

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 59A

DELEGATED DECISION FOR APPLICATION FOR PERMISSION IN PRINCIPLE

Reference no.: 2025/59/92985/W

Site: Land off, Manchester Road, Linthwaite, Huddersfield,
HD7 5QS.

Description: Application for permission in principle for erection of 9
dwellings (within a Conservation Area)

Case Officer: Danielle Cooper

Decision Reference: REFUSE PLANNING PERMISSION IN PRINCIPLE

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date 15-Dec-2025

Officer report

Application: 2025/92985 Land off, Manchester Road, Linthwaite, Huddersfield, HD7 5QS

Proposal: Application for permission in principle for erection of 9 dwellings (within a Conservation Area)

Site Description

The application site forms a parcel of land which is located off of Manchester Road, surrounding commercial and residential buildings. The site currently comprises dense trees, with the site formerly comprising a water tank and a pump house to the front of the site frontage.

Ground levels slope steeply downwards to the north towards the River Colne.

The site is located within the Linthwaite Conservation Area. The grade II listed Titanic Spa Building is located north-east of the application site across from the River Colne. Grade II listed terraces are also located south of the application site.

Description of Proposal

The application is seeking permission in principle for the erection of 9 dwellings. As this application relates to permission in principle, the information provided is limited to a location plan and planning statement.

History of Negotiations

None.

Consultation Responses

KC Ecology – Comments received during the course of the application discussed in part 1 of assessment section of this report.

Planning history

2011/91324 - Conservation Area Consent for demolition of industrial structures – Approved

2011/91323 - Erection of two dwellings (within a Conservation Area) – Approved

2010/91073 – Conservation Area consent for demolition of tanks and pump house – Granted

2010/91074 – Outline application for residential development (within a conservation area) - Withdrawn

Public / Local Representations

The application was advertised by a site notice and the press. Final publicity expired on 5th December 2025. 7 representations were received in total.

The representations raised the following comments:

- The application site lies within a conservation area comprising grassland, shrubs, and woodland
- Visual concern to Grade II listed buildings
- The site contains priority habitat and is located adjacent to the River Colne.
- Ecological and biodiversity concerns have been raised by experts, who do not support the development
- The site is considered important for nature conservation and should not be developed for housing
- The remaining natural environment, including trees and landscape, should be preserved to protect wildlife and residents' wellbeing
- The proposed development would increase traffic and cause use, leading to increased air pollution
- The application does not clearly demonstrate how the site would be accessed, as it is surrounded by existing building
- Access via the Bargate end is likely to exacerbate traffic congestion on an already busy thoroughfare.
- Concern to access of the site and construction period
- Manchester Road is a busy and noisy road; additional housing would increase noise disturbance for residents
- Concern of loss of privacy
- Concern of shared access with existing residents
- Other brownfield sites within the area would be more suited

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 located within Linthwaite Conservation Area within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP27 – Flood Risk
- LP24 – Design
- LP33 – Trees
- LP34 - Conserving and enhancing the water environment
- LP35 – Heritage
- LP52 - Protection and improvement of environmental quality

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

1. Permission in Principle Purpose

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage (Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and the amount of development. The LPA can inform the applicants what they expect to see at the technical details stage.

It is not possible to secure a planning obligation at the permission in principle stage.

The Local Planning Authority (LPA) may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this case the development is for 9 units and the site has an area of less than 1 hectare. The resultant floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details Stage.

The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development.

Local Planning Authorities must not grant permission in principle for development that is likely to affect a Habitats Site, as defined in the NPPF. This site is surrounded by several environmental designations, including SSSIs, a twice buffer zone, a bat alert layer, and a combined wildlife habitat network. Although the Ecology Officer noted uncertainty over whether the proposal could impact any sites designated under the Habitats Regulations, the Kirklees Mapping System does not identify the site as falling within such a designation. On this basis, impacts on protected habitats are not

considered to be a constraint at this stage. It is, however, noted that a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) assessment will be required at the technical details stage should planning permission in principle be approved.

2. Principle of Residential 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. The paragraph states the following:

“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...”

The application site forms a parcel of land which is located off of Manchester Road and comprises dense trees with the ground level sloping steeply downwards to the north. The site is also located within Linthwaite Conservation Area and is located close to Grade II listed buildings.

As such Policy LP35 of the Kirklees Local Plan is relevant in this instance. Policy LP35 states the following:

‘Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm...’

Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:

- a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*
- b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;’*

The application site is currently an undeveloped parcel of land that comprises mature trees that are considered to form an important component of the area's landscape, contributing positively to the visual amenity of the Linthwaite Conservation Area and setting of the adjacent Grade II listed building – Titanic Spa. The erection of 9 dwellings within the application site would result in the loss of several of these trees, being visible at certain public vantage points and would therefore affect the setting of this part of the immediate area.

The considerable loss of trees on this site which contributes to the visual significance of the heritage assets through the proposed development of 9 dwellings is therefore considered to have a detrimental impact on the character of the site and locality.

The application site is an undeveloped parcel of land containing a number of mature trees that form an important part of the local landscape. These trees make a positive contribution to the visual amenity of the Linthwaite Conservation Area and to the setting of the adjacent Grade II listed building, Titanic Spa. The proposed development of nine dwellings would result in the loss of several of these trees and introduce built form that would be visible from certain public vantage points, thereby altering the character and setting of this part of the area.

The substantial loss of mature trees which contribute to the visual significance of the surrounding heritage assets through the development of nine dwellings is therefore considered to have a detrimental impact on the character of the site and its wider locality.

In addition, Policy LP33 of the Kirklees Local Plan seeks to protect trees and woodlands that are of significant amenity value from development that may directly or indirectly threaten them. The application site contains mature trees that could be adversely affected by the construction of nine dwellings. These trees form part of a wider woodland and possess a strong group identity due to their shared location and character. The introduction of nine dwellings would pose a direct threat to these trees, which make an important visual contribution to the character of the locality. Consequently, the substantial loss of trees on the site would have a detrimental impact on the area's visual quality and overall character, contrary to Policies LP24, LP33 and LP35 of the Kirklees Local Plan.

Given the site's steep gradient to the north, substantial groundworks would be required, raising concerns about the practicality and suitability of accommodating nine dwellings within the application site.

It is also important to note that the application site lies adjacent to the River Colne, which is classified as a main river. As such, the Environment Agency would require a permit under the Environmental Permitting (England and Wales) Regulations 2016 for development of this nature, given its location within 8 metres of the riverbank. In this context, it is considered unlikely that development within this 8-metre buffer would be

supported, as the introduction of new housing in such close proximity is likely to result in encroachment into the river corridor if development is located within the riparian zone.

Furthermore, the red line boundary directly abuts the Main River, which is located within Flood Zones 2 and 3. In this regard, Policy LP27 of the Kirklees Local Plan is of particular relevance. Policy LP27 of the Kirklees Local Plan states that:

‘Proposals within flood zone 3ai will be assessed in accordance with national policies relating to flood zone 3a but with all of the following additional restrictions:

- a. no new highly vulnerable or more vulnerable uses will be permitted;*
- b. less vulnerable uses may only be permitted provided that the sequential test has been passed and;*
 - i. where extensions are linked operationally to an existing business or,*
 - ii. where redevelopment of a site provides buildings with the same or a smaller footprint;*
- c. all proposals will be expected to include flood mitigation measures such as compensatory storage which should be identified and considered through a site specific Flood Risk Assessment;’*

In the absence of a submitted Flood Risk Assessment, the Local Planning Authority cannot be satisfied that the site is suitable or viable for the proposed development of nine residential dwellings, which constitute a more vulnerable use, particularly given the site’s immediate proximity to the River Colne and areas at elevated risk of flooding. As such, it has not been demonstrated that the proposal would be safe or would provide appropriate mitigation measures.

The proposal therefore fails to accord with the requirements of Policy LP27, LP34, LP52 and Chapter 15 of the National Planning Policy Framework, which seeks to conserve and enhance the natural environment and steer development away from areas at highest risk of flooding. In addition, a Sequential Test would be required and has not been undertaken, further undermining the acceptability of the proposal at this stage.

It is appropriate to consider the Local Planning Authority’s overall housing position. The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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 earlier assessment of the impact of the development in light of the loss of protected mature trees which make an important visual contribution to the character of the locality. In relation to Paragraph 11 of the NPPF and footnote 7, it is noted that through the application of policies in the NPPF Linthwaite Conservation Area is a protected area.

Policy LP7 of the Kirklees Local Plan states encourages efficient and effective use of land and buildings. The policy goes on to further state that ‘proposals:

- a) should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;
- b) should encourage the reuse or adaptation of vacant or underused properties;
- c) should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;
- d) will allow for access to adjoining undeveloped land so it may subsequently be developed’

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it required development to deliver homes in a sustainable way.

In this case nine dwellings are proposed for the site. It is acknowledged that nine dwellings would make a generous contribution to the Council's overall housing targets. However, as set out, the proposed development of nine dwellings would result in the loss of several mature trees that make a positive contribution to the visual amenity of the Linthwaite Conservation Area and the setting of the adjacent Grade II listed building, Titanic Spa. These trees form an important component of the local landscape and possess a strong group identity. The removal of these trees and the introduction of built form would have a detrimental impact on the character and visual quality of the site and its surroundings, contrary to Policies LP24, LP33 and LP35 of the Kirklees Local Plan and the chapter 12, 15 and 16 National Planning Policy Framework.

The harm identified would be considered to be greater than the economic, social and environmental benefits provided by the erection of nine dwellings.

The Local Planning Authority acknowledges the 2011/91323 planning permission, which granted consent for two dwellings along the site frontage directly adjacent to Manchester Road. However, this permission was not implemented. The area of existing hardstanding on the site, which formerly contained a water tank and pump house, may offer some potential for a limited scale of residential development. Nevertheless, the

current application proposes the erection of nine dwellings. For the reasons outlined above, including the loss of trees and the absence of sufficient information regarding the site's proximity to a Main River and its location within Flood Zones 2 and 3, the proposal cannot be supported in principle.

3. Other Matters

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. This matter would be dealt with at the Technical Details Stage.

Biodiversity

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

If any development is within 10 meters of the bank top, a Biodiversity Net Gain (BNG) Watercourse Assessment is also required.

The applicant is required to provide details of BNG at the Technical Details Stage.

All other matters would be dealt with at the Technical Details stage.

4. Representations

7 representations have been submitted and summarised below. The comments have been addressed:

- The application site lies within a conservation area comprising grassland, shrubs, and woodland.
- Visual concern to Grade II listed buildings

Officer comment: *These comments are noted and have been assessed within the 'Principle of development' and 'Principle of Residential Development' sections of this report.*

- The site contains priority habitat and is located adjacent to the River Colne.
- Ecological and biodiversity concerns have been raised by experts, who do not support the development.

- The site is considered important for nature conservation and should not be developed for housing
- The remaining natural environment, including trees and landscape, should be preserved to protect wildlife and residents' wellbeing.
- The proposed development would increase traffic and cause use, leading to increased air pollution.

Officer comment: *The above comments are noted. Although the Council's Ecology Officer noted uncertainty over whether the proposal could impact any sites designated under the Habitats Regulations, the Kirklees Mapping System does not identify the site as falling within such a designation. On this basis, impacts on protected habitats are not considered to be a constraint at this stage. It is, however, noted that a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) assessment will be required at the technical details stage which would provide detail on existing habitats. It is also noted that the loss of trees has been assessed within the 'Principle of Development' and 'Principle of Residential Development' sections of this report.*

- The application does not clearly demonstrate how the site would be accessed, as it is surrounded by existing buildings.
- Access via the Bargate end is likely to exacerbate traffic congestion on an already busy thoroughfare.
- Concern to access of the site and construction period

Officer comment: *Matters relating to access and highway safety can only be assessed at a technical details stage.*

- Manchester Road is a busy and noisy road; additional housing would increase noise disturbance for residents.
- Concern of loss of privacy

Officer comment: *Matters relating to residential amenity can only be assessed at a technical details stage.*

- Concern of shared access with existing residents

Officer comment: *This matter can only be addressed at a technical details stage.*

- Other brownfield sites within the area would be more suited

Officer comment: *This comment is noted.*

It is important to note that the only matters that can be assessed at this stage is limited to location, land use and amount of development.

Recommendation: Refuse Permission in Principle

Reason for Refusal

1. The proposed development of nine residential dwellings would result in the loss of several mature trees that make a positive contribution to the visual amenity of the Linthwaite Conservation Area and the setting of the adjacent Grade II listed building, Titanic Spa. These trees form an important component of the local landscape and possess a strong group identity. The removal of these trees and the introduction of built form would have a detrimental impact on the character and visual quality of the site and its surroundings. These adverse impacts are considered to demonstrably outweigh the limited benefits arising from the proposed development of a nine dwellings. The proposal is therefore contrary to Policies LP24, LP33 and LP35 of the Kirklees Local Plan and the chapter 12, 15 and 16 National Planning Policy Framework.
2. In the absence of a site-specific Flood Risk Assessment, Sequential Test and sufficient supporting information, the Local Planning Authority cannot be satisfied that the proposed development of nine residential dwellings, located adjacent to the River Colne (a Main River) and within areas of Flood Zones 2 and 3, would be safe or would provide appropriate flood mitigation measures. The proposal is therefore contrary to Policy LP27, LP34 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location plan	-	-	10 November 2025
Covering letter	-	-	10 November 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 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 negotiations were required to be undertaken during the application process as the application is a matter of determining the principle of residential development on the site.