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:	**2025/62/92756/W**
Site Address:	New Gate House, 5, Newgate Fold, Holmfirth, HD9 1AJ
Description:	Erection of detached garden room and store
Recommending Officer:	Joanna Rednall

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: 01-Dec-2025

The Site

New Gate House relates to a large, three storey detached property located in Holmfirth. The building is finished in natural stone with a slate roof, and benefits from a detached garage to the rear. The property is accessed via Newgate Fold to the front and is situated at the top of a hill, with land levels sloping down towards the south-west.

The dwellinghouse is predominantly unallocated on the Kirklees Local Plan map, however the area of land the garden room is proposed is designated as Green Belt.

The Proposal

The applicant is seeking planning permission for erection of detached garden room and store.

The building is proposed to the east of the dwellinghouse, approximately 48 metres away, and the measurements of the building are as follows:

- 14m width
- 10m depth
- 2.5m eave height
- 4m ridge height

The building is finished in back ash timber boarding with a pitched roof incorporated above covered in artificial blue slates. Internally, the floor plans show the building serves a garden activity area and kitchen, as well as a smaller garden storeroom.

An access track is proposed to run between the main dwelling and the outbuilding, extending approximately 30 metres from the existing track. The new section would curve around the outbuilding and incorporate a large area of hardstanding to the front, measuring around 11 metres by 18 metres.

With regard to fenestration, bi-folding doors are proposed to the front elevation as well as two sets of windows to the front and side elevations.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered significant amendments would be required to overcome the harm of the development.

Planning History

Relevant planning history for this site is summarised as follows:-

2002/92825: Demolition and rebuilding defective retaining wall (partly within a Conservation Area) – Conditional full permission

2006/94395: Erection of residential development (5 no. dwellings with associated garages) and erection of 7 no. garages and parking (partly within a Conservation Area) – Conditional full permission

2008/90263: Erection of detached dwelling with attached double garage (partly within a Conservation Area) (modified proposal) – Conditional full permission

This consent relates to the dwelling which the proposal is intended to serve. The extent of the residential curtilage is established by the permission granted by virtue of application 2008/90263. This indicates that whilst within the blue line boundary, the land the subject of this application (2025/92756) is not within the land as demarked by the red line of 2008/90263.

2013/92114: Discharge conditions 5 (walls/fences), 7 (roads), 8 (layout), 9 (structures), 10 (sight lines), 11 (access), 12 (sight line), 21 (open space) on previous permission 2006/94395 for erection of residential development (5 dwellings with associated garages) and erection of 7 garages and parking (partly within a conservation area) – Discharge of Condition(s) split decision

2013/92234: Discharge conditions 3 (building materials), 4 (roofing tile), 5 (wall materials), 6 (access), 7 (roads), 8 (access/layout/parking), 9 (structures), 10 (sight line), 14 (site report), 15 (remediation), 16 (validation report), 17 (landscaping), 19 (open space) on previous permission 2008/90263 for erection of detached dwelling with attached garage (partly within Conservation Area) (Modified Proposal) – Discharge of condition(s) split decision

2013/92241: Removal conditions 10 (sight lines), 11 (access) on previous permission 2006/94395 for erection of residential development (5 dwellings with associated garages) and erection of 7 garages and parking (partly within a conservation area) – Withdrawn

2013/92687: Discharge of conditions 17 and 18 on previous permission 2006/94395 for erection of residential development (5 no. dwellings with associated garages) and erection of 7 no. garages and parking (partly within a Conservation Area) – Discharge of condition(s) approved

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management

Charter. As such, this application has been publicised via a site notice and press notice.

Final publicity date expired: 21st November 2025

No representations were received as a result of the publicity.

Parish/ Town Council Comments

Holme Valley Parish Council: No comment. Defer to Kirklees officers.

Consultations

No consultations were requested / considered necessary for this application.

Allocation & Policies

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The site falls within the Green Belt and Strategic Green Infrastructure Network as indicated within the Kirklees Local Plan.

The site is in proximity to a public right of way (HOL/112/30).

The site is in a locality identified as potentially being contaminated land, and also in an area with a known presence of bats.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity
LP31 Strategic Green Infrastructure Network
LP53 Contaminated and unstable land
LP57 The extension, alteration or replacement of existing buildings

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
Policy 12 – Promoting Sustainability
Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Holme Valley Neighbourhood Development Plan

Legislation

The Town & Country Planning Act 1990 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

1 – Principle of development:

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

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

Land allocation – Green Belt

The host dwelling itself lies within an unallocated area on the Kirklees Local Plan map; however, the lawned land on 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. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 154 and 155.

Within paragraph 154 the exception listed at part c) is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

This area to the east of the dwellinghouse is currently free from any built form and contributes positively to the open and undeveloped character of the surrounding land. The development of this open green space into a large garden room 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 addition to the outbuilding, the application also includes a path of the existing soft landscaped garden area to form a driveway from the dwellinghouse to the proposed outbuilding, including an 11m x 18m area of hardstanding to the west of the outbuilding. This area is currently free from any built form and contributes positively to the open and undeveloped character of the surrounding land. The conversion of this green space into a domestic parking area 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. The introduction of a parking area in this location would extend into land that is not currently developed, thereby eroding both the spatial and visual openness of the Green Belt in this location.

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 (as approved by permission 2008/90263).

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.

It is clear that the land the subject of this application is free from development and does not form a close / intimate association within the host property given the distance sited. In addition the planning history of the site clearly excludes this land from the red line boundary (and therefore excludes it as being residential curtilage associated with the dwelling)

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 as this application is a householder application it cannot seek to apply for change of use of land. The development is concluded to be on land outside the residential curtilage associated with the dwelling. The validation and processing of this application is therefore on the basis it is seeking consent for the operational development only and that the use of the land would need separate planning permission if it was concluded that any part of the site where the development is proposed was not within the residential curtilage, and that those works are acceptable.

Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 also sets out that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.

There are not considered to be very special circumstances present to clearly outweigh the identified harm resulting from the scale of the garden room extension 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 paragraphs 143 of the NPPF. Furthermore, the introduction of the garden store 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.

It is therefore considered the development would not preserve openness and the proposed development is considered to conflict with one of the purposes of including land within the Green Belt. For these reasons the proposal is concluded to be inappropriate development within the Green Belt, contrary to Policy LP57 of the Local Plan and Policies within Chapter 13 of the NPPF.

Principle of development – conclusion

The proposal is considered to constitute inappropriate development in the Green Belt which would adversely impact on both the visual and spatial aspects of openness of the Green Belt and for which no very special circumstances are considered to exist. It is therefore concluded the development would be contrary to policies contained within Chapter 13 of the NPPF.

Furthermore, by virtue of its size, scale and design the extensions to the dwelling considered to be contrary to policy LP57 of the Kirklees Local Plan. The proposal is therefore considered to be 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.

2 – Impact upon 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.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA).

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting. Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

The application site is within Landscape Character Area 4, the River Holme Settled Valley Floor.

One key characteristic of the area is framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

Key built characteristic of the area are

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link

the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

The proposed garden room and store would form a notably large structure within the rear garden, measuring approximately 14 metres in width, 10 metres in depth and up to 4 metres in height. Positioned around 48 metres from the main dwelling, the building would appear visually detached from the host property and because of its considerable footprint and height, it would read more as a sizeable standalone structure. In views of the site, its scale would appear clearly disproportionate to the original dwelling and would compete visually with the primary building rather than sit comfortably within the garden setting.

The choice of external materials would further increase the prominence of the development. The use of black ash timber cladding and an artificial blue slate roof introduces a contemporary appearance that sits in stark contrast to the established character of the area, which is largely defined by traditional stone construction and natural roof materials. Instead of complementing the existing built form, the proposed design would introduce a large structure that does not relate well to its surroundings.

These effects would be particularly noticeable given the outbuilding's elevated position within the landscape. As a result, the structure would be visible from several public vantage points, including the public right of way running adjacent to the site. From these viewpoints, the combination of its scale, separation from the dwelling, and contrasting material palette would create an incongruous and 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 a sympathetic addition to the property 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 Householder Design Guide SPD, which expects outbuildings to remain clearly subservient to the host dwelling, and to 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, form and materials of the building fail to meet these design principles, and the proposal is therefore considered unacceptable in terms of visual amenity.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*
- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The proposed outbuilding would be situated almost 50m from the application site, with the closest neighbouring properties being No.s 1 and 3 Cinder Hills Road around 40m south-west of the site. Due to the spatial relationship between the proposed development and these neighbouring properties, the proposal is not considered to impact the amenity of any neighbouring properties.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

This conclusion is drawn on the basis the proposal would operate ancillary and in connection with the main dwelling 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.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

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 garden room and storage building 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 to

The proposal does not propose any changes highway access. It is therefore considered that the proposal is acceptable in relation to highway safety.

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, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

This conclusion is drawn on the basis the proposal would operate ancillary and in connection with the main dwelling and a condition requiring the development to operate as such would be required in the event of any grant of permission.

5 – Other matters:

Ecology

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 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. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest,

and therefore considered unlikely that the proposals would have an impact on the bat population. An informative would be provided upon the grant of planning permission making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

A 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 for minor sites granted pursuant to an application submitted after 02 April 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.

A BNG baseline has not been provided by the applicant, and given the assessments made by officers on the principle and other material considerations including visual concerns, this has not been requested by officers. Therefore, officers cannot undertake a full assessment on what, if any harm there would be to biodiversity in the area.

Notwithstanding, this application is therefore on the basis it is seeking consent for the operational development only and that the use of the land would need separate planning permission if it was concluded that any part of the site where the development is proposed was not within the residential curtilage, and that those works are acceptable. Any such application would have to account for BNG as part of its consideration.

Given the nature of the proposal it is considered that it would have a small scale impact upon bats / potential roosts although a condition requiring submission of a lighting scheme would be required in the event of any grant of permission. An informative note in relation to bats and their protection in law would also be recommended in the event of any grant of permission.

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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change

that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Strategic Green Infrastructure 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. Given the scale of the development is it considered the impact of the proposal would not be significant in this regard subject to condition controlling lighting associated with the building (in the event of any grant of permission). Whilst there would be an impact to some degree in terms of utilising the land by wildlife, it is considered it would not be significantly greater than exists already in terms of ability for wildlife to utilise the site / cross the site.

Land Quality / Stability

With regard to land quality / stability, paragraphs 187, 196 and 197 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is adjacent to a public right of way, however the topography is such it does not appear there would be significant retaining structures required to accommodate the development and as such it is considered that subject to inclusion of informative notes advising the applicant of the requirement to ensure the public right of way remains free for use and that land stability is their responsibility it is considered the proposal would be acceptable in terms of land stability.

In terms of land quality, it is noted the site is in a location identified as potentially being contaminated land. As such it is considered a proportionate approach to require submission of a scheme of investigation, remediation and validation in the event contamination is encountered.

Subject to condition / informative note the proposal is considered acceptable in this regard.

6 – Representations:

None received

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.

It is considered that the detached garden room, due to its separation to the host dwelling, 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 and store, 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 and LP57 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development 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: 2025/92756

Officer Recommendation: Refuse

Reasons:

1. The detached garden room and store, due to its separation from the host dwelling, 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.

2. The design of the proposed garden room and store, 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 Policies LP24 and LP57 of the Kirklees Local Plan, Policy 2 of the Holme Valley Neighbourhood Development 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	-	-	02/10/2025
Proposed Site Plan	2563 01	-	02/10/2025
Proposed Plans and Elevations	2563 03	-	02/10/2025
Climate Change Statement	-	-	02/10/2025
Application form	-	-	02/10/2025

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 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.

Report Dated: 26/11/2025

Low coal