

**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:	2025/62/92913/W
Site Address:	393, Bradford Road, Fartown, Huddersfield, HD2 2QY
Description:	Change of use of dwelling (Use Class C3) for provision of education hall or meeting place for the principal use of the local community (Use Class F1) including erection of open sided structure to rear
Recommending Officer:	Elenya Jackson

DECISION - REFUSE

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 29 January 2026

Officer Report.

Reference: 2025/92913

Location: 393, Bradford Road, Fartown, Huddersfield, HD2 2QY

Proposal: Change of use of dwelling (Use Class C3) for provision of education hall or meeting place for the principal use of the local community (Use Class F1) including erection of open sided structure to rear

Site Description.

393, Bradford Road, Fartown, Huddersfield, HD2 2QY is a large Victorian end terrace dwelling which benefits from private amenity space and is set back from the public realm by a driveway for two vehicles.

The immediate building group associated with the site is residential in nature, with the adjoining dwellings being similar scale and design to the application site.

The site is located on the A641.

The wider area is mostly residential in nature with the exception of a few commercial units to the east and south of the site.

The site is located in a low risk coal area.

Description of Proposal.

Planning permission is sought for the change of use from C3 (Residential) use to education hall or meeting place for the principal use of the local community (Class F1).

The proposal would also include erection of a single storey rear extension which would extend 4.8m and have a width 6.4m and a maximum height of 4m.

Details of the proposed internal layout of the building has not been provided.

History of Negotiations / Amendments.

No negotiations have been undertaken and no amended plans have been sought or submitted.

Relevant Planning History.

N/A

Representations.

The application was publicised by site notice, which expired on 4th January 2026. As a result of the above publicity, 6 representations have been received. The comments made have been summarised below:

Parking/highway safety

Noise

Loss of residential dwelling

Loss of historical significance

Impact on property values

Not in line with equality act

Fire safety

Unclear opening hours

Litter

Safeguarding issues

Consultation Responses.

KC Highways Development Management – Informal consultation on 14.01.2025. - Objection

KC Environmental Health – Informal on 15.01.2025 - Objection.

KC Designing out Crime- No objections but additional measures are recommended .

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

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 unallocated on the Kirklees Local Plan.

The site is located within an area identified by the Mining Remediation Authority, as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP7 – Efficient and Effective Use of Land and Buildings
- LP20 – Sustainable Transport
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP35 – Historic Environment
- LP48 – Community Facilities and Services
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and improvement of Environmental Quality

Supplementary Planning Documents:

- Kirklees Highway Design Guide (adopted November 2019)

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, together with Circulars, Parliamentary 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

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

Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 The Planning and Compulsory Purchase Act 2004.

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of Development
- 2) Impact on Visual Amenity and Historic Environment
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Other Matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Chapter 2 of the NPPF states that: *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions...”*

Chapter 2 of the NPPF goes onto further state that objectives should: *“support strong, vibrant and healthy communities, providing the supply of housing required to meet the needs of present and future generations; and by fostering a well-designed and safe built environment...”*

In line with the NPPF, Policy LP1 of the Kirklees Local Plan (KLP) declares that: *“...the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

Policy LP1 goes further and states: *“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals 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”*.

The development is for the use of the building for education purposes and community facility.

Policy LP7 of the Kirklees Local Plan requires developments to encourage the reuse or adaptation of vacant or underused properties.

Policy LP48 of the Kirklees Local Plan details that community facilities should be provided in accessible locations where they can minimise the need to travel or they can be made accessible by walking, cycling and public transport. This policy details that such facilities will normally be in town, district or local centres.

The use of the building subject of this application has previously been in use as a residential dwelling and the site is located just outside of the boundaries of Huddersfield Ring Road.

Paragraph 135 of the National Planning Policy Framework states that “planning policies and decisions should ensure that developments”:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- f) and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

This application seeks planning permission to change the use of the dwelling into a community use. Paragraph 135(c) of the NPPF sets out that *‘planning policies and decision should ensure that developments are sympathetic to the local character and history, including the surrounding built environment and landscape...’* Given the context of the existing uses of the application site and the surrounding premises which are predominantly residential, it is considered that a community facility within a terraced house in this context would be incongruous to the local character and the surrounding built environment. As such, the proposal would fail to accord with Paragraph 135(c) of the NPPF.

Furthermore, for reasons of being an incompatible use, the proposal would also fail to comply with Paragraph 135(f) of the NPPF, which seeks to *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users....’*

Given the incompatible use of the site as a community facility, it is not considered that it would accord with Paragraph 135(f), failing to promote a high standard of amenity for and future users of the site and neighbouring

premises. This is evidenced through the highways concerns raised by KC Highways and comments received by Environmental Health within the 'Other Matters' section of the report.

Therefore, to permit the development would be contrary to Policies LP24 and LP52 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and would fail to be in the interest of proper planning.

1) Impact on Character and Appearance of the Area

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly Policy LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

The proposal would feature a single storey projection at the rear of the dwelling which would not be visible from the public realm.

The depth of the proposal would be 4.8m; however, it is considered that the application site would retain ample amenity space should the proposal receive permission.

In summary therefore, it has been concluded that the proposals would not cause detrimental harm to the visual amenities of the locality. The proposed development is considered to comply with Chapters 12 and 16 of the NPPF and Policies LP2, LP24 and LP35 of the Kirklees Local Plan.

2) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: *"...maintain appropriate distances between buildings"* and *"...minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Paragraph 198 of the NPPF, contained within Chapter 15, sets out that proposals should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development. Policy LP52 of the Kirklees Local Plan seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

As previously discussed, the application site is an end of terrace dwelling with neighbouring dwellings to both sides.

The impact on neighbouring dwellings is assessed as follows:

395 Bradford Road adjoins the application site to the north and is on slightly higher ground.

Overlooking: The proposed single storey rear projection would have open sides and therefore would not raise any additional concerns regarding overlooking compared to the existing relationships between the dwellings.

Overshadowing/loss of light/overbearing: The single storey extension would project a reasonable distance beyond the rear elevation of the property; however, it would have open sides, be single storey and not extend that significantly beyond the rear elevation of the conservatory of no.395. Therefore, no significant issues would be raised regarding overshadowing/loss of light or overbearing.

391 Bradford Road: is attached to the application property to the south.

Overlooking: The proposal would be a single storey open sided structure. It is considered that the proposal would not increase any overlooking relationship compared to the existing layout between the properties.

Overshadowing/loss of light/overbearing: The proposal would project 4.8m beyond the rear elevation of the existing; however, it is considered that the proposal would be located to the north of 391, have open sides and be single storey and therefore no significant issues would be raised regarding overshadowing/loss of light/overbearing.

It is considered that due to separation distances, no other properties would be impacted by overlooking, overshadowing or loss of light.

Given the proposed use of the building and its proximity to residential dwellings, a consultation was undertaken with KC Environmental Health, to determine the potential impacts of the development arising from noise.

Within their formal consultation response, KC Environmental Health set out the following:

'In considering the proposal, there are a number of uncertainties within the application. The proposed hours of use are vague and unenforceable via condition as the timings of the religious months are not fixed and the morning and evening prayers are dependent upon the daylight hours and therefore likely to be outside of the proposed hours.'

There is some contradiction on the number of users as the Planning Statement refers to 40 whereas the NIA is based upon the worst case number

of visitors of 25 and up to 40, 2-3x a year (para 1.3). No information is given on how the numbers would be controlled and this is likely to be exceeded at 'occasional religious gatherings' i.e. Eid when the timings of the prayers and numbers of attendees would likely be contrary to the proposal, again making it unenforceable via condition.

The report refers to a similar site in London but no detail is given on that use. No detail is given on the volume levels used nor on the control measures on the use of any amplified equipment. Singing has been mentioned but this has not been referred to in the NIA exercise.

Whilst the NIA recommends works to the party wall, it is unclear if this is to the ground floor only. There is some uncertainty on the numbers of users upstairs so this work will be required to both floors in order to prevent flanking sound transmission to the neighbouring property.

The Planning Statement refers to a 'single-storey open-sided structure' but no detail has been given on the use of the external amenity area and this has not been considered in the NIA. Objections have been raised on the congregating of individuals which may lead to a loss of amenity.

The noise management plan does not detail any measures to control noise which could lead to a loss of amenity from any defined use.

Based upon the above reasoning, we are unable to support this application'.

For these reasons, the proposal is considered to have an unacceptable impact on residential amenity in relation to noise disturbance, and would fail to accord with Policies LP24 & LP52 of the Kirklees Local Plan and Chapters 12 & 15 of the NPPF.

Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off-street parking are retained, is also considered to be of relevance.

Paragraph 116 of the NPPF states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

KC Highways Development Management (HDM) have been informally consulted on the proposal on 14/01/2026.

The site offers only two off-street parking spaces and is accessed directly from Bradford Road, a two-lane Class A route with no parking restrictions.

The applicant's supporting statement indicates that up to 40 people may attend the premises. As the majority of visitors would have no access to the limited on-site parking, it is highly likely that additional vehicles would park on surrounding streets, including York Avenue.

Given the absence of parking controls in the area, there is no mechanism for officers to prevent visitors from parking along Bradford Road itself. Any overspill parking onto this busy classified road (particularly during peak periods) would risk obstructing traffic flow and causing congestion. The scale of anticipated attendance, combined with unrestricted parking, is therefore considered unsuitable within this residential setting

It is therefore considered that the development would result in significant harm to highway safety, thus failing to comply with policies LP21 & LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

3) 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 predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the small-scale of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs any further mitigation to address the climate change emergency. The proposed development would therefore comply with Policy LP51 of the KLP and Chapter 14 of the NPPF.

Safety and Security:

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

Upon any grant of approval, it is considered necessary to include a condition which requires the submission of a scheme to the Local Planning Authority prior to the premises been brought into use, which sets out all the measures to minimise the risk of crime and meet the specific security needs of the application site and the development.

This scheme would need to include details of security measures, including, but not limited to, CCTV systems and their location around the premises.

The aforementioned condition is considered necessary to ensure that, prior to the commencement of development, safety and security measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and to accord with Policy LP24 of the Kirklees Local Plan and the policies contained within Chapters 8 and 12 of the NPPF.

With the inclusion of the aforementioned condition, it is considered that the proposal would appropriately accord with the expectations of Section 17 of the Crime and Disorder Act 1998 as well as Policy LP24 of the Kirklees Local Plan and Chapter 8 of the NPPF.

4) Representations

In response to publicity, 6 objections were submitted with the following concerns:

Parking

Officer response: The application has been viewed by KC Highways and concerns regarding highway safety and parking would be a reason for refusal in this instance.

Noise

Officer response: A noise impact assessment has been provided to support the application which has some anomalies and missing data, and fails to demonstrate that the proposal would not have an adverse impact on residential amenity resulting from noise disturbance.

Loss of residential dwelling

Officer response: The property is not allocated within the Kirklees Local Plan and therefore there is no policy context preventing the loss of a dwelling in this location.

Loss of historical significance

Officer response: The property is not a listed building and not located within a Conservation Area and therefore the historical significance of the building is not considered a substantial reason to warrant refusal in this instance.

Impact on property values

Officer response: This is not a material planning consideration and does not warrant a reason for refusal in this instance.

Not in line with equality act

Officer response: The proposal is for the change of use of an existing building and therefore officers are unable to impose regulations relating to the Equality act of 1990.

Fire safety

Officer response: The application has been supported by a fire risk assessment; however, as fire safety is not a material planning consideration, officers would be unable to recommend refusal for this reason.

Unclear opening hours

Officer response: Officers have reviewed the supporting statements and have identified the differing opening hours; however, this could be regularised via condition if the proposal was to be approved.

Litter

Officer response: Litter is not a material planning consideration and would be enforced by the Council's Environmental Health officers.

Safeguarding issues

Officer Response: if the application was to be recommended for approval a condition would be imposed requiring the submission of a crime mitigation scheme.

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 development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation: Refuse

Decision Authorisation – Delegated Powers
Application Number: 2025/92913
Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development, by virtue of the intensification in use of the site, its incompatibility with the surrounding area and the resultant implications in relation to noise, for which no adequate Noise Assessment has been submitted, would result in a harmful impact on the occupiers of adjacent dwellings and the wider character of the area. To permit the development would be contrary to Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework, and would fail to be in the interest of proper planning.
1. The proposal would result in insufficient parking provision to support the intensification in the use of the site, resulting in significant overspill parking on Bradford Road and surrounding residential streets. The development therefore fails to comply with Policies LP21 and LP22 of the Kirklees Local Plan and guidance contained within Chapter 9 of the National Planning Policy Framework.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	2549/01	-	4.12.2025

Planning Statement	-	-	4.12.2025
Noise assessment	-	-	4.12.2025
Fire Risk Assessment			4.12.2025

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No negotiations took place, and no amended plans were sought or submitted as the principle of the development was considered unacceptable.