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:	**2025/62/92721/W**
Site Address:	Moor Ford Barn, 146, Red Lane, Meltham, Holmfirth, HD9 5ND
Description:	Change of use and alterations to barn to form boarding kennels/dog grooming/pet food shop
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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 16-FEB-2026

SITE AND SURROUNDINGS:

Moor Ford Barn is a semi-detached dwelling, faced in stone with a tiled gable roof. Land associated with the property is within a relatively large plot, whereby several barn style outbuildings are located within the wider curtilage, to the rear of the dwelling. The site is within a rural location, with only one neighbouring property located within the immediate location, the adjoining semi-detached property of No. 148 Red Lane.

The application site is allocated within the Green Belt in the Kirklees Local Plan.

A bridleway runs adjacent to the front boundary of curtilage of the site.

A culverted watercourse runs adjacent to the front boundary of the site.

PROPOSAL:

The application is seeking planning permission for the change of use and alterations to barn to form boarding kennels/dog grooming/pet food shop.

The application form, submitted plans and Planning Statement demonstrate the following alterations:

- The building was refurbished, and the structure repaired and the building re-clad. The building has a timber top with composite to ground floor.

- Fenestration alterations, door installed to northern side elevation and glazed door and window to front elevation.

- The building entrance leads to a central hall and the accommodation comprises, to the left, a shop area selling specialist pet food and also a range of pet accessories, to the right a series of internal ‘kennels’ and at the end the grooming area with a shower and drying bed.

- The Planning Statement states that the conversion was completed in 2023.

- The business operates 9 to 5 Monday to Saturday.

RELEVANT PLANNING HISTORY (including enforcement history):

The most relevant planning history relates to the following planning applications:

- 2007/94399 – Change of use of part of barn and alterations to extend existing dwelling and change of use and alterations to convert existing barn to one dwelling. Granted Conditional Full Permission.

- 2023/91423 – Erection of stables and formation of hardstanding. Refused for the following reasons:

  1. The size, scale and use of the building, in conjunction with the associated hard standing constitutes inappropriate development within the Green Belt which would have a harmful impact upon openness and leads to encroachment within the Green Belt. No very special circumstances have been demonstrated that are sufficient to clearly outweigh the harm by reason of inappropriateness. The development is therefore contrary to Policies LP2 & LP56 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

  2. By virtue of the scale of the use, additional built form and associated hardstanding the development has a harmful impact on the visual and spatial openness of the Green Belt which fails to respect or enhance the rural character and appearance of the area. The development is therefore contrary to Policies LP2, LP24 & LP56 of the Kirklees Local Plan, and policies contained within Chapters 12 & 13 of the National Planning Policy Framework.

  An appeal was submitted and dismissed with the Planning Inspectorate concluding that:

  'The erection of the stables and laying of hardstanding is inappropriate development in the green belt, contrary to paragraph 154(b) of the Framework. The development also conflicts with policies LP2 and LP56 of the Kirklees Local Plan (LP) (adopted February 2019). These seek, among other things, to ensure that in the Green Belt appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. Development should also ensure that they do not introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas.'

- 2023/92960 – Change of use and alterations to barn to form boarding kennels/dog grooming/pet food shop. Refused for the following reasons*:*

  1. The use of the building constitutes inappropriate development in the Green Belt which would have a harmful impact upon openness and leads to encroachment within the Green Belt. No very special circumstances have been demonstrated that are sufficient to clearly outweigh the harm by reason of inappropriateness. The development is contrary to Policies LP2, LP10 & LP60 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. By virtue of the scale of the use and commercialised appearance, the
development has a harmful impact on the visual and spatial openness of the Green Belt which fails to respect or enhance the rural character and appearance of the area. The development is contrary to Policies LP2, LP24 & LP60 of the Kirklees Local Plan, and policies within Chapters 12 & 13 of the National Planning Policy Framework.

An appeal was submitted and dismissed with the Planning Inspectorate concluding that:

'The urbanising effects of the hardstanding and increased number of vehicles is inappropriate development in the green belt, contrary to paragraph 154(h)(iv) of the Framework. The development also conflicts with policies LP2, LP10 and LP60 of the LP. These seek, among other things, to ensure that in the Green Belt the conversion or re-use of buildings in the Green Belt will normally be acceptable where the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings.'

- 2025/92724 - Erection of stables and formation of hardstanding – Pending consideration

HISTORY OF NEGOTIATIONS:

Amendments were not requested during the application process as the application is retrospective and the building has already undergone a change of use and alterations to form boarding kennels, dog grooming/pet food shop.

The application was requested to be heard at the District Wide Planning Committee by Ward Councillor Donna Bellamy for the following reasons:

- Green Belt Impact: Both proposals represent appropriate forms of development in the Green Belt under paragraph 154 of the NPPF — the stables relate to outdoor recreation, and the barn conversion involves the re-use of an existing permanent structure. The amount of additional hardstanding is minimal, and much of what is there has been in place for well over ten years. The overall visual and spatial impact on openness is, I feel, limited and already well assimilated into the landscape.

- Support for the Rural Economy: The business provides local employment and contributes positively to the rural economy, which is consistent with Local Plan Policies LP10 and LP56 and with the NPPF's objectives for supporting sustainable rural development.

- Character and Appearance: The development sits comfortably within its rural setting and does not appear out of keeping with the existing buildings or the surrounding landscape.

Officer update: *The application was discussed with the Chair of the District Wide Planning Committee on the 11th February 2026. It was decided that the application be determined under delegated powers due to the planning history of the site and the outcome of the previous appeals*.

PLANNING 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 application site is allocated within the Green Belt in the Kirklees Local Plan. A bridleway runs adjacent to the front boundary of the site. A culverted watercourse runs adjacent to the front boundary of curtilage of the site.

The site is within an area at low risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP10 – Supporting the Rural Economy
- LP13 – Town Centre Uses
- LP21 – Highway Safety and Access
- LP22 – Parking
- LP23 – Core Walking and Cycling Network
- LP24 – Design
- LP28 – Drainage
- LP51 – Protection and Improvement of Local Air Quality
- LP60 – The re-use and conversion of buildings

Supplementary Planning Guidance / Documents:

- Kirklees Highways Design Guide (2019)
- National Design Guide
- Waste Management Design Guide for New Developments (Version 5, October 2020)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications with the following chapters of relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Promoting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

PUBLIC/LOCAL RESPONSE:

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024) which was in force at the time of registering the application and undertaking publicity.

The application was publicised by site notice and press advertisement, which expired on 12th December 2025. As a result of the above publicity, 13 representations have been received. The representations submitted are all in objection.

The comments have been summarised below:

- The proposal will result in traffic congestion.

- Parking provision appears inadequate, which may lead to congestion and inappropriate roadside parking.

- Increased erosion of the bridleway as a result of increased comings and goings.

- The increased traffic of the business poses an increased risk to the public and animals using the bridleway.

- Unacceptable increase in commerciality due to deliveries to the shop being made by 26 or 32 tonne HGV vehicles.

- Increased noise disturbance from animals kept within the building.

- Have consultee's on previously refused application ref: 2023/92960 been consulted again for this application or are they still relevant?

- Business operating without planning permission.

- Commercial advertising signs erected spoils the outlook and attracts increased vehicle use to the site.

- The conversion of an agricultural barn to a business will be a loss to the local environment.

- The proposed business is wholly out of character with the surrounding rural landscape and undermines the purpose of conserving the environment.

- Negative impact to the character of the area which is an area of unspoilt
countryside.

- The proposed alterations to the building fail to use traditional materials which detracts from the character of the area.

- Potential increase in dog walker traffic on nearby roads which currently do not have pavements or street lighting.

- The business will have no public benefit.

- Increased activity, noise and potential waste will disturb local wildlife.

- The submitted plans and information are incorrect.

- Concern of correct land ownership.

Councillor Donna Bellamy has submitted the following representation:

- The Inspector did not take issue with the scale or appearance of the stables or the permanent and substantial nature of the barn, and the main concern appears to relate to the cumulative impact of hardstanding. Much of this surfacing has been in place for over ten years, is lawful, and a significant proportion lies outside the application red line or in third-party ownership. The extent to which the relatively modest additional surfacing now proposed materially harms the openness of the Green Belt is, in my view, a matter of planning judgement that members should be able to consider in the round.
- Both proposals appear capable of falling within categories of development regarded as appropriate in the Green Belt under paragraph 154 of the NPPF (outdoor recreation facilities and re-use of existing permanent buildings), and this balance between principle of development and perceived harm is something I feel members should have the opportunity to debate openly.
- The uses support a small rural business and local employment, which aligns with Local Plan objectives and the NPPF's support for sustainable rural development.

CONSULTATION RESPONSES:

KC Highways Development Management – No objection to the proposal.

The response of the above listed consultee are discussed in greater length within the 'Assessment' section of this report.

MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Climate Change
- Other Matters
- Representations
- Conclusion

APPRAISAL

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. 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."

Impact upon town centres & Supporting the Rural economy

Policy LP13 of the Kirklees Local Plan sets out that a sequential assessment is required for all developments (other than non urban development under 150m2) and an impact assessment where the floor space exceeds 800m2 for edge of centre sites. Part 4 of policy LP10 sets out that development proposals for main town centres uses that are above 150 square metres in non-urban areas*and in out of centre locations will only be permitted where identified needs of the business cannot be met within existing centres or in edge of centre locations.

Policy LP10 of the Kirklees Local Plan which sets out that the economic performance of the rural economy will be improved by a number of criteria (parts a – f), with the relevant part in this case being part d which sets out is shall be improved by 'supporting and increasing tourism related development including encouraging new facilities and accommodation for tourists'. Part 3 of policy LP10 sets out that development proposals will not be supported where they would lead to unsustainable development contrary to other policies in the local plan.

The pet food shop element of the proposal is considered to be defined as a main town centre use, whereby LP13 sets out that the provision of shopping needs as a role and function of the Principal Town Centres of Huddersfield and Dewsbury, as well as a role and function of other Town Centres, District Centres and Local Centres. The submitted floor plans demonstrate that the shop area has a floor space of approximately ~22m3. Therefore, in this instance, the proposal to incorporate a shop element is considered to appropriately accord with LP13 of the Kirklees Local Plan which sets out that '*For offices and small scale proposals in non-urban areas, the sequential approach will not be required for proposals of 150 square metres and under', with non-urban areas defined as areas or land located within the Green Belt*.

Despite the total floor area of the shop totalling less than that required to submit a sequential test under LP13 of the Kirklees Local Plan, the scheme is contrary to Part 3 of LP10, which states that '*Development proposals will not be supported where they would adversely impact on area of particular environmental sensitivity, such as the Peak District National Park, and where proposals would lead to unsustainable development contrary to other policies in the Local Plan'*. This is explored in greater depth in this report.

The parts of the proposal relating to dog grooming and dog kennels would not be considered to fall to be defined as main town centre uses.

Green Belt

The application site is located within the Green Belt. As such the proposal falls to be assessed by Chapter 13 of the NPPF. Chapter 13 of the National Planning Policy Framework requires Local Planning Authorities to regard the construction of new buildings as inappropriate development. Exceptions to this include the re-use of buildings provided that the buildings are of a permanent and substantial construction provided they preserve its openness and do not conflict with the purposes of land within it as outlined in paragraph 154h (iv).

Policy LP60 of the Kirklees Local Plan reiterates the first exception as stated above, by stipulating that the conversion or the re-use of buildings in the Green Belt will normally be acceptable where:

> *'Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;*
>
> *a. the building to be re-used or converted is of a permanent and substantial construction;*
>
> *b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
>
> *c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.'*

Paragraph 142 of the NPPF states 'The Government attaches great important to Green Belts. 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 143 of the NPPF specifies the five purposes of including land within the Green Belt, which are: -

> *'Green Belt serves five purposes:*
>
> *a) to check the unrestricted sprawl of large built-up areas;*
>
> *b) to prevent neighbouring towns merging into one another;*
>
> *c) to assist in safeguarding the countryside from encroachment;*
>
> *d) to preserve the setting and special character of historic towns; and*

e) *to assist in urban regeneration, by encroaching and recycling of derelict and other urban land'.*

Planning permission is sought for the change of use and alterations to barn to form boarding kennels/dog grooming/pet food shop.

The principle of the development is informed by whether the proposal is considered to impact upon the openness of the Green Belt or conflict with any of the purposes of including land within the Green Belt. This is considered as follows:-

Whether the development constitutes appropriate development:

To assess the proposal against Green Belt policy, it is considered that it would fall under consideration against LP60 of the Kirklees Local Plan (the re-use and conversion of buildings within the Green Belt) and Paragraph 154h(iv) of the NPPF (the re-use of buildings provided that the buildings are of a permanent and substantial construction).

As established within the 2023/92960 application, the barn had previously been used for livestock and other storage and was in need of repair. It formed part of the arrangement of a number of buildings which included two farm cottages and large barns with this smaller barn set between the cottages and garage higher up the site.

Impact on openness and the purposes of including land in the Green Belt:

Case law (Turner v Secretary of State for Communities and Local Government [2016] EWCA) establishes that the concept of openness is open textured and that several factors are capable of being relevant when applying it to the particular facts of a specific case. National Planning Practice Guidance broadly identifies openness as being divisible into spatial and visual aspects.

In this instance, the limited built form of development surrounding the site is an indicator of openness. Whilst officers note the historical presence of the barn structure at the site, it was previously used for the purposes of agriculture, specifically for livestock and other storage. It is considered that the introduction of a large-scale commercial unit would undermine the spatial and visual aspects of openness, whereby the building operates as boarding kennels, dog grooming and pet food shop is of an increased urbanised character than that of the building being in agricultural use. It should also be noted that the barn is clearly visible from public vantage points on the highway of Red Land and public bridleway (MEL/69/20).

Although the Peak Park Planning Board have not been consulted on this application, it is noted that under planning application 2023/92960, they had raised concerns regarding the new use of the building within the countryside not contributing to agriculture or land management and the conservation and enhancement of the surrounding landscape. If the barn were in use for agriculture, it would be considered more in keeping with the expectations of

Green Belt land than the proposed commercial use, which introduces town centre type uses into the countryside (shop) and would likely generate a higher volume of vehicle comings and goings, including staff, customers and users.

Whilst externally the walls of the former barn remain largely of a design that could resemble a building associated with agriculture, the fenestration detailing to the principal elevation introduces commercialised features, with business branding printed on the front glazed doors. It should also be noted that officers acknowledge the presence of advertisement signs to the principal elevation of the site, on the bridleway of MEL/69/20.

Limited details of access and parking have been provided however it is noted that within the information submitted under planning application 2023/92960, the Design and Access Statement stated that *'Access is straight up to the hardstanding with adequate turning for vehicles' and the '…the present facilities have convenient parking arrangements…*'. In addition, the Application Form submitted with this application sets out that there are two on-site parking spaces.

It is considered that the new use of the building will increase the presence of vehicles using the site, and potentially parking on the highway intensified as a result. As such the increased comings and goings to the site as a result of the new use is therefore considered to impact upon openness of the green belt setting.

Overview of factors put forward as constituting very special circumstances:

Paragraph 153 of the NPPF sets out 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. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

It is noted that no factors have been submitted that would constitute very special circumstances under this current application. However, the below information is relevant to this site:

As established within the 2023 application, a statement was submitted to state that there was nowhere to provide either specialist pet food or grooming services for dogs in the area and a need was established with the barn then refurbished as it is now. The Planning Statement submitted in the 2023 application goes on further to state that specialist food and dog grooming was not considered a viable option in a town centre location mainly due to the high cost of rent and rates and a lack of convenient parking for owners and pets. Sizable suitable accommodation was stated to be expensive and difficult to

locate with the opportunity in Meltham proving a more suitable and convenient option.

Principle of development – Conclusion

Such a structure and use of the building are considered to be contrary to LP60 of the Kirklees Local Plan and Paragraph 154h(iv) of the NPPF. This is concluded on the basis the proposal would not preserve the openness of the Green Belt and conflicts with one of the purposes of the Green Belt, i.e. the development is considered to lead to encroachment.

The impacts of the proposal, as set out above, are considered to be further exacerbated by the location of the site in relation to the Peak Park. The site is located within the Dark Peak Yorkshire Fringe character area. Given the location, the proposal is considered contrary to Part 3 of LP10 of the Kirklees Local Plan, which states: *'Development proposals will not be supported where they would adversely impact on areas of particular environmental sensitivity, such as the Peak District National Park, and where proposals would lead to unsustainable development, contrary to other policies in the Local Plan'*.

The very special circumstances as set out above are not considered to clearly outweigh the harm caused to the Green Belt from the proposed development. In the absence of clearly identifiable very special circumstances that set out considerations that clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm, it is considered the principle of development is unacceptable. The proposal is therefore concluded to be contrary to policies within LP10 and LP60 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.

It is important to note that this application submitted is an identical application to the previously refused planning application, 2023/92960. The 2023 application was subsequently appealed by the applicant and dismissed by the Planning Inspectorate. In the appeal decision, the Inspector stated that *'the urbanising effects of the hardstanding and increased number of vehicles is inappropriate development in the green belt, contrary to paragraph 154(h)(iv) of the Framework'.*

Within the submitted Planning Statement under this application, the agent has stated that the hardstanding laid within the site is an established surface that has been present from at least 2009 and therefore should not be taken into consideration when assessing this application as it is now considered lawful. To add to this, the agent has also stated that applicant does not own all the access road and hardstanding but has a right of access to the stables.

Whilst the Local Planning Authority could accept that the majority of the hardstanding for vehicle access is now lawful, and that not all of the land is within the applicant's ownership, this has not been sought to be regularised through a Certificate of Lawfulness. Furthermore, the Local Planning Authority do not consider this factor to outweigh the harmful impact that built form and associated activities at this site has had on openness of the green belt setting.

The agent has also stated that the cars the Inspector saw on site to the eastern side are vehicles associated with the owner of that land and not the applicant. Whilst this point is noted, the use of the business will attract customers to the application site and therefore result in increased vehicle activity to the site.

To add to the above, this planning application must be assessed in conjunction with the submitted retrospective application (ref: 2025/92724) on the same site which proposes the erection of stables and formation of hardstanding.

The Local Planning Authority consider the development that has occurred on this site to collectively impact on the openness of the green belt setting.

The comments provided within the Planning Statement are acknowledged and considered. However, it is important to note that it is not the hardstanding on its own that raises concern to impact on openness. It is the overall cumulative impact of incremental development and associated activity at the application site that has resulted in harm to both the visual and spatial openness of the Green Belt, contributing to encroachment, contrary to paragraph 154(h)(iv) of the NPPF as well as Kirklees Local plan policies LP2, LP10 and LP60 which seek, among other things, to ensure that development within the Green Belt preserves its openness and rural character, and that the conversion or re-use of buildings does not introduce incongruous domestic or urban features into the landscape, including through the treatment of access, car parking, curtilage areas, and associated structures.

It is also noted that the agent did state that they could amend the materials of the existing hardstanding on site in attempt to reduce the overall impact it has on openness. However, it was considered that amending the materials of the hardstanding would not address the points made above and the reasons contained within the decision from the Inspector in the dismissed appeal (app ref: 2023/92960) in regard to the cumulative impact of the developments.

The principle of development is therefore considered unacceptable as detailed above.

Impact on visual amenity

Paragraph 135 of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy LP24 (part a) of the Kirklees Local Plan sets out that proposals should respect and enhance the character of the townscape, heritage assets and landscape.

Policy LP60 of the Kirklees Local Plan sets out that proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape.

The site is located within an area of open countryside whereby development is sporadic and consists generally of isolated farmsteads and dwellings surrounded by expanses of agricultural fields. Roads are generally narrow and lined by dry stone walls. Taken together, the local area is overwhelmingly rural and tranquil in character with little built form.

Notwithstanding considerations relating to the openness of the Green Belt outlined above, it is considered that the building is constructed from materials which are not uncommon for barn type structures, timber and composite.

However, the land surrounding the site is open and commands a prominent view from a wide distance, with the use of the building considered to be unacceptable. This is due to the increased vehicular activity at the site which is more associated with commercial enterprises in settlements which has harmed the rural and tranquil character of this area.

As noted above, it is also the overall cumulative impact of incremental development and associated activity at the application site, as can be seen from the increase in hardstanding over the years and new stables, that has resulted in visual harm to the character of the area.

As such, the use of the building and associated comings and goings as a result is considered to harm the rural and tranquil character of the area, contrary to policies LP2 and LP24 of the LP, which state that development should ensure that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This is also contrary to paragraph 135 of the Framework, which advises that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Impact on residential amenity

Policy LP24 (part b) of the Kirklees Local Plan requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

The location of the building is to the rear of the host property and would be located to the northeast of the attached neighbouring property of 148 Red Lane. Based on the submitted block plan, the building is located along the shared boundary with the rear amenity space of No. 148 and is located approximately 7 metres from the rear elevation of this neighbouring property.

Given that the buildings structure itself has been historically present at the site of Moor Ford Barn, it is not considered that the building itself would result in any undue impacts of overbearing or overshadowing for the occupiers of No. 148 Red Lane. In addition, given the use of the building sought and the location of fenestration detailing, it is not considered that the development would impede negatively upon the residential privacy of the occupiers of No. 148 Red Lane.

With regard to matters of noise, upon any grant of approval, a condition is recommended to be attached to attain a Noise Management Plan, to deal with any noise issues including from dogs barking and user/delivery vehicles using the site.

In addition, the submitted plan shows a dog pound to the rear, which is assumed to require lighting. No detail is shown/given on any external lighting, as such upon any grant of approval, a condition is recommended to be attached for a lighting scheme to be submitted in the interest of protecting amenity.

With the inclusion of the aforementioned conditions, it is considered that the proposal would be acceptable from a residential amenity perspective, concluded to appropriately comply with Policy LP24 of the Kirklees Local Plan.

Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application.

KC Highways Development Management have provided the following comments:

The application site was submitted for the same use in 2023 (2023/92960) and was refused with a subsequent appeal being dismissed. Neither the refusal nor appeal decision was based on highways concerns.

The submitted application appears identical on highways issues to the previous application (2023/92960) as such the previous highways comments still remain valid. Additional information relating to trip generation and parking was submitted under the previous application (2023/92960) and this was deemed acceptable. Therefore, on balance, given the presence of the PROW outside the site, KC Highways Development Management do not object to the submitted application on highways grounds given that there are no material highways changes.

Taking into account the conclusion of the KC Highways Development Management Team, it is considered that refusal on the grounds of impact upon access and highway safety could not be substantiated in this case and the proposal is therefore considered to accord with the aforementioned policies in this regard.

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.

As part of this planning application, a Climate Change Statement was submitted, which set out various mitigation measures, including:

- Perimeter walls and ceilings have been lined with insulated plasterboard.
- All materials of construction were locally sourced, and the building works carried out by local craftsmen.
- The client intends to install solar panels.
- The design is compact and utilises the well insulated roof space.

The submitted information is considered acceptable.

Other Matters

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). As the development is retrospective, there is no required for BNG to be provided in respect of the aforementioned legislation as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

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.

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.

As the application is retrospective and comprises a building that has been reused. There are no concerns to potential impact on existing wildlife. It is however noted that if external lighting were to be installed, upon any grant of approval, a condition is recommended for a lighting scheme to be submitted in the interest of protecting wildlife.

Bridleway:

A bridleway runs adjacent to the front boundary of curtilage of the site.

KC Prow have not been consulted during this application. However it is noted that they concluded in the 2023/92960 application that they object to the application, with concerns that the application does not include parking and will increase vehicles parking on the bridleway.

The application includes boarding kennels, dog grooming and pet food shop all which will increase vehicular traffic.

There is no authority given for the change on any surface of Meltham 69.

Given the above, upon any grant of approval, an informative is recommended to be attached to ensure that Public Bridleway Meltham 69 is not interfered with or obstructed, prior to, during or after development works.

It is considered that, whilst the previous concerns of the Public Rights of Way team are noted, refusal on the grounds of the impact of the development upon the right of way could not be reasonably substantiated in this case, having regard to the response of the Council's Highways Development Management Team as well as the width of the right of way and available sightlines in relation to the access the site.

Whilst parking upon the right of way could likely be undertaken, it is considered it would not be at a level that would have a significant impact upon access and highway safety which is at a level so significant that warrants refusal of permission in this case.

Drainage:

A culverted watercourse runs adjacent to the front boundary of curtilage of the site.

The building is located approximately 22 metres from this culverted watercourse and the structure is existing, with permission sought only for it's change of use.

As such the impact of the development upon surface water drainage and existing drainage infrastructure is not considered to be significant in this case.

Representations

The application was publicised by site notice and press advertisement, which expired on 12th December 2025. As a result of the above publicity, 13 representations have been received. The comments have been summarised and addressed below:

- The proposal will result in traffic congestion.
- Parking provision appears inadequate, which may lead to congestion and inappropriate roadside parking.
- increased erosion of the bridleway as a result of increased comings and goings.
- The increased traffic of the business poses an increased risk to the public and animals using the bridleway.

Officer comment: *The above comments are noted. However, as KC Highway Development Management have not raised any objection to the increase in vehicle activity at the site, the impact upon access and highway safety is considered acceptable. Following this, given the considerable width of the bridleway, there are no concerns of increased traffic to general public and horses. Works to the bridleway have to be raised with KC PROW as this is not a material planning consideration*.

- Unacceptable increase in commerciality due to deliveries to the shop being made by 26 or 32 tonne HGV vehicles.

Officer comment*: This comment is noted. The impact of increased comings and goings to the site has been addressed within the assessment of this report.*

- Increased noise disturbance from animals kept within the building.

Officer comment: *This comment is noted and has been assessed within the 'Impact on Residential Amenity' section of this report.*

- Have consultee's on previously refused application ref: 2023/92960 been consulted again for this application or are they still relevant?

Officer comment*: As this is an identical submission to the previously refused 2023 application, it was not considered necessary to re-consult as the comments and recommendations would be relevant and unchanged.*

- Business operating without planning permission.

Officer comment: *This comment is noted. Any complaints to unauthorised works/operations should be submitted to Kirklees Council's Planning Enforcement Team.*

- Commercial advertising signs erected spoils the outlook and attracts increased vehicle use to the site.

- The conversion of an agricultural barn to a business will be a loss to the local environment.

- The proposed business is wholly out of character with the surrounding rural landscape and undermines the purpose of conserving the environment.

- Negative impact to the character of the area which is an area of unspoilt countryside.

- The proposed alterations to the building fail to use traditional materials which detracts from the character of the area.

Officer comment: *The above comments are noted and have been assessed within the 'Principle of Development' and 'Impact on Visual Amenity' sections of this report.*

- Potential increase in dog walker traffic on nearby roads which currently do not have pavements or street lighting.

- The business will have no public benefit.

Officer comment*: This comment is noted. As discussed within the 'Principle of Development' section of this report, the principle of development is unacceptable.*

- Increased activity, noise and potential waste will disturb local wildlife.

Officer comment: *This comment is noted. The general increase in activities at the site is not considered to result in such adverse harm to existing wildlife to substantiate a refusal. The installation of any new external lighting would require a lighting scheme to be submitted in the interest of protecting wildlife with a condition recommended to that effect.*

- The submitted plans and information are incorrect.

Officer comment: *The submitted information is considered acceptable.*

- Concern of correct land ownership.

Officer comment: *Certificate of Ownership B has been signed with the relevant parties being served notice. As such the case officer does not have concern over the submitted red line boundary. Notwithstanding this, matters relating to land ownership are a private civil matter*.

Councillor Donna Bellamy has submitted the following representation:

- The Inspector did not take issue with the scale or appearance of the stables or the permanent and substantial nature of the barn, and the main concern appears to relate to the cumulative impact of hardstanding. Much of this surfacing has been in place for over ten years, is lawful, and a significant proportion lies outside the application red line or in third-party ownership. The extent to which the relatively modest additional surfacing now proposed materially harms the openness of the Green Belt is, in my view, a matter of planning judgement that members should be able to consider in the round.
- Both proposals appear capable of falling within categories of development regarded as appropriate in the Green Belt under paragraph 154 of the NPPF (outdoor recreation facilities and re-use of existing permanent buildings), and this balance between principle of development and perceived harm is something I feel members should have the opportunity to debate openly.
- The uses support a small rural business and local employment, which aligns with Local Plan objectives and the NPPF's support for sustainable rural development.

Officer comment: *It is not the hardstanding on its own that raises concern, it's the overall cumulative impact of incremental development and associated activity at the application site that that has resulted in harm to both the visual and spatial openness of the Green Belt and contributes to encroachment, contrary to local and national policy. Given the use of the business which will attract customers to the application site, the proposed development will result in increased vehicle activity to the site. As such the principle of development is not acceptable.*

The proposal is also considered to be contrary to Part 3 of LP10, which states that 'Development proposals will not be supported where they would adversely impact on area of particular environmental sensitivity, such as the Peak District National Park, and where proposals would lead to unsustainable development contrary to other policies in the Local Plan'. This has been discussed at greater length within the 'Appraisal' section of the above report.

CONCLUSION

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the Development Plan and other material considerations. It is considered that the development would not constitute sustainable development and is, therefore, recommended for refusal.

For the reasons set out in this report, the development is considered to constitute inappropriate development in the Green Belt, having a harmful visual impact upon the countryside setting and wider locality.

The proposal is therefore considered contrary to Policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

Recommendation **Refuse**

Decision Authorisation - Delegated Powers

Application Number: 2025/92721
Officer Recommendation: Refuse
Reasons:

1. The use of the building and associated vehicle activity at the site constitutes inappropriate development in the Green Belt which would have a harmful impact upon openness and leads to encroachment within the Green Belt. No very special circumstances have been demonstrated that are sufficient to clearly outweigh the harm by reason of inappropriateness. The development is contrary to Policies LP2, LP10 & LP60 of the Kirklees Local Plan and policies contained within Chapter 13 of the National Planning Policy Framework.

2. By virtue of the scale of the use and associated increased vehicle activity at the site, the development has a harmful impact on the visual and spatial openness of the Green Belt which fails to respect or enhance the rural character and appearance of the area. The development is contrary to Policies LP2, LP24 & LP60 of the Kirklees Local Plan, and policies within Chapters 12 & 13 of the National Planning Policy Framework.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Plans, Elevations and Views	2334 - 01		29/09/2025
Climate Change Statement			29/09/2025
Supporting Planning Statement			29/09/2025
Appeal Decision			29/09/2025

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 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. Amendments were not requested during the application process as the application is retrospective and the stables have already been constructed. However, correspondence was conducted during the course of the application.