard to landscape, culture, nature and heritage.

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.

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as such it is accepted that relevant Local Plan policies for the supply of housing land are out-of-date. This now triggers the NPPF presumption in favour of sustainable development.

As set out in NPPF paragraph 11d, 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.”*

Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The proposal would see one dwelling on a site which is heavily constrained in terms of its size, topography and proximity to other properties. As such a density of development of one dwelling is considered difficult to achieve and a higher density would likely lead to further issues arising.

This proposal seeks permission for residential development for 1 dwelling and whilst the proposal would contribute to housing supply, the provision of housing needs to be balanced against all material planning considerations

outlined below. It is considered that the proposed dwelling would result in detrimental harm to visual amenity and introduce a cramped form of development (discussed in more depth in the following report). As such, although the development would make a contribution to the housing supply of the district, it would not outweigh the harm identified within the following sections of this report.

2 – 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 131 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 5 of this SPD states that: *“Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.”*

Principle 6 of the Housebuilders Design Guide SPD highlights that *‘the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings...normally new build development should seek appropriate separation distances for servicing, accommodating future adaptations and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings’.*

Principle 8 sets out that proposals should *“demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.”*

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. Principle 15 states that the design of the roofline should relate well to site context.

The application site is surrounded by residential properties, with bungalows located to the east in an elevated position from the road level. To the west of the site is a cobbled Public Right of Way and three storey properties along Martin Bank Wood. Natural and artificial stone is the prevailing facing material on properties in this area. The bungalows along Somerset Road, appear to be uniform in general character, comprising of pitch roofs, set back from the road frontage and enclosed by low stone walls allowing mainly pedestrian access onto Somerset Road. The bungalows appear to be similar in scale and height with a variation in design.

The land the subject of this application is a splayed grass bank between Somerset Road and Martin Bank Wood. The bank is split by a public right of way footpath accessed by steps between stone gate posts and a handrail has been installed. The proposed dwelling would be situated in the triangular piece of land between the footpath and No. 92 Somerset Road.

The proposal seeks permission for a two storey dwelling, which will feature a flat roof form, incorporating a green roof. The dwelling would feature a single storey front projecting extension with a cat sliding green roof. A front terrace is also proposed. The external walls of the dwelling would be coursed stone.

Due to the site topography, considerable excavation works with retaining walls would be required in order to facilitate the proposed dwelling. The site location has a well landscaped open character, with bungalows featuring gardens and soft landscaping to the front elevation. Although, No. 92 Somerset Road has a garage at road level it has a retained terraced garden and a substantial boundary hedge. As such, the proposed dwelling which is at a level well below that of existing development would break uncomfortably into this landscaped slope. It would also result in the loss of a significant part of the green entrance to Martin Bank Wood which positively contributes to the open and spacious feel of the wider streetscape.

It is noted that the green roofs are proposed to the roof of the dwelling and to the roof of the single storey front extension which provides some soft landscaping to the site. However, the overall built form in this location is considered unacceptable as it will have a detrimental impact on the open and spacious character and appearance of the wider streetscape, contrary to Kirklees Local Plan Policy LP24 and principles 5 and 8 of the Kirklees Housebuilders Design Guide SPD.

In addition, the proposed dwelling will appear cramped within the plot, as the dwelling will spread the full width of the application site, therefore not meeting the required minimum distances to side boundaries of 2m as stated by principle 6 of the Kirklees Housebuilders Design Guide SPD and featuring limited private amenity space. As such, officers consider the proposed development to result in overdevelopment of the site and a contrived form of development.

As a result of the single storey front extension projecting forward of the established building line along Somerset Road, along with the ridgeline of the building being below that of the adjacent bungalow and terrace, the proposed development is considered to introduce a discordant and incongruous dwelling into the street scene, which will also appear overly dominant as dwellings along Somerset Road are set back from the street scene, contrary to Kirklees Local Plan Policy LP24 and principle 2 of the Kirklees Housebuilders Design Guide SPD.

Whilst the dwelling will be constructed from course stone which reflects the locality, It is considered that the overall design of the box-style dwelling, featuring a flat roof form, and a cat sliding roof to the single storey element which both incorporate green roofs will not complement the surrounding built form in terms of height, shape, and form, and therefore will appear alien within the street scene, contrary to Kirklees Local Plan Policy LP24 and principle 2 of the Kirklees Housebuilders Design Guide SPD.

It is also considered, that as the proposed dwelling will be built along to the west side boundary, it will appear as though the dwelling is intruding onto the public footpath and may result in the existing barrier to be removed, raising general concern with safety as well as the requirement for the footpath to retain an open feel.

In conclusion, the proposal, by virtue of the proposed dwelling's cramped appearance on the plot, along with its scale and appearance representing a contrived form of development that would fail to sympathetically integrate with existing development in the locality. The proposal is considered to be out of keeping with the immediate area and would therefore fail to harmonise with the character of the street, introducing an incongruous addition into the streetscape. It is therefore considered that the proposals would not accord with Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan, Principles 2, 5, 6, 8, and 15 of the Council's adopted Housebuilders Design Guide SPD, and policies within Chapter 12 of the National Planning Policy Framework.

3 – Impact on Residential Amenity

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

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

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 occupiers.

Principle 6 of the House Builders 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.

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

Impact on no. 92 Somerset Road

The proposed dwelling is set in 4.9m to the side elevation of No. 92 Somerset Road. As the existing hedge along the east side boundary will be retained, with the proposed dwelling being located on a lower land level to that of No. 92. The LPA do not consider the proposed development to result in any adverse overbearing or overshadowing impact.

The proposed side window facing toward No. 92, will serve an en-suite and will be screened by the existing hedging. Nevertheless, if this hedge was to be removed as the en-suite is not a habitable room, it is not considered to result in unacceptable levels of loss of privacy.

Impact on no. 5 Martin Bank Road

This neighbouring property is located south-west of the application site. Due to orientation of the proposed dwelling in comparison to No. 5, along with the separation distance of 3.3m and lower height of the proposed dwelling, it is

not considered that the proposal will result in any undue overbearing or overshadowing impact.

The proposed rear bedroom doors will face into the applicants own rear garden area and will not result in any adverse loss of privacy to No. 5.

It is not considered that any other residential properties would be impacted by the proposed dwelling due to its location.

Amenity of future occupiers of the proposed dwelling

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwelling would have a GIA that would meet the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of amenity space, principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance officers consider that the amount of private amenity space provided for the proposed dwelling to be small and will most likely be overshadowed by existing mature trees and hedges located close to the site. However, it is noted that the dwelling will benefit from a balcony to the front elevation providing further amenity space. It is therefore considered that on balance there is adequate private amenity space.

In conclusion, taking the above into account it is considered that the proposals would not result in significant or detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and policies within Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted Housebuilders SPD.

4 – 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. Furthermore, paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Principle 19 of the Housebuilders Design 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 proposals seek to construct a 3 bedroom detached dwelling with on-street parking to the front, accessed off of Somerset Road. 2 off-street parking spaces are proposed. There are existing no waiting at any time" restriction at the Somerset Road and Martin Wood Way junction to restrict parking with properties either side of the site benefitting from a resident permit scheme. There is raised traffic calming platform and central island immediately to the east of the proposed access.

The application site is located at the junction of Somerset Road and Martin Wood Way.

The proposal would provide 2 on site car parking spaces which is considered acceptable for a 3 bedroom dwelling.

KC Highways Development Management have reviewed the proposal and have requested the following amendments to be shown:

- 2.4m x 43m sight lines shown from the centre point of both parking spaces onto Somerset Road.

The agent submitted a revised block plan indicating visibility splays and annotated that the front boundary walls would no taller than 900mm. However, it is unclear whether the proposed visibility splays are acceptable given the absence of annotated measurements on plan. Had it not been established that the impact on visual amenity is unacceptable, further information would have been required to ensure the proposal satisfies the aims of Policy LP21 of the Kirklees Local Plan. It is considered the additional requirements of the Highways Team could be ensured through inclusion of appropriately worded conditions.

Highways have also requested that bin collection points should be provided and should not obstruct the highway or proposed driveway on bin collection day. The application has been submitted with a revised plan showing a bin collection point which is considered acceptable.

As the proposed development involves works to existing retaining walls due to the topography of the site, KC Highway Structures have requested that a condition should be implemented to secure a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including the PROW (HUD/113/50) to be submitted prior to commencement of the development. If permission was to be granted, this condition should be imposed to ensure the protection of the structural stability of the public highway in the interests of highway safety.

Taking account of the response of consultees and subject to inclusion of the recommended conditions the proposal is considered to be acceptable in terms of highway safety / parking.

5 – Other Matters

PROW

Kirklees Local Plan policy LP23 states that ‘Proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. Existing public rights of way that form part of the core walking and cycling network or elsewhere will be protected and enhanced.

A public right of way (Hud/113/50) runs parallel to the western boundary. KC Prow have objected to the proposed development.

KC Prow concluded that there has been insufficient consideration towards the prow in regard to constructing the dwelling and the impact this will have on the footpath. The sections provided do not give details of the level including the footpath and how the footpath will be retained by the parking spaces.

There is also concern regarding water runoff/drainage on the site in connection with the level of the footpath to the proposed dwelling. It is also anticipated that the foundations of the proposed dwelling would have to be dug larger than as shown on the submitted plans, therefore causing further issue to the path.

If consent is given a footpath closure would be required. However, this would not be ideal and KC Prow would not wish for this to be in place for the whole of the length of the development.

To overcome KC Prows objection and to ensure the prow is protected and the development proposed would not prejudice this walking route, Prow have requested that a pre-commencement survey is submitted and insist that the handrail, steps, stones and footpath are reinstatement to the same condition including the cobbles re-laid. It is considered this could be ensured by inclusion of an appropriately worded condition.

Biodiversity and Ecology

Policy LP30 of the Kirklees Local Plan and Section 15 of the NPPF require development to minimise impacts on biodiversity, provide net gains through good design, and ensure there is no significant harm to habitats or species. Kirklees Council local validation checklist also requires ecological surveys and reports in accordance with BS42020:2013 for *“all applications affecting a designated site, priority habitat or protected species including all proposals within, adjacent to, or likely to have an impact on a European site, Local Wildlife Site and/or the Kirklees Wildlife Habitat Network”*.

Policy LP31 of the Kirklees Local Plan identifies a number of areas which form part of the Strategic Green Infrastructure Network. This policy sets out that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

Paragraphs 192 and 193 of the NPPF (December 2024) and Policy LP30 of the Kirklees Local Plan require development to safeguard and enhance biodiversity, protect priority species, and habitats, and avoid significant harm.

Under the Conservation of Habitats and Species Regulations 2017(as amended), Regulation 9(1) places a duty on competent authorities to exercise their functions so as to secure compliance with the Habitats Directive. Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System states that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted”.

The Kirklees Validation Checklist (May 2024) was in force before the receipt of the application (2nd April 2025) and requires Ecological Surveys and Reports (in accordance with British Standard BS 42020:2013) for all applications affecting a designated site, priority habitat or protected species. This is further reinforced by Natural England’s Standing Advice, which makes it clear that the full impact of a proposal on protected species should be understood before planning permission is granted.

While the current Validation Checklist requires ecological surveys and reports, the application was validated on the basis that further ecological information can be secured and assessed prior to determination, in line with the provisions of the Town and Country Planning (Development Management Procedure) Order 2015.

The Councils Ecology Officer has confirmed the site is a patch of grassland that is within an area of Priority habitat or deciduous woodland. The site is also close to ancient and deciduous woodland, watercourses, and bat licence returns within 1km. This evidence indicates a reasonable likelihood that protected species are present or could be affected by the proposal, triggering the need for a Preliminary Ecological Appraisal (PEA) prior to determination.

Given the requirement for this to be provided prior to determination it is considered that insufficient information has been submitted to enable a full and proper assessment in this regard and this constitutes a reason for refusal of this application.

Biodiversity Net Gain

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted

pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application falls under the self-build and custom-built exemption. Therefore, the statutory requirement for BNG is not applicable under this application.

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.

The proposed development would introduce green roofs which would help reduce the dwellings carbon footprint. If permission was to be granted, further climate mitigation measures would have been requested such as ECVP charging points and landscaping. Details of these measures would be conditioned to be submitted to the Local Planning Authority.

Land Contamination / Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 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.

The site of the proposal is not shown as being on potentially contaminated land. However as groundworks will be necessary; if permission was to be granted, a condition would be included to require assessment of any unexpected land contamination.

The application site falls within the defined Development Low Risk Area as identified by the Mining Remediation Authority and as such raises no concern in this regard.

As such, subject to the inclusion of aforementioned condition the proposal is considered to comply with LP53 of the Kirklees Local Plan.

6 – Representations

letters of objection have been received. The comments have been summarised below:

- No written submission for public viewing in the location of the proposed development.

Officer comment: A site notice was erected outside of the application site on the 17th September 2025, as well as within the Huddersfield Daily Examiner on the 3rd October 2025. As such the application has been advertised appropriately.

- The proposal would be detrimental to highway and pedestrian safety due to location of on site parking, parking restrictions on the road and would increase on street parking.

Officer comment: This comment is noted. The impact the proposed development will have on highway safety has been assessed within the highway safety section of this report.

- Proposal is near identical to previous planning applications submitted.
Officer comment: This comment is noted.
- Existing wildlife within the area will be impacted during the construction phase.

Officer comment: This comment is noted, and if permission was to be granted a preliminary ecological assessment would be required to be submitted which would likely imply that a construction environmental management plan would be required to protect existing wildlife.

- Proposed development will negatively affect the character of the area and remove green space.
The proposed dwelling is not in keeping with the area.

Officer comment: The above comments have been addressed within the visual amenity section of this report.

- Proposal will result in overlooking impact.

Officer comment: Due to the site context and boundary treatments in place, the proposed dwelling is not considered to result unacceptable overlooking impact. The impact of overlooking has been fully assessed within the residential amenity section of this report.

- Proposal will increase noise, pollution and litter.

Officer comment: The proposed development is not considered to increase general noise, pollution and litter within the area given that the development is

for one dwelling. Assessment of climate mitigation measures has been assessed within the appraisal of this report.

7 – 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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation: Refuse

Decision Authorisation: Delegated Powers

Application Number: 2025/92587

Officer Recommendation: Refuse

Reason(s) for Refusal:

1. The proposed development, by virtue of its prominent location, size, scale and design, would represent an incongruous and contrived form of development that would fail to sympathetically integrate with existing development in the locality. The proposal would also introduce a cramped form of development that would overdevelop the application site, as well as fail to retain a sense of openness, negatively impacting the well landscaped open character of the area. The proposal is therefore contrary to Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan, Principles 2, 5, 6, 8, and 15 of the Council's adopted Housebuilders Design Guide SPD, and policies within Chapter 12 of the National Planning Policy Framework.

2. The application is not supported by a Preliminary Ecological Appraisal. This information is required to establish the site's baseline ecological value and identify potential impacts on protected species and habitats. Insufficient information has been provided such that in the absence of this information, a full and proper assessment of the impact of the development cannot be undertaken and the proposal therefore fails to demonstrate compliance with Policy LP30 of the Kirklees Local Plan and Paragraphs 193 and 195 of the National Planning Policy Framework 2024.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	(EX)001		15/09/2025
Block Plan	(20)002	A	29/10/2025

Plan Type	Reference	Version	Date Received
Site Sections	(30)001		15/09/2025
Grouped Plans and Elevations	(20)001		15/09/2025
Application Forms			15/09/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. As the proposals are deemed to be wholly unacceptable upon submission, no amendments were sought within this application.