Town and Country Planning (Development Management Procedure) (England) Order 2015

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/92933/E

To: Jake Hinchliffe
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: Halstead Homes

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

VARIATION OF CONDITION 2 (PLANS) ON PREVIOUS PERMISSION 2024/91202 FOR ERECTION OF EIGHT DWELLINGS WITH ASSOCIATED ACCESS AND EXTERNAL WORKS

At: LAND OFF, MARSH LANE, SHEPLEY, HUDDERSFIELD, HD8 8AS

In accordance with the plan(s) and applications submitted to the Council on 22-Oct-2025 [together with those plans and application(s) submitted to the Council on 29-Aug-2024 and incorporated into planning permission 2024/91202 granted on 02-Dec-2024] and subject to the condition(s) specified hereunder:-

1. 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 LP7, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

2. The front and side elevations of the dwellings hereby permitted shall be finished in stone and the roofing materials shall be slate, in accordance with the Design and Access Statement submitted as part of application 2024/91202. The approved materials shall be thereafter retained.
Reason: To ensure the proposal is in keeping with the existing development in the vicinity, in the interest of visual amenity in accordance with LP24 and Principle 2 of the Housebuilders Design Guide SPD.

3. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works 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 in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been 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 190 of the National Planning Policy Framework.

4. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 5 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. No part of the development shall be occupied until the approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

5. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 6 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 7 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th June 2025. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
Reason: To reduce the risk of flooding to the proposed development in accordance with LP27 of the Kirklees Local Plan and the requirements of the National Planning Policy. This is a pre-commencement condition to ensure that any risk from flooding is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. The dwellings shall not be occupied until the approved vehicle parking areas have been surfaced, marked out into bays 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 throughout the lifetime of the development.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

8. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 9 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.
Reason: To ensure that suitable access is available for the development, in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

9. Before development commences, any obstruction shall be set back to the rear of the approved visibility splays as demonstrated on the approved plan '24010/VIS/001- REV D' submitted as part of application 2024/91202 and shall be tarmac surfaced to current standards in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: To ensure adequate visibility in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

10. The development hereby approved shall be undertaken in accordance with the details submitted for the discharge of condition 11 of permission 2024/91202 submitted as part of application 2025/91094 and discharged by letter dated 17th October 2025. The approved sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with independent safety audit covering all aspects of work shall be retained for the lifetime of the development.
Reason: To ensure that suitable access is available for the development in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan.

11. All works shall commence on site for the duration of the development in line with the approved Construction Management Plan 'Construction Environmental Management Plan (CEMP)– Version 1, Rev 0, Dated 17.04.25 submitted as part of application 2025/91094 and discharged by letter dated 17th June 2025. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: To ensure that harm is not caused to the highway during construction in the interest of highway safety in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

12. Prior to the occupation of any building, a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway Marsh Lane shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before any part of the development is first brought into use.
Reason: In the interests of highway safety and to ensure the maintenance of the highway in accordance with Policy LP22 of the Kirklees Local Plan. This is a pre-commencement condition to ensure that any risk to highway safety is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority.

NOTE: If new sewers are to be included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), the applicant should contact Yorkshire Water's Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption to be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours Mondays to Fridays,
- 08.00 and 13.00hours, Saturdays,
- With no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan and details submitted as part of application 2025/92933	**Reference**	**Version**	**Date Received**
Plot 2 Setting Out	2-(20)002revB		20 October 2025
Plot 2 Proposed Elevations	2-(30)001revB		20 October 2025
Plot 3 Proposed elevations	3-(30)001revB		20 October 2025
Plot 3 Setting Out	3-(20)002revB		20 October 2025
Plot 1 setting out	1-(20)002revA		20 October 2025
Plot 1 proposed Elevations	1-(30)001revA		20 October 2025
Plot 7 Elevations	7-(30)001revA		20 October 2025
Plot 7 setting out	7-(20)002revC		20 October 2025
Plot 8 Proposed Elevations	8-(30)001revB		20 October 2025
Plot 8 Proposed Setting Out	8-(20)002revB		20 October 2025
Plan and details submitted as part of application 2024/91202	**Reference**	**Version**	**Date Received**
Location Plan	(EX)001	A	29/04/2024
Existing Site Plan	(EX)002	B	17/07/2024
Proposed Site Plan	(20)008	J	16/10/2024
Site Access Arrangements	24010/ACC/001	D	27/09/2024
Swept Path Analysis	24010/SPA/001	E	27/09/2024
Visibility Assessment	24010/VIS/001	D	27/09/2024
Proposed Site Sections	(35)001	C	16/10/2024
Plot 4 & 5 GA	(20)004	B	16/10/2024
Plot 6 GA	(20)005	B	16/10/2024
Preliminary Ecological Appraisal			05/06/2024
Design and Access			05/06/2024
Transport Statement	AT/24010/TS/1		28/08/2024
Response to Representation			16/07/2024
Tree Survey	240114c		06/09/2024
Arboriultural Impact Assessment	240114c AIA		06/09/2024
Arboricultural Method Statement	240114c MS		06/09/2024

Road Safety Audit: Stage 1	MAL/MLSRSA1Rev0		16/10/2024
Designer's response to stage one safety audit			16/10/2024
Biodiversity Metric			16/10/2024
Biodiversity Net Gain Assessment		3	16/10/2024
Details submitted as part of application 2025/91094			
Drainage layout	B26074-JNP-XX-XX-DR-C-2001,	P04	18/06/2025
Construction details	B26074-JNP-XX-XX-DR-C-3111 (2 of 3)	P02	18/06/2025
Drainage Statement	B26074-JNP-XX-XX-RP-C-1002	P02	18/06/2025
Supporting email			27/05/2025
Supporting Letter	Drainage across 3rd party land		24/06/2025
Technical note	B26074-JNP-XX-XX-TN-G-1001	P02	26/7/2025
Flood routing plan,	B26074-JNP-XX-XX-DR-C-2007	P01	18/06/2025
Junction and Highway wrks	B26074-JNP-XX-XX-DR-C-2005-P04		17/10/2025
Proposed Site Plan (20)008		H	16/06/2025
Construction Environmental Management Plan (CEMP)–	Version one	0	22/04/2025
Defect survey report	B26074-JNP-XX-XX-RP-C-1003	P01	1/05/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

No amendments were sought as it was considered that the proposal was acceptable as submitted; however, officers advised the agent that they have currently failed to provide a biodiversity habitat plans and are therefore in breach of the Environment Act.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**

- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**
- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 02-Feb-2026

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/70/92933/E.

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
