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:	**2025/62/92777/E**
Site Address:	5, Barnsley Road, Flockton, Huddersfield, WF4 4DN
Description:	Demolition of existing dwelling and associated buildings and erection of replacement dwelling with associated works
Recommending Officer:	Elenya Jackson

DECISION – Conditional Full Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27 February 2026

Officer Report

Site Description

The application site is an existing residential property at 5, Barnsley Road, Flockton, Huddersfield, WF4 4DN, consisting of a single storey detached dwelling with a render and painted finish. The property has outside amenity areas to the north-east and north west with two access points to the north and west of the site.

To the east and west of the site is largely open fields and there is a residential property to the north of the site.

The character of the area is low density, with limited development, development is generally set back from the street which helps retain the open character of the area with the exception of the application site which is located on a prominent corner.

The site is located 200m away from the Grange Moor roundabout.

The site is located within the Green Belt and a high risk coal area.

Description of Proposal

This application seeks planning permission for the demolition of the existing dwelling and associated outbuildings and its replacement with the erection of a detached dwelling.

The proposed dwelling would have a depth of 11.2m and a width of 14.2m at its widest point with a maximum height of 9.3m.

The dwelling is proposed to be constructed out of stone.

The proposed dwelling features a pitched roof with a gable end on its eastern and western elevation. The windows on the east west and southern elevation would be more traditional and there is a large full-length glazing central projection on the northern elevation of the site.

History of negotiations/amendments received

Officers requested clarification on the proposed building materials.

Relevant Planning History

88/01481: Erection of extension to form bedrooms and bathroom and erection of porch - Granted conditionally

Analysist of aerial images is such that it is considered the host property has a reasonably large curtilage which is established as garden land as a result of the passage of time. The proposal would fall within and maintain the same extent of residential curtilage.

Representations

The application has been advertised by site notice and on the Council's website in accordance with the Council's adopted Development Management Charter which incorporates the requirements of article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Publicity expired on 20/11/2025.

Kirklburton Parish Council have stated they wish to see the response of the Mining Remediation Authority taken into account.

Consultation Responses

KC Highways: Informal on 19/11/2025. No further comments subject to conditions relating to surfacing and bin storage.

The Mining Remediation Authority: No objections subject to conditions requiring the submission of a scheme of intrusive investigations.

KC Ecology: Noted there are two ponds within 100km of the site, should seek advise re Great Crested Newts. No objection raised however informative notes advised to be attached.

Policy

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

The site is allocated as Green Belt within the Kirklees Local Plan. The site falls within an area identified by the Mining Remediation Authority as being at risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

LP 1 – Achieving Sustainable Development
LP 2 – Place Shaping
LP 3 – Location of New Development
LP 7 – Efficient and Effective Use of Land and Buildings
LP 20 – Sustainable Travel
LP 21 – Highways Safety and Access
LP 22 – Parking
LP 24 – Design
LP 30 – Biodiversity and Geodiversity
LP 51 – Protection and Improvement of Local Air Quality
LP 52 – Protection and Improvement of Environmental Quality
LP 53 – Contaminated and Unstable Land
LP 57 – The extension, alteration or replacement of existing buildings
LP 59 – Brownfield sites in the Green Belt

National Policies and Guidance:

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

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision-Making
Chapter 5 – Delivering a Sufficient Supply of Homes
Chapter 8 – Promoting Healthy and Safe Communities
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – Making Efficient Use of Land
Chapter 12 – Achieving Well-Designed places
Chapter 13- Preserving the Green Belt
Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

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

Policy LP3 of the LP is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. The site is currently developed with one dwelling, within a large residential curtilage. The density level would therefore be substantially lower than 35 dwellings per hectare.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
In this case it is noted a realistic fall back position is the retention of the existing dwelling and site operating in the same manner as exists already. The proposal would therefore have a neutral impact in terms of additional density of the site. Notwithstanding this point, were is the case a higher density of development of the wider site was intended to be sought in the future the existing development of the site and that as proposed would not preclude the potential to develop at a higher density. The proposal does not prejudice the potential for future, higher density, development and having regard to the 'like for like' replacement which is proposed it is concluded the proposal would be acceptable having regard to the aforementioned density policies.

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

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but

this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

It is noted that this site is within the Green Belt. Irrespective of the Council's position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission "unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the Council is not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

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

Green Belt:

The site is located within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

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, these are as follows:

(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 encouraging the recycling of derelict and other urban land.

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.

Exemptions

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless the proposal accords with one of the exemptions outlined in paragraphs 154 and 155.

Consideration of paragraph 154

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant:

> (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
> (g) Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

Policy LP57 of the Kirklees Local Plan provides some parameters for what would normally be considered acceptable alterations/extensions to a building within the Green Belt.

Subsection (b), (c) and (d) outline the following points:

(b) in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
(c) the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the
(d) design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'

LP59 of the Kirklees Local Plan is also relevant, this sets out that:

> *'Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:*
>
> *a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
> *b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
> *c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*
>
> *Land at Storthes Hall has been designated in the Local Plan in order to recognise it is a major brownfield site in the Green Belt. Development proposals should be accompanied by a masterplan with special attention paid to the impact of any proposal on the openness of the Green Belt. In all cases regard should be had to relevant design polices to ensure that the resultant development does not materially detract from its Green Belt setting.'*

It should be noted that the updated NPPF supersedes the policy set out within Policies LP57 & LP59 with the reference to development not resulting in 'substantial harm' rather than 'greater impact' on openness'. Development on previously developed land can now only be considered inappropriate if it causes substantial harm to openness.

The application is submitted with an accompanying planning statement which has calculated the footprint and volume of the development, this reads as follows:

> '*The existing dwelling and buildings to be demolished have an overall footprint measuring approximately 300m². The proposed dwelling has an overall footprint measuring 160m², a reduction in 40m. The existing dwelling and outbuildings have a total volume measuring 858m³. The proposed dwelling has a total volume measuring 1,140.22m'*

Officers have been unable to measure the volume of the existing units as existing floor plans have not been provided, however have measured the existing footprint of development to be 314m^2 and the proposed to be 161m^2 and would therefore agree that footprint wise, the proposed development would be smaller than existing development on site.

Officers have calculated the main dwelling to have a volume of 1076m2, the proposed single storey front projection to have a volume of 17m2. And both

smaller gables to have a volume of 18.7m2 and the central glazed panel to have a volume of approximately 16.7m2. Therefore, officers would largely agree with the sizes provided in the planning statement for the proposed dwelling; however, as previously discussed, officers have been unable to measure the scale of the existing dwelling due to no existing elevations being provided.

Therefore, officers are unable to ascertain whether or not the proposal would result in a development which is materially larger than the existing structures on site and are unable to fully assess if the proposal would accord with exemption (d) of paragraph 154.

On consideration of exemption g of paragraph 154, for the redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt it is considered that the site would align with the NPPF definition of previously developed land. The new dwelling, whilst not being of single storey design in line with that of the existing structure being replaced, is considered to be mitigated by the fact it will be set further back in the plot to that which exists, limiting the harm to the open nature of the plot. Whilst the bulk and massing will increase in height, it is considered that the outlook of the plot will be improved due to the sporadic and somewhat cluttered nature of the existing site layout. The new dwelling will streamline the plot, pushing the built form to the back of the site, limiting any impact on the openness of the Green Belt.

It is considered that on the basis of a condition requiring the demolition and removal of the existing dwelling in its entirety from the site, the development would not lead to substantial harm to openness and would conform with the requirements of paragraph 154(g).

However, it is necessary for an assessment as to whether the development would fall to be considered as grey belt by virtue of paragraph 155 of the NPPF, and whether this exemption is applicable. This is discussed in more depth as follows:

Grey Belt

With regard to exemptions, paragraph 155 of the NPPF states: "*The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

a. *There is a demonstrable unmet need for the type of development proposed;*
b. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
c. *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."*

'Grey Belt' is defined in the NPPF glossary as "*land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development*."

The application site is considered previously developed land and it is considered the land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 and would therefore be considered Grey Belt land. *The nearest bus stop to the application site is located ~68m to the west which is considered a reasonable distance and it is considered that the bus runs reasonably frequently and allows for the potential for sustainable modes of transport.*

It is considered that the 'Golden Rules' in paragraphs do not apply in this case, as they relate specifically to larger-scale or plan-led allocations of Grey Belt land involving multiple homes or mixed-use development. This proposal, by contrast, is for a single dwelling and is being brought forward outside of a strategic context, however it follows the broader intent of sustainable and sensitive development in lower-performing Green Belt areas.

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

Planning Practice Guidance (PPG) published 27 February pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes. In considering the contribution the land makes to the relevant Green Belt purposes, the PPG sets out that for Paragraph 143:

- Purpose (a) - This purpose relates to the sprawl of large built-up areas which the proposal would not relate to.
- Purpose (b) - This purpose relates to the merging of towns.
- Purpose (d) - This purpose relates to historic towns.

The proposal is not located such that it would lead to the merging of towns and is not in proximity to a historic town. It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

The development would be within land which, whilst falling within the Green Belt is a large garden associated with an existing dwelling. The proposal would also see the removal of an element of existing development further reducing the visual impact of the site in terms of built form.

Having regard to the scale of the development and works proposed it is concluded this application is consistent with the provisions of paragraph 155 and it is considered that an additional dwelling within the curtilage of the site would meet the requirements of paragraph 155 and would not constitute development which fundamentally undermines the purposes of including land within the Green Belt in this case.

The proposed development would therefore constitute an acceptable form of development in the Green Belt. As outlined in paragraph 153 of the NPPF, "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". No very special circumstances have been required in this instance as the proposal would be considered acceptable in the context of the exemption set out within paragraph 155 of the NPPF. Therefore, the proposal would comply with the requirements of Chapter 13 of the NPPF.

The principle of development is therefore concluded to be acceptable. Notwithstanding this, a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 provides a principal consideration concerning design which states:

> *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that proposals should promote good design by ensuring:

"a. the form, scale, layout and details of all development respects and enhances the character of the townscape…"

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

"New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality, Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context and Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

The proposal would be located on a plot of land which is currently occupied by a residential property. As previously discussed, the site is within a low-density area with a few residential properties located in the surrounding area.

The dwellings in the vicinity are not dissimilar to the proposed structure on site in that they are constructed out of stone, more modern interpretations of local Pennine vernacular with pitched roofs and set back from the road side.

No street scene plan has been submitted to support the application. However, officers consider that, the existing dwelling is in-keeping with the rural character of the area and is located on a prominent corner in the street scene, The proposal would set the dwelling back 26m away from the street scene which would reduce its prominence in the public realm.

There is currently vegetation either side of the existing dwelling which could be conditioned to be extended to the front of the site to replace the existing dwelling which would further screen the proposal from view.

As the proposal is for a replacement dwelling within the Green Belt, it is considered pertinent to consider the impact that the new dwelling would have on the character of the area given its rural and open characteristics. It is acknowledged by officers that the height of the proposal would be increased compared to existing development on site; however, officers have awarded weight to the fact that the current property abuts the highway immediately and its material palette is stark given the character of the area.

The proposed dwelling would be set back a reasonable distance from the highway which would reduce its prominence from the public realm and the proposed materials are considered to be in-keeping with Pennine Vernacular. Officers are proposing to include a landscaping condition on the proposal to aid with screening the development as well as boundary treatment conditions to ensure the proposal would integrate with the open character of the area.

Officers consider that there is an example of a dwelling adjoining the site with similar characteristics to the proposed development whereby a new dwelling has been constructed in the Green Belt and it is considered that the proposal would not be overly discordant to the area in this instance. Therefore, the proposal would have an acceptable visual impact on the Green Belt in this instance.

In addition to the aforementioned conditions, a further condition requiring removal of the buildings to be demolished is recommended and considered necessary. It is considered that were the existing dwelling to be retained the impact visually would be that of a disjointed and incongruous development of

the site having been undertaken and therefore a condition requiring demolition of the existing buildings prior to construction of the dwelling is recommended.

The submitted plans demonstrate land levels, and how the dwelling would be sited within those levels. Subject to condition the development is undertaken in accordance with the submitted plans the proposal would be acceptable in this regard.

Officers consider the proposal would accords Principles 2, 8, 14, and 15 of the Housebuilders Design Guide and Policy LP24(A) of the Kirklees Local Plan and policies within chapter 12 of the NPPF.

Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, The National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: "Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking."

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder's Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

Adjoining neighbours are considered to be located a sufficient distance away that no issues would be raised regarding ovelooing, overshadowing/loss of light or overbearing.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: “All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”

Notwithstanding the above, National space standards require the following gross internal floor area for a four bed three storey dwelling:

- 4 Bedroom, 6-person dwelling set over 3storey’s- 103 square metres.
- 4 Bedroom, 6-person dwelling set over 3 storey’s- 112 square metres.
- 4 Bedroom, 7-person dwelling set over 3 storey’s- 121 square metres.
- 4 Bedroom, 8-person dwelling set over 3 storey’s- 130 square metres

The proposed floor plans show the proposal would have 4 bedrooms and therefore is required to have an internal floor space of a minimum of 110m^2. The proposal would comfortably exceed given one floor has an area of 140m2. The proposal would therefore be acceptable in this regard.

In the absence of the demolition of the existing dwelling the proposal would see two dwellings in close proximity to one another which would have an impact in terms of overlooking / oppressiveness. As such it is considered appropriate to require demolition of the existing dwelling (as applied for as part of this application) prior to construction of the dwelling the subject of this application.

The proposed development, subject to conditions, is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety:

With regards to Highway Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

The proposal would replace one dwelling with another dwelling.

There is an existing access on site which the proposed plans demonstrate would be utilised.

The proposal has been reviewed with KC Highways and no further comments have been provided; however, should the application receive planning permission, it is considered necessary to impose conditions to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk.

Given the existing arrangements for waste storage which would need to be in place already it is not considered necessary to require submission of details of bin storage / collection in this case.

Therefore, having taken into account the above and advice provided by KC Highways it is considered the development would have a relatively neutral impact with regard to access / highway safety and would accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

This conclusion is on the basis of the demolition of the existing building(s) at site, were they to be retained there is potential for access and highway issues to arise which would need consideration. As such it is considered necessary to require demolition of the existing buildings for highways reasons given access and parking arrangements would likely need to be altered were it the case it was intended to be retained.

Other matters:

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.

The proposal is for the erection of one dwelling. The details provided in the climate change statement are considered sufficient. This would comply with the aims of policies LP24 and LP51 of the KLP and policies within chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Whilst the proposal would see the demolition of a dwelling which would see existing resource lost and new resource needed for construction of the replacement dwelling. Weight is afforded the fact there would be a requirement to adhered to building regulations, in particular the requirement to provide electric vehicle charging and thermal efficiency. As such it is considered the proposal is acceptable in this regard.

Biodiversity Net Gain/Bats/ Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraphs within Chapter 15 of the NPPF outline that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions. In this case, the dwelling would constitute a self build and therefore biodiversity net gain is not required on site.

The application has not been supported by any details of ecological enhancements, as site is not in a bat alert layer on the councils GIS system, it is not considered necessary to add a bat box; however, officers consider it necessary to add a condition securing a bird box to provide ecological enhancement on the site.

The site is mainly maintained grassland with a few hedgerows, and it has not been clarified what is being retained as part of the application. A condition to ensure that existing hedgerows are protected and a condition relating to landscaping to ensure that only native species are used within the site is therefore reccommended.

As the site is within 100m of two ponds, and therefore, it is considered necessary to add a condition requiring a construction environmental management plan is provided.

It is therefore considered that subject to the aforementioned conditions, the proposal would accord with LP30 and LP33 of the Kirklees Local Plan and chapter 15 of the NPPF.

Contaminated land/Coal Mining Legacy

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The site is located in a high risk coal area and a Coal Mining Risk Assessment has been provided in support of the application prepared by RB Geotechnical.

This has been reviewed by the mining remediation authority and conditions recommended relating to the submission of a scheme of intrusive investigations and a signed statement by a suitably competent person that confirms the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Due to the site being located in a High Risk Coal area and the response of the Mining Remediation Authority requiring further details to be provided, KC Environmental Health have also been consulted on the application.

The phase one submitted in supported if this application has been reviewed and KC Environmental Health, their comments are that: '*The site contains a rectangular bungalow along the Southern site boundary, with a double detached garage. The site has a tarmac hardstanding driveway open grassed gardens. The historical land use of the site has been presented and reviewed since 1855; the site itself has a building shown coal activity and quarrying are identified.*

The conceptual site model identifies several potential pollutant linkages. There are risks associated with earlier building and possible demolition on site/made ground, coal workings/mine gas and the nearby infilled quarries, which necessitate further investigation.

It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified. The applicant is reminded that any future intrusive investigation will not be considered without full gas data included as required by good practice guidance'.

It is considered that due to the risks from ground gases and combustible material which can impact human health, further contaminated land conditions would be required including a phase II intrusive investigation, remediation strategy and finally a verification/validation report.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Drainage

The application form states that the proposed foul sewerage connection for the new property is to be via a septic tank. It is considered that as the proposal is for one dwelling and is replacing an existing dwelling, a satisfactory drainage strategy could be achieved on site. Separate legislation requires the provision of satisfactory drainage arrangement and given the scale of the development it is not considered necessary for a condition of any permission to require submission of these details to the LPA.

Representations:

The response of Kirkburton Parish Council has been noted and taken into account in the assessment of this application as well as the response of the Mining Remediation Authority.

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.

Recommendation **Approve**

Decision Authorisation – Delegated Powers

Application Number: 2025/92777

Officer Recommendation: Conditional Full Permission

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of residential amenity and highway safety and to accord with Policies LP1, LP2, LP3, LP7, LP21, LP22, LP24, LP30, LP51, LP52, LP53, LP57 & LP59 of the Kirklees Local Plan, and policies within chapters 2, 4, 12, 13 and 15 the National Planning Policy Framework.

3. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework. This is a pre commencement condition requiring the submission of details to ensure land quality is ensured.

4. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 3 further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. **Reason**: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 4. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

6. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary

Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework.

7. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

a) Summary of potentially damaging activities
b) Identification of "biodiversity protection zones”
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of biodiversity and in accordance with LP30 of the Kirklees local plan and chapter 15 of The National Planning Policy Framework.

8. Prior to the development commencing, measures shall be put in place to protect the nearby Hedgerow and trees. Protection measures shall include temporary fencing for the protection of hedgerows and trees, include root protection areas, in accordance with BS 5837:2012. The protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure no harm is caused to the nearby trees and hedgerow as a result of the proposed development in line with Policy LP30 of the Kirklees Local Plan.

9. A bird box shall be incorporated into the dwelling during the construction phase; the boxes shall be long-lasting Schwegler `woodcrete'

type or similar, and be sited at least 4 metres above ground level. The 17bird box shall be provided prior to first occupation of the dwelling and thereafter be retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework

10. No development shall commence on the superstructure of the dwelling hereby approved until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed in accordance with the approved details. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the National Planning Policy Framework.

11. Prior to the development being brought into use, the approved vehicle access, turning and parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained for access, turning and parking throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with policy LP22 of the Kirklees Local Plan.

12. Notwithstanding the submitted plans and information, details of the position, height, and materials of all new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interest of visual amenity, in accordance with policies LP24 and LP33 of the Local Plan as well as the policies within chapter 12 of the National Planning Policy Framework.

13. Development shall not commence on the super structure of the building until a scheme detailing landscaping, tree/shrub planting has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall detail the use of native species planting the the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. All areas of soft landscaping shall be retained as soft landscaping for the lifetime of the development.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with chapter 12 of the National planning policy Framework.

14. Construction of the dwelling hereby approved shall not commence unless and until the buildings annotated 'Existing Dwelling', 'Existing Building' 'Hut' and 'Garage' within submitted drawing titled 'Existing site plans' ref:14 have been demolished and the resultant material following their demolition removed from the site.
Reason: In the interests of the residential amenity of future occupiers and to ensure the development has an acceptable visual impact to accord with policies LP21, LP22 & LP24 of the Kirklees Local Plan, the Council's Highways Design Guide SPD, principles within the Housebuilders Design Guide and policies within chapters 9 & 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	17		6/10/2025
Proposed Site Plan	16		6/10/2025
Existing Site Plan	14		6/10/2025
Existing Elevations and Floor Plans	02		6/10/2025
Proposed Elevations and Floor Plans	2543-1		6/10/2025
Coal Mining Risk Assessment and Phase One	August 2025		6/10/2025
Climate Change			6/10/2025

Plan Type	Reference	Version	Date Received
Statement			
Proposed site plan showing demolition	15		6/10/2025

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. Officers requested clarification that the proposal would be finished in stone. This was confirmed and the application progressed on this basis.