

**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>2025/62/92974/E</b>
Site Address:	13, Top O' Th' Bank, Thurstonland, Huddersfield, HD4 6XZ
Description:	Change of use of a single dwelling into 2 dwellings
Recommending Officer:	Edward Cheseldine

**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:** 28 January 2026

## **Officer Report**

2025/92974 - 13, Top O' Th' Bank, Thurstonland, Huddersfield, HD4 6XZ

### **Site Description**

The application site relates to a semi-detached building of a 'U' shaped footprint set over two-stories. The building is constructed with coursed stone exterior walls with pitched roof. It appears agricultural due to the fenestration. The building is set within a generous curtilage on the top of a natural hill with views over the surrounding valley landscapes. There is an existing hardstanding area within the grounds.

The site is within the Green Belt in the KLP. Public right of Way HOL 37/20 runs through the site to the east of the property.

### **Application Proposal**

The applicant is seeking a change of use of a single dwelling into 2 dwellings. The existing dwelling will be subdivided by closing up internal openings.

Dwelling 1 will be a three-bedroom property set over two floors with living room and kitchen/diner. Dwelling 2 will be a two-bedroom property set over two floors with living room and kitchen diner. An entrance door will be fitted to the east elevation for dwelling 1 and the north elevation for dwelling 2.

### **Amendments/Negotiations**

None required.

### **Public Representations**

The application was advertised by way of a site notice, which expired on the 19 December 2025. As a result of the publicity, there were no representations received.

### **Consultation Responses**

KC PROW – No objection, See *Other Matters*.

Kirkburton Parish Council – No comment

### **Relevant Planning History**

2025/90892 - Erection of single and two storey side extension – Permission granted (not implemented)

### **Policy & Legislation**

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 27<sup>th</sup> February 2019).

The site is located within the Green Belt on the Kirklees Local Plan.

On 12<sup>th</sup> 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.

### **Kirklees Local Plan Policies**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7** – Efficient and effective use of land and buildings
- **LP 11** – Housing Mix and Affordable Housing
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity
- **LP 60** – The re-use and conversion of buildings (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, and the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 places
- Chapter 13 – Protecting Green Belt land

- 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.

### **Other Material Considerations**

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Housebuilders Design Guide SPD (2021).
- Gov UK Biodiversity Net Gain Technical Guidance.
- Gov UK Nationally Described Space Standards

### **Assessment**

- 1) Principle of Development
  - a. Sustainable Development
  - b. Green Belt
  - c. New Dwellings
- 2) Impact on Visual Amenity
- 3) Impact of Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Other Matters
- 7) Conclusion

### **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 assessed.

*“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

### *Green Belt*

The application site is located on land allocated as Green Belt in the Kirklees Local Plan.

Chapter 13 of the NPPF states *the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*

Chapter 13 of the NPPF requires local Planning Authorities to regard the development in the Green Belt as inappropriate development unless one of the exemptions applies.

Exceptions of which include, *‘the re-use of buildings provided that the buildings are of permanent and substantial construction’* (paragraph 154 h) iv. In this case, the application relates to the conversion of one dwelling into two and is considered to be a reuse of an existing structure.

The Kirklees Local Plan (2019) regards local policies relevant to this application.

Policy LP60 of the Kirklees Local Plan states,

*‘Proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where;*

*a. the building to be re-used or converted is of a permanent and substantial construction;*

*b. the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*

*c. the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.*

In this case the application is for the subdivision for an existing dwelling, which is currently being lived in, therefore meeting the requirements of part a. There are no alterations that would result in additional surface treatments or outbuildings. Additionally, the application does not include hard landscaping or boundaries.

Surrounding land is relatively open, therefore it is considered necessary, in order to comply with Green Belt policy that permitted development rights for extensions, roof alterations and outbuildings are removed to safeguard the

Green Belt from further encroachments from unsympathetic alterations that would impact upon openness.

The proposed conversion is acceptable in principle, according with of the NPPF and Policy LP60 of the Kirklees Local Plan.

### *New Dwellings*

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.

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 officers assessment.

One additional unit would make a small contribution to that supply. Good design is a key aspect of sustainable development which contributes to creating better places therefore an assessment will be made on the impact set within national and local policy. Therefore, a balance will be formed, within this assessment, against the benefits one dwelling would bring to that supply.

### Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 131 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, heritage assets and landscape...”*

External alterations include the fitting of doorways to the exterior of the two properties. It will retain its original character which derives from its agricultural appearance. Due to the modest changes, it is considered to accord with Policy LP24 of the Kirklees Local Plan and Policies within the Kirklees Housebuilders Design Guide SPD.

#### Impact on Residential Amenity

Section B of LP24 states development should:

*“...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.

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.”*

The building is existing with defined outlooks. An application for its subdivision will include additional occupants, however it is not considered this will lead to a change in the amenity of neighbouring occupiers.

Additionally, the application does not include external structures, therefore it will not result in being overbearing, a loss of light or a loss of outlook.

#### *Amenity of Future Occupiers*

Principle 16 of the 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.”* *“The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.”*

Internal space standards are outlined within the Nationally Described Space Standard (NDSS).

In terms of dwelling 1, space standards indicate a 2 storey dwelling with 3 bedrooms requires a minimum internal floorspace of 84m<sup>2</sup>. The floorspace of this dwelling is 120m<sup>2</sup>. NDSS requires double bedrooms have an internal floor space of 11.50m<sup>2</sup> and be at least 2.75m wide. Plans indicated the bedrooms will be 14.80m<sup>2</sup>, 12.80m<sup>2</sup> & 12.15m<sup>2</sup>.

In terms of dwelling 2, space standards indicate a 2 storey dwelling with 2 bedrooms requires a minimum internal floorspace of 70m<sup>2</sup>. The floorspace of this dwelling is 100m<sup>2</sup>. Plans indicate the bedrooms will be 15m<sup>2</sup> & 19.80m<sup>2</sup>.

The two dwellings therefore meet the requirements of Nationally Described Space standards.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. All habitable rooms have a suitable level of light due to the placement of window openings. Rooms are rectangular in footprint, when accounting for storage and doorways, there is a suitable amount of functionable space for occupants.

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

When considering the context of the site the occupant would have access to the surrounding open spaces and private gardens. Hard boundaries are not proposed, however the building itself is isolated, the curtilage will be shared between 3 neighbours. When considering the site's surrounding and size of curtilages and the wider open landscape there is sufficient outdoor space to provide a reasonable level of privacy without the need for additional boundary treatments. However, should boundaries be erected a condition that details should be provided planning authority is recommended through a condition in order to prevent urban encroachment within the Green Belt.

It will be conditioned that the bathroom and ensuite windows are obscurely glazed to protect the amenity of future occupiers.

Having considered the above factors, subject to the inclusion of the condition mentioned, the proposal is considered to result in no adverse impact upon the residential amenity of any surrounding neighbour occupants or the future occupiers of the dwelling. The proposal therefore complies with Policy LP24 of the KLP (b), Key Design Principles of the House Builders Design Guide SPD.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The dwellings will make use of the existing hard surfacing and access. Plans indicate the parking area can accommodate five vehicles. The Kirklees Highways Design Guide SPD species 2 to 3 bedroom dwellings provide a minimum of two off street car parking spaces which the plans accord with the plans accord with LP21 & LP22 of the Kirklees Local Plan.

The applicant is reminded that bin collection personnel will not enter a site to collect waste where the drag out distance is over 10m from the highway. Occupants must present their bin as per the existing arrangements of the existing dwelling.

### Environmental Matters

#### *Biodiversity Net Gain & Ecology*

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024. There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain. The development is considered to benefit from the *De Minimis* exemption as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

The application is for a change of use therefore a further habitat uplift is not required.

#### *Construction Site Working Times*

Construction working times are covered by other regulations, therefore it is not deemed necessary to add a secondary planning condition, however a footnote may be added.

#### *Electric Vehicle Charging Points*

The requirements for EV charging points are set out within the Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group, therefore a secondary planning condition is not necessary.

### *Carbon Budget*

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

### Other Matters

#### *Public Right of Way*

Public right of Way HOL 37/20 runs through the site to the east of the property. The defined path runs through an area of existing hardstanding but has been obstructed. Site plans indicate this area will be used for parking provision.

KC PROW contacted Officers stating the path of Hol/37 still exists and will remain in it position until a legal diversion order is confirmed. The digitalised alignment will be altered avoiding the parking spaces.

Notwithstanding its designation as 'non-functional' on the proposed site layout plan, it is not anticipated that the permission will result in interference with or the obstruction of the footpath.

The applicant is recommended to contact the Council's public rights of way team to discuss the matter further on [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk).

### **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 proposed development would constitute sustainable development and is therefore recommended for approval.

### **Recommendation: Approval**

### **Decision Authorisation – Delegated Powers**

**Application Number: 2025/92974**

**Officer Recommendation: Approve.**

### **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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP7, LP11, LP21, LP24, LP30, LP60 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and the aims of the National Planning Policy Framework.

3. Notwithstanding the details shown on the submitted drawings, should new boundary treatments be required details shall be submitted and approved in writing by the Local Planning Authority, prior to their erection. The works shall then be carried out in complete accordance with the submitted details and shall be retained thereafter.

**Reason:** In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework and to accord with Principle 17 of the Kirklees Housebuilders Design Guide SPD.

4. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no extensions, roof extensions, porches or outbuildings (Class A, AA, B, D & E), other than those expressly authorised by this permission shall be constructed on the site.

**Reason:** In order to preserve the essential characteristics of the Green Belt, its openness and permanence, and to accord with Chapter 13 of the National Planning Policy Framework.

5. Prior to occupation of the development hereby approved the W/C & ensuite windows of the dwellings shall have been obscurely glazed (to a minimum Grade 4 or equivalent). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing (to a Grade 4 or equivalent) shall thereafter be retained.

**Reason:** To protect the privacy of future and neighbouring occupants and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design SPD (2021) and the aims of the National Planning Policy Framework.

**Note:** Public footpath Holmfirth 37 is within the red line boundary and adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works.

The Council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team are

based at Civic Centre 1, PO Box 1720, Huddersfield HD1 9EL and the email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	0105	A	03 November 2025
Proposed site layout	0125	B	03 November 2025
Existing Floor Plans and Elevations	0110	-	03 November 2025
Proposed Floor Plans and Elevations	0120	-	03 November 2025
Climate change statement	-	-	03 November 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Planning Authority has, 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.

