

**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:	2025/62/92747/E
Site Address:	land adj, 65, Huddersfield Road, Shelley, Huddersfield, HD8 8HG
Description:	Erection of outbuilding in field to rear
Recommending Officer:	Edward Cheseldine

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 January 2026

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Officer Report

2025/92747 – land adj, 65, Huddersfield Road, Shelley, Huddersfield, HD8 8HG

Site Description

The application site relates to an open field located behind 65 Huddersfield Road. The field is bounded by a stone wall on its south, east and north aspects. Officers also observed a metal storage container located in the south-east corner of the site. Between the proposal building which is located on site and the storage container for which no planning permission exists, the landscape has been dug back to earth level. Also, within the site sits a caravan set adjacent to the main dwellinghouse for which no planning permission exists.

Part of the application site where the dwelling itself lies is unallocated on the Kirklees Local Plan map; however, the open field which the outbuilding is proposed falls within the designated Green Belt as defined by the Local Plan. The site is within a high risk coal alert layer and a swift alert layer on the Councils GIS mapping system.

Proposal Description

The applicant is seeking retrospective permission for the erection of an outbuilding (garden room) linked to the dwelling at 65 Huddersfield Road. The building is 12.00m(w) x 6.00m(l) with a ridgeline height of 4.25m. It includes a mono-pitched roof. The building is formed with shiplap timber cladding and an aluminium roof. It contains windows and doors in the west facing elevation.

Groundworks are sought for the installation of gabion baskets to act as footings for the building, they will be surfaced in concrete to provide a walkway around the elevated outbuilding.

A gravelled access has been constructed between the baskets and curtilage of 65 Huddersfield Road, however the surfacing does not appear on plans and permission is not sought for these works.

It is noted that the description of development on the application form is 'Erection of Garden Room' and the application has been advertised by the LPA as 'Erection of outbuilding in field to rear'. An outbuilding can comprise a

Garden Room and as such, the terms of description are not considered to conflict with each other.

Amendments/Negotiations

No amendments sought due to the issues relating to the principle of development in the Green Belt.

Public Representation

The application was advertised by way of a site notice which expired on the 19-Dec-2025. As a result of the publicity, one representation in objection was received. The following comments were made:

- Work commenced on the build about February 2025. A Planning Application was applied for on the 01/10/2025, some 8 months after starting work.
- To call this a garden shed, or even a garden room, understates its size. Personally, I would call it a hybrid bungalow/house due to its vast size. In fact, with a little work in the future, it could become a habitat.
- We are losing our Green Belt very rapidly, to housing and solar panel farms. This development is a step too far, given that if the applicant had applied for building consent from the outset, the likelihood is that it would have been refused, given the building's dimensions.

Planning matters relating to the points raised above will be assessed throughout the report, with a conclusion to the responses published within the *Representation* section of the report.

Relevant Planning History

2022/92183 - Erection of first floor extension and alterations to convert two dwellings into one dwelling – Full permission condition

2023/93480 - Erection of ground floor and first floor extensions and alterations to convert two dwellings into one dwelling – Full permission condition

2025/93223 - Erection of single storey porch – Full permission condition

Consultation Responses

The Mining Remediation Authority – Comments received 14 January 2026. TMRA initially raised fundamental concern over the proposal due to its location with a defined Development Risk Area.

This objection was subsequently retracted on 20 January 2026.

Policy & Legislation

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

Part of the site is located within the Green Belt on the Kirklees Local Plan.

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

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7** – Efficient and effective use of land and buildings
- **LP 21** – Highway safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 58** – Garden extensions (Green Belt)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 2 – Achieving sustainable development
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Other Material Considerations

- Gov UK Biodiversity Net Gain Technical Guidance.

Assessment

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

Principle of Development

Green Belt

Part of the application site where the dwelling itself lies within an unallocated area on the Kirklees Local Plan map; however, the open field which the outbuilding is proposed falls within the designated Green Belt as defined by the Local Plan.

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also

identifies five purposes of the Green Belt which include to assist in safeguarding the countryside from encroachment.

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.

Paragraph 154 of the NPPF sets out that certain forms of development are exceptions to "inappropriate development".

The proposal seeks a building which will be used in connection with 65 Huddersfield Road. The planning statement submitted with the proposal indicates it will be used as a 'garden room'. Aerial imagery confirms as of 2022 no built form was erected within the open field. Additionally, there is no planning permission for previous buildings within the open field. When considering the exemptions under paragraph 154 none of the listed forms of development could be applied to the proposal.

The curtilage of 65 Huddersfield Road was separated from the application site by fencing until recently. Aerial imagery confirms the separation between the land parcels has been removed.

The application site is currently free from any built form and contributes positively to the open and undeveloped character of the surrounding land. The proposed building will be used to as a garden room in connection with 65 Huddersfield Road. It will change the purposes of the land included within it through the placement of a domestic structure, landscaping and surface changes. The development of this open green space into a large building used in conjunction with the dwellinghouse would result in a significant visual change to the character of the land, resulting in urbanisation into an area that currently contributes to the openness of the Green Belt. This aspect of the proposal would result in an encroachment of built form into an area of previously open land and would therefore conflict with one of the fundamental purposes of including land within the Green Belt, as set out in paragraph 143 of the NPPF.

In this case, the proposal is not considered to form an extension or alteration to the original dwelling. This conclusion is formed on the basis the proposal falls within land which is outside of the residential curtilage of the dwelling.

There is case law surrounding the definition of curtilage, which is considered to be relevant to the consideration of this case. Firstly in *Dyer v Dorset CC* [1989] it was held that curtilage constitutes a piece of ground attached to a dwellinghouse and forming one enclosure with it; thereby the area attached to and containing a dwellinghouse and its outbuildings. In the case of *McAlpine v Secretary of State for the Environment* [1995] the judgement that was arrived at in the *Dyer* case was maintained and further concluding that curtilage is constrained to a small area around a building. Finally the Court of Appeal in *Secretary of State for the Environment, Transport, and the Regions v Skerritts of Nottingham* [2000] set out that the definition of a curtilage in relation to a building must remain a question of fact and degree in each case.

Whilst ownership of the larger site is noted, this does not automatically mean that all land in ownership of the applicant which is around a dwelling would necessarily form the curtilage of the dwelling.

It is noted that the applicant has not applied for householder extensions and alterations, therefore the application would pertain a change of use of the land. Policy LP58 of the Kirklees Local Plan regards Garden Extensions in the Green Belt.

Proposals to change the use of land in the Green Belt to a domestic garden will not normally be permitted. Where it can be shown that very special circumstances exist that would warrant allowing the proposal, consideration will need to be given to the following;

- a. the degree, location and orientation of the enclosure, which should cause least harm to the openness of the Green Belt;*
- b. the means of enclosure is appropriate to its setting and is of a high quality of materials and design.*

The application is for the erection of a building upon an area where no built form has stood. The proposal will therefore impact upon the openness of the Green Belt. It therefore cannot be stated that the application preserves the openness of the Green Belt as the outbuilding conflicts with the purposes as a result of encroachment into currently open land.

Therefore, for the purposes of Policy LP58, the development would not fall under the criteria for a garden extension within the Green Belt and the development is not considered to preserve openness and is considered to conflict with one of the purposes (encroachment) in this case contrary to paragraph 154 of the NPPF.

There are considered to be no very special circumstances present to clearly outweigh the identified harm resulting from the scale of the outbuilding and associated hardstanding proposed.

Taking all of the above factors into account, it is considered that the proposed development, by reason of its siting, scale and design would result in a development that constitutes inappropriate development in the Green Belt, contrary to paragraph 143 of the NPPF. Furthermore, the introduction of the garden room and the extension of domestic use into a previously undeveloped area of land would result in a harmful encroachment into the Green Belt, undermining its openness and conflicting with the fundamental purpose of preventing urban sprawl.

In spatial and visual terms therefore, the proposed development would add built development where presently there is none and it would be visible from a number of vantage points, resulting in a visual as well as physical reduction in openness. As such, the proposed development would result in harm to the openness of the Green Belt. For similar reasons, it would result in an encroachment into the countryside, in conflict with this Green Belt purpose, as set paragraph 143c of the NPPF. For these reasons the proposal is concluded to be inappropriate development within the Green Belt, contrary to Policy LP58 of the Local Plan and Policies within Chapter 13 of the NPPF.

Impact on Visual Amenity

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

The proposed outbuilding would form a notable large structure within an open field measuring 12.00m width, 6.00m in length to a maximum height of 4.25m. Positioned 30.00m from the main dwellinghouse, it will appear visual detached from the host property and because of its considerable footprint and height, it would read more as a sizeable standalone structure. It would sit uncomfortably within a field setting. Its prominence is further enhanced by the height of the gabion foundation which it rests on.

Buildings located along Huddersfield Road are predominantly formed of natural stone which has weathered contrasting with the timber construction of the proposed building. There are no other timber buildings in the immediate vicinity. The change in palette will further add to the incongruity of the structure.

The building is visible from fleeting aspects along Huddersfield Road particularly when travelling southbound. Due to the size, elevated position and materials, the building would create a visually intrusive feature within the wider landscape.

Overall, the proposal would introduce a building that appears out of keeping in both scale and appearance. It would not read as an unsympathetic addition to the open field and would have a harmful impact on the character of the area.

It is therefore considered the development would be contrary to the aims of the Local Plan Policies LP24(a) and LP24(c), which require new development to respect and enhance local character and the appearance of the townscape. In this case, the size, position and materials of the building fail to meet these design principles, and the proposal is therefore considered unacceptable in terms of visual amenity.

Impact on Residential Amenity

Section B and C of LP24 states that alterations to development should:

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

The nearest residential property is located 19.80m from the proposed building, which is 69 Huddersfield Road. Windows are situated in the west facing elevation these windows do not look towards neighbouring outdoor space, therefore it is not considered that the relationship will impact privacy.

The building is located adjacent to the shared boundary. On the west side, the base of the building is drawn relative to the top of the stone boundary wall. On the east side, the base level is set at the height of the first course of the wall due to the landscaping works that have taken place. Land to the rear is a separate site not associated with 69 Huddersfield Road. The proposed structure is not considered to result in a loss of light, loss of outlook or an overbearing impact.

This conclusion is drawn on the basis the proposal would operate ancillary and in connection with the 65 Huddersfield Road and a condition requiring the

development to operate as such would be required in the event of any grant of permission. This is due to the fact there would be shared access and amenity space arrangements associated between both the proposal and existing dwelling.

Impact on Highway Safety

Policy LP21 states all proposals should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The proposed development would not increase the number of bedrooms on site, and it is considered the number of occupants within the dwelling would remain as existing. The proposed outbuilding is not considered to increase the parking provision required to serve the dwelling above the existing dwelling. As such, the existing parking arrangements are considered acceptable.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan

This conclusion is drawn on the basis the proposal would operate ancillary and in connection with the 65 Huddersfield Road and a condition requiring the development to operate as such would be required in the event of any grant of permission. This is due to the fact there would be shared access and amenity space arrangements associated between both the proposal and existing dwelling.

Environmental Matters

Ecology

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The site is located in a swift alert layer on the Council's GIS mapping system. Development does not impact upon an existing structure therefore it is considered there will be no impact to the protected species. To provide a

habitat uplift, if the application was set for approval, it would be recommended a bird box is installed on the building.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from exemptions as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024. The development is considered to benefit from exemptions as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024 as the application is retrospective.

Coal Mining Legacy

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 application site is located within an area of high-risk historic coal activity. The Mining Remediation Authority were consulted considering the depth of the foundations. However, they ultimately did not object to development, requesting an informative note is added to the decision notice should it be approved.

Representations

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

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

- Work commenced on the build about February 2025. A Planning Application was applied for on the 01/10/2025, some 8 months after starting work.

Officer Comments: It is noted the application is retrospective, the proposal has been assessed on its own merits.

- To call this a garden shed, or even a garden room, understates its size. Personally, I would call it a hybrid bungalow/house due to its vast size. In fact, with a little work in the future, it could become a habitat.

Officer Comments: It has been assessed that the scale and appearance of the building is not in keeping with the character of the Green Belt or the wider townscape and landscape.

- We are losing our Green Belt very rapidly, to housing and solar panel farms. This development is a step too far, given that if the applicant had applied for building consent from the outset, the likelihood is that it would have been refused, given the building's dimensions.

Officer Comments: Comment noted, the application has been assessed against relevant national and local policy in relation to the Green Belt.

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.

It is considered that the detached garden room, due to its location outside of the established curtilage of the 65 Huddersfield Road, is considered to constitute a new building in the Green Belt, rather than an extension to the dwelling. The building is regarded as inappropriate development in the Green Belt by definition as it does not fall into any of the exceptions set out in paragraph 154 of the National Planning Policy Framework. Further harm would be caused to the visual and spatial openness of the Green Belt by developing land that is currently open and by the associated hardstanding required for the garden room. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policies contained within Chapter 13 of the National Planning Policy Framework.

The design of the proposed garden room, by virtue of the materials, size, scale and siting, would be neither subservient to the host dwelling nor harmonise with the existing dwelling or the wider character and appearance of the area. The development would be contrary to Policies LP24 of the Kirklees Local Plan, and policies contained within Chapter 12 of the National Planning Policy Framework.

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.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2025/92747

Officer Recommendation: Refuse

Reasons:

1. The detached garden room, due to its location outside of the established curtilage of the 65 Huddersfield Road, is considered to constitute a new building in the Green Belt, rather than an extension to the dwelling. The building is regarded as inappropriate development in the Green Belt by definition as it does not fall into any of the exceptions set out in paragraphs 154 of the National Planning Policy Framework. Further harm would be caused to the visual and spatial openness of the Green Belt by developing land that is currently open and by the associated hardstanding required for the garden room. No very special circumstances have been demonstrated to clearly outweigh the harm of the development to the Green Belt by reason of inappropriateness or other harm. The development would be contrary to Policies contained within Chapter 13 of the National Planning Policy Framework.
1. The design of the proposed garden room, by virtue of the materials of construction, size, scale, prominence, siting and design would be neither subservient to the host dwelling nor harmonise with the existing dwelling or the wider character and appearance of the area. The development would therefore be contrary to Policy LP24 of the Kirklees Local Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	-	-	04 November 2025
Grouped plans	HRS/101	-	04 November 2025
Design and access statement	-	-	04 November 2025
Climate change	-	-	04 November 2025

Plan Type	Reference	Version	Date Received
statement			

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that significant amendments were required to overcome the harm of development.