

**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:	<b>2025/62/92876/W</b>
Site Address:	Moorgate Farm, Moor Lane, Netherthong, Holmfirth, HD9 3UP
Description:	Formation of padel court (Listed Building)
Recommending Officer:	Morgan Braithwaite

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 27<sup>th</sup> March 2026

## **OFFICER REPORT**

### **Site Description**

Moorgate Farm, Moor Lane, Netherthong, Holmfirth, HD9 3UP, is a two-storey detached dwelling faced in deeply coursed millstone, stone quoins to the rear of the property as well as a stone slate roof. The listed building and range of other curtilage buildings reside within a large site and curtilage with established boundary treatment and mature trees. The property benefits from a private gated driveway and ample parking provision.

The property is an early to mid-18<sup>th</sup> Century, Grade II Listed cottage, centre of a farm group. The surrounding area is rural

### **Description of Proposal**

The applicant seeks permission for the formation of a padel court, located to the north of the site. The proposed court would have an approximate length of 20m and a width of 10m. There is to be glazed screening surrounding the court with a maximum height of 3.5m, with an additional 1m of mesh screening (creating a maximum 4.5m high screen to the southern elevation).

### **History of Negotiations/Amendments**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants. As the proposal was considered acceptable, however, as part of an informal consultation with a Conservation Officer, it was requested that plans be updated to indicate that no lighting would be erected as part of the proposal.

### **Relevant Planning History**

2007/94442: Formation of 5no. Light poles and 2.6m high fence (listed building). Refused.

2008/92586: Deemed application (via enforcement appeal) for erection of 5 no lighting poles. Deemed refusal (via enforcement appeal)

2009/92205: Certificate of Lawfulness for existing change of use of land to garden. Certificate of Lawfulness Granted

**Officer Note:** The land upon which the development would be sited is land which has been established as residential curtilage by virtue of this certificate. 2011/90938: Alteration and extension of part of existing dwelling to create additional dwelling with underground garage and related landscape works, including demolition of existing garages/flat and glazed link and 6kw wind

turbine on 15m high mast. Non-determination subject to appeal. Appeal dismissed

2011/90939: Listed Building Consent for alteration and extension of part of existing dwelling to create additional dwelling with underground garage and related landscape works including demolition of existing garages/flat and glazed link. Non-determination subject to appeal. Appeal dismissed

## **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.

Final publicity date expired: 12<sup>th</sup> December 2025

No representations were received as a result of the publicity.

Holme Valley Parish Council was informed of the application. No objections were made with regards to the proposal, on the condition that the court is not floodlit.

## **Consultation Responses**

*KC Trees:* The Arboricultural Officer advises that there are trees which could potentially impacted by the development of the proposal. This includes trees protected by 66/92. They go on to advise that the submitted Arboricultural Impact Assessment (AIA ref WC-416.1a) identified that eight individual trees and two groups of trees have the potential to be impacted by the development proposals. Additionally, six category B trees will require pruning to facilitate the development. These trees are protected by TPO ref. 66/92/g2.

The crowns of T002, T003, T004, T005, T006, and T008 all overhang the proposed location of the padel court. As such, the following facilitation pruning work will need to be carried out to these trees prior to development works commencing:

- Branches extending east from T002 should be reduced by approximately 1 m
- Branches extending east from T003 should be reduced by approximately 1 m
- Branches extending east from T004 should be reduced by approximately 2 m
- Branches extending east from T005 should be reduced by approximately 2 m
- Branches extending east from T006 should be reduced by approximately 1 m
- The southern lower crown of T008 should be lifted from the branch tips, to allow 5m ground clearance over the proposed padel court.

They go on to note the submitted AiA shows that the RPA of T8 would be incurred by the proposals, however the RPAs of T1-T7 have been offset 20-40% to the West due a ground level change and retaining wall immediately

East of the trees. They further note the padel court base will be constructed using a suspended slabs on mini-piles to minimise disturbance to the roots of protected trees.

In concluding their response the Arboricultural Officer advises they have no objection subject to condition requiring a method statement to be submitted to the LPA for written approval.

Following on from their initial response an Arboricultural Method Statement (ref: WC-416.2a) has been submitted. The Arboricultural Officer has reviewed the submitted statement and verbally confirms the method statement demonstrates an acceptable approach to undertaking the development and recommends any approval be subject to condition requiring the development is undertaken in accordance with the submitted statement.

*KC Conservation:* Verbally confirmed that the padel court and fencing (without lighting) with the existing trees and landscaping is considered acceptable in this case.

## **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 within the Holme Valley Neighbourhood Development Plan area which also forms part of the local plan.

The site is within the Green Belt as identified within the Kirklees Local Plan. The site also falls within proximity to protected trees and a grade II listed building.

## **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** – Design
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 52** – Emissions
- **LP 56** – Facilities for outdoor sport, outdoor recreation and cemeteries

## **National Policies and Guidance**

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

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting the Green Belt
- Chapter 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

- House Extensions and Alterations SPD (June) 2021

#### Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. The site is within Landscape Character Area no.5 (LCA5) Netherthong Rural Fringe Policies within the plan relevant to the consideration of this application are listed as follows:-

Policy 1 – Protecting and Enhancing the Landscape Character of 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.

#### Legislation

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

Section 38(6) of the Planning 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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

## **Assessment**

### **1) Principle of development**

The key determining issue in relation to the principle of development is the fact the site is within the Green Belt. The site is established residential curtilage (by virtue of the 2009 certificate of lawfulness addressed in the planning history section of this report).

National policy relating to the Green Belt is detailed within the NPPF, specifically paragraph 153 which states:

*'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<sup>55</sup>. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

Paragraph 154 of the NPPF sets out that Development in the Green Belt is inappropriate unless exceptions set out in parts a – h of para 154 apply. The potential relevant exemption(s), in this case, would possibly be the following:

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

Turning to policy LP56, this is relevant insofar as it sets out the following:

*In the Green Belt proposals for appropriate facilities associated with outdoor sport, outdoor recreation or cemeteries will normally be acceptable as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. Proposals should ensure that;*

*a. the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated;*

*b. the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;*

*c. in the case of all-weather riding arenas or other facilities for the exercising of horses, the degree of engineering operation required and the resultant re-grading of land, including any earth mounding and retaining structures, does not result in incongruous or discordant landform out of character with its setting that cannot be mitigated through the use of appropriate hard and soft landscape techniques.*

The proposal is upon land which is established residential curtilage, this weighs in favour of the scheme given it would ensure that there no significant conflict with the purposes of including land in this green belt given the specific purpose which could be of relevance in this case is encroachment. There is established access arrangements in place and a number of boundary treatments present. The proposal would be either glazing or mesh fencing. The proposal would clearly serve an outdoor sport and recreation use. A condition the development is undertaken in accordance with the submitted details, to ensure the glazing and mesh fencing mix. Whilst the proposal would have some level of urbanising impact this is mitigated and reduced to some extent as a result of the existing use of the land as part of the associated residential curtilage. The site is bounded in part by walls and mature trees / hedgerows which further reduce the impact to the wider openness of the green belt.

Whilst the absence of development is a defining characteristic of the Green Belt it is considered that the impact of the development upon openness could not be considered to fail to ensure its preservation given the structure would have largely open sections which allow permeability of views taken through the structure.

On balance the proposed padel court would have an acceptable impact upon the openness of the Green Belt due to its glazed screening and open design as well as siting in proximity to existing built form as well as being partially surrounded by established trees which would further mitigate the impact the proposal would have. The proposal is respectful in terms of its scale and has been well-designed and located so as not to introduce a prominent urban element. Therefore, the proposed works are considered to meet the aforementioned policies and concluded acceptable within its Green Belt setting.

## 2) Impact on visual amenity & Heritage

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.

Policy 1 of the Holme Valley Neighbourhood Development Plan 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 Holme Valley Neighbourhood Development Plan 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.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

At paragraphs 213 – 215 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposed padel court is to be predominantly constructed of glazed screening and mesh fencing. Furthermore, the site accommodates established trees and hedging which would surround the court and provide an element of screening.

No external lighting forms part of the proposal, and the Conservation Team recommend any approval is subject to condition this is the case. The proposal is considered to be acceptable and not lead to harm to the heritage asset (grade II listed building) and preserve its setting on the basis of the submitted scheme in terms of the glazing and mesh fencing mix and that any approval would be subject to condition requiring the scheme be undertaken in accordance with the submitted plans / there would be no external lighting installed.

Subject to conditions it is considered the impact of the development upon the wider visual amenities of the locality, character of the area and setting of the listed building would be acceptable in this case having regard to the distance the proposal would be sited from the listed building and permeable design of the proposal.

Subject to conditions the proposal is considered to meet the requirements of the aforementioned policies.

### 3) Impact on residential amenity

Policy LP52 of the Kirklees Local Plan is relevant in this case and requires noise emissions are acceptable. 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 Holme Valley Neighbourhood Development Plan 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 closest properties to that of the applicant site are:

- Ox Lane Farm – adjacent side of highway (B6107 – Moor Lane) with a separation distance of approximately 138.8m to the south of the site
- Fox House Farm – to the east of the site with a separation distance of approximately 289.9m

The proposed court shall be constructed of glazed panels, minimal structure and is to be partially enclosed by established trees to the north and west of the site. As such, no significant issues would arise from overlooking, overshadowing/loss of light or overbearing impacts.

Given the distance from neighbouring occupiers the proposal is not considered to have a significant impact with regard to noise.

In summary, the proposal would have no adverse impact upon the residential amenity of adjacent occupiers and would accord with Policy LP24 of the KLP and the Key Design Principles of the House Extensions and Alterations SPD.

### 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 application seeks approval for the formation of a padel court; this would see no alterations to the existing parking provision at the property, nor would it see the addition of any further bedrooms to the dwelling.

Therefore, the proposal would not represent any additional harm in terms of highway safety and as such, complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions and Alterations SPD.

## 5) Other matters

### *Carbon Budget*

Policy 12 of the Holme Valley Neighbourhood Development Plan seeks to ensure that energy efficient designs are used in all new buildings.

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.

Given the scale and nature of the proposal it is concluded the development would have an acceptable impact in this regard and further mitigation measures would not be a reasonable requirement of any grant of permission.

### *Trees / Ecology*

As part of this application a net gain assessment has been submitted which demonstrates a net gain would be achieved.

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

The scheme has been submitted with an accompanying detail which sets out how the construction works would ensure tree protection and a net gain in relation to ecology would be achieved. These trees serve as a level of habitat and include protected trees. As such to ensure they are not adversely affected a condition would be included which requires the scheme the subject of the submitted Arboricultural Method statement to be undertaken and adhered to as part of the construction phase of the development.

Subject to condition the proposal is not considered to lead to a significant loss of habitat and would ensure protection of trees as well as a net gain is achieved, in accordance with the aforementioned policies.

### *PROW*

It is noted that PROW HOL/57/30 is located to the west of the site, however, the plans demonstrate the proposal would not have an impact upon the PROW due to the separation distance. Furthermore, the PROW runs through a section of woodland, as well as trees surrounding the court; both of which would screen the proposed from the PROW and its users.

### 6) Representations

Holme Valley Parish Council was informed of the application. No objections were made with regards to the proposal, on the condition that the court is not floodlit. This is addressed earlier in this report.

### 7) Conclusion

The application to form a padel court at Moorgate Farm, Moor Lane, Netherthong, Holmfirth, HD9 3UP has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## Recommendation

## CONDITIONAL FULL PERMISSION

**Decision Authorisation** – Delegated Powers

**Application Number:** 2025/92876

**Officer Recommendation:** Conditional Full Permission

### Conditions and Reasons

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, and to accord with Policies LP1, LP2, LP22, LP24, LP33, LP35, LP52 and LP56 of the Kirklees Local Plan, Key Design Principles of the House Extensions and Alterations SPD, policies 1, 2, 12 & 13 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 2, 12, 13, 15 and 16 of the National Planning Policy Framework.

3. No artificial lighting shall be erected in association with the development hereby approved within the site outlined in red upon submitted drawing 25/1148/01.

**Reason:** To ensure that the visual impact of the development is acceptable and the development would preserve the setting of the listed building in accordance with policies LP24 and LP35 of the Kirklees Local Plan, policy 1 and 2 of the Holme Valley Neighbourhood Development Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

4. The entirety of the construction phase of the development hereby approved shall be undertaken in accordance with the submitted Arboricultural Method Statement (ref: WC-416.2a).

**Reason:** To protect to viability of the protected trees and to accord with Policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Plan Reference</b>	<b>Date Received</b>
Location Plan	25/1148/01	23/10/2025
Existing Block Plan	25/1148/02	23/10/2025
General Arrangement as Proposed	25/1148/03b	23/10/2025
Proposed Block Plan	25/1148/04	23/10/2025
Existing and Proposed Aerial Images	25/1148/05b	18/02/2026
Application Form		23/10/2025
Climate Change Statement	25/1148	23/10/2025
Flood Map for Planning		23/10/2025
Biodiversity Net Gain Assessment dated October 2025		23/10/2025
Planning Supporting Statement		23/10/2025
Arboricultural Impact Assessment	WC-416.1a	23/10/2025
Arboricultural Method Statement	WC-416.2a	10/03/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. A method statement in relation to impact upon trees has been submitted following advice provided from consultees.

