

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:	2025/60/93016/E
Site Address:	Land Adj, 15, Burton Royd Lane, Kirkburton, Huddersfield, HD8 0TU
Description:	Outline application for residential development
Recommending Officer:	Elenya Jackson

DECISION – OUTLINE PLANNING PERMISSION GRANTED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 10-Jul-2026

Officer Report –

Land Adj, 15, Burton Royd Lane, Kirkburton, Huddersfield, HD8 0TU

Site Description

The application site relates to a parcel of land that is approximately 0.07 Hectares in size located on the Northern side of Burton Royd Lane.

The site is located on an unadopted road and is 120m east of Linfit Lane which is an adopted road.

The site is currently undeveloped; however, there is a derelict shed on site.

The site is located in between 15 and 23 Burton Royd Lane and is contained on all boundaries by a dry-stone wall albeit this is collapsing on the southern boundary.

To the north of the site is undeveloped and is read in the landscape as open fields as is the south and the land is located in the middle of a ribbon of residential dwellings.

The application site falls within the following planning designations and constraints:

- Green Belt
- Development low Risk Area Coal
- A bat alert layer
-

Description of Proposal

The Scheme

The applicant is seeking outline planning permission, the application would be for the following matters to be reserved (scale, appearance & landscaping) with layout and access to be agreed at this stage. The proposal is to establish the principle of development for one dwelling on the site. The proposed access would be from Burton Royd Lane.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Existing block plan
- Proposed indicative block plan
- Location plan
- Planning statement
- Climate change statement

History of Negotiations and Amendments Received

Officers asked for a passing place to be included in the proposed layout as the road is unadopted and to address highways concerns.

Relevant Planning History

On site:

89/02778: Outline application for detached dwelling. Refused.

2001/93365: Outline application for erection of detached dwelling with garage and alterations to highway. Appeal dismissed

2006/92544: Outline application for 1 no. Detached dwelling with garage. Refused

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application was publicised by site notice and via the Council's website. The statutory publicity period expired on 26th March 2026.

11 Comments received raising the following objections:

- Flood risk
- Current use of the land
- Application form inaccuracies
- Highway safety
- Inappropriate in the Green Belt
- Damage to unadopted road
- Impact on character of the area
- Impact on wildlife
- Impact on Biodiversity
- Impact on historical significance
- Land not representing previously developed land
- Land not being grey belt
- Previous planning history of the site
- Impact on protected species
- Drainage concerns
- Setting precedent for future development
- Site clearance undertaken

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Ecology and Biodiversity Team – Requested conditions are imposed on the application, and this will be discussed further in the report.

KC Highways Team – An informal consultation was held with them about this application on 1/04/2026. No further comments as the road is unadopted.

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

Allocation and Policy

The site is within the Green Belt as defined within the Kirklees local Plan (Adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

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
LP20 Sustainable travel
LP21 Highway and Access
LP22 Parking
LP24 Design
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP32 Landscape
LP38 Minerals safeguarding
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and Unstable land

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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

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 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- 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

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017
Biodiversity Net Gain Technical Advice Note 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1 – Principle of Development

Sustainable 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 explored.

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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 officer’s assessment.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations

Principle of development within the Green Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belt Land. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the

essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’”*.

Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- a) The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- a) There is a demonstrable unmet need for the type of development proposed (footnote 56);
- b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
- c) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157

Annex 2 of the NPPF defines Grey Belt as:

“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly

contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Meeting Green Belt Purposes – Land (Paragraph 155a)

Planning Practice Guidance (PPG) published 27 February pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes. In considering the contribution the land makes to the relevant Green Belt purposes the PPG sets out that for Paragraph 143:

- Purpose (a) - This purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas.
- Purpose (b) - This purpose relates to the merging of towns, not villages.
- Purpose (d) - This purpose relates to historic towns, not villages.

The areas with the closest proximity to the site are Kirkburton (village) about 1km south, Highburton (village) 1.5km west and Fenay Bridge (Village) 2km North.

The proposal is for one dwelling and is not in close proximity to any established residential settlements; however, it is considered that as the development is a stand-alone dwelling and significantly separate from the residential settlements, as such the land does not contribute to Green Belt purpose (a).

The land is substantially separated from neighbouring residential settlements. The PPG confirms that assessment against purpose b specifically relates to the merging of towns and not villages. The parcel of land is small land contributes to maintain separation between the dispersed rural settlements and is a substantial distance from any towns. The land therefore makes a weak contribution to purpose (b)

There are no designated historic towns in the immediate vicinity of the site. Kirkburton has a Conservation Area; however, the site is not visually or physically connected to any settlement that would meet the definition of a historic town for the purposes of (d). As a result, the land does not contribute to purpose (d).

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Therefore, the site may be considered grey belt for decision making purposes.

Meeting Green Belt Purposes – Development (Paragraph 155a)

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purpose (a), a weak contribution to Purpose (b), and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a wider area of Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

Officers consider that the development would be for a single dwelling located between two existing residential properties. The proposed development would introduce new built form and associated residential infrastructure including access into this parcel; however, it would be contained by existing boundaries and in-line with an existing ribbon of development along Burton Royd Lane and would not extend built form northwards towards open fields.

In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land which is situated in between existing residential properties to either side. The proposed residential development would therefore infill this piece of land within defined boundaries. On this basis, although the development would result in some localised visual change, the proposal would not result in significant material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area.

The site does not adjoin a large built-up area, and as such the development would not contribute to sprawl in the context of purpose (a). Although the land lies between local villages, these are not towns and therefore the proposal does not conflict with purpose (b), which relates to merging of towns. The site is not connected to the setting of a historic town, and there would be no conflict with purpose (d).

Therefore, the site may be considered Grey Belt for decision making purposes and must be assessed against the rest of paragraph 155 of the national planning policy framework.

Demonstrable Unmet Need and Sustainable Location (Paragraph 155b and 155c)

The proposal would be considered to utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; therefore, sub criterion (b), (c) and (d) are also relevant where the development is first considered to fall within the scope of 'grey belt' under Paragraph 155a.

With regards to Paragraph 155 (b), 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.

This shortfall is a material consideration and supports the principle of development on Grey Belt land, subject to the applicant demonstrating a specific unmet housing need. Footnote 56 of the NPPF requires evidence that the proposed dwelling would meet an identified need. The proposal would contribute a dwelling to the local housing supply. Given the evidential five-year supply shortfall, the proposal is considered to amount to a demonstrable unmet housing need. Whilst it is a limited contribution, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b)

It is acknowledged that the site has limited access to local transport services and local amenities due to its rural location. There is a bus stop 50m to the south east and the site but some local amenities such as shops would be preferential to be accessed by vehicles such as local and district centres. The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged that it would be dependent on private vehicle use, which would not be uncommon in a semi-rural/rural setting.

Taking into account the site's semi-rural character, its proximity to local facilities and services, and the limited scale of the proposal, the development is considered to occupy a reasonably accessible and sustainable location for the purposes of Paragraph 155(c) of the NPPF.

Very Special Circumstances

No very special circumstances are required in this instance due to the proposal not being considered inappropriate development in the Green Belt.

Principle of development – Conclusion

The site makes only a weak contribution to Green Belt purposes (a), (b) and (d), owing to its limited scale and the surrounding context described above. Although the introduction of residential development would inevitably introduce a more domestic character through built form and associated activity, the scheme would remain contained within the existing site boundaries, flanked on both sides by established residential properties and contained from the fields to the north and south. The layout ensures that parking and amenity areas are appropriately integrated with the proposed dwellings. As a result, the development would be well enclosed and would not lead to encroachment into the wider countryside.

There is a clear and demonstrable unmet need for housing within the borough, arising from the absence of a five-year housing land supply. The site also occupies a reasonably sustainable location.

Taking these considerations together, the proposal is judged to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is therefore acceptable in principle. As the scheme comprises one dwelling, Paragraph 155(d) does not apply

2 – Visual Amenity and Access

This section of the report assesses the proposed development in relation to its access arrangements and visual impact, having regard to both national and local planning policy.

As the application seeks outline permission for access and layout with other matters reserved, matters pertaining to, scale, appearance and landscaping would be formally assessed at the Reserved Matters stage. An indicative site plan has been submitted to support the application which demonstrates the proposed access arrangement and indicative layout of the development. The submitted plan allows for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of national and local planning policies.

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 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.

Of key importance, 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*.

Policy LP21 and LP22 of the Kirklees Local Plan relate to highways, access and parking. Policy LP21 requires development to be accessed effectively and safely by all users. It seeks to ensure proposals do not create or exacerbate highway safety issues, and that they integrate with the existing highway network while supporting sustainable modes of travel.

Policy LP22 sets out the requirement for adequate parking provision in line with the Council's adopted standards, taking into account the type of development, accessibility of the site, and the need to avoid highway obstruction.

Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Although landscaping is a reserved matter, Policy LP32 of the Kirklees Local Plan is of relevance. LP32 seeks to ensure that development responds to the landscape character of the area and incorporate appropriate landscape treatment. While full details will be considered at the reserved matters stage, the submitted plans allow for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of this policy.

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The application seeks outline planning permission for the erection of a single dwelling with all matters reserved with the exception of layout and access. As such, the detailed scale appearance and landscaping of the development will be determined at the reserved matters stage.

The site is located within an established ribbon of development along Burton Royd Lane, characterised by a mixture of stone built semi-detached and detached dwellings.

Properties along this frontage typically present a varied architectural character and are set back from Burton Royd Lane to form a consistent build line. In this context, the introduction of a single dwelling on the site is not considered to be inherently out of keeping with the prevailing pattern of development.

The application would need to consider the scale of adjoining dwellings when considering its maximum height and a street scene would be required to demonstrate the development would be acceptable in context.

Landscaping is also reserved for subsequent approval. It is noted that the site is enclosed by an existing stone wall and vegetated on its boundaries, which contribute to the character of the area. It is considered appropriate that landscaping details can be secured at the reserved matters stage.

It is considered that the site is capable of accommodating a dwelling that could be designed to respond appropriately to the established character and form of development along Burton Royd Lane. The detailed design, scale and appearance of the dwelling along with landscaping arrangement will be accessed at the reserved matters stage to ensure that the development integrates satisfactorily with the character of the area.

As such, it is considered that development in principle, is capable of respecting and enhancing the character of its surroundings including the landscape, contrary to Policy LP24 of the Kirklees Local

2. Impact on Residential Amenity

Sections 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 130 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 House Builders Design Guide sets out 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 text supporting this principle states that:

“For two storey houses typical minimum separation distances are advised:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;*
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”*

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

Neighbouring Amenity

There are two residential properties immediately adjoining the site and therefore it is likely a proposal could be designed which would not have a detrimental impact on the residential amenity of neighbouring residents.

As the proposal is seeking outline consent, it is not necessary for full demonstration of accordance with NDSS standards / amenity space provision. It is considered that these standards and a level of amenity space commensurate with the dwelling could be achieved at the site.

As such, it is considered that as the development is considered acceptable in principle, a dwelling could be accommodated on the site without material harm to the amenity of neighbouring properties with respect to daylight/sunlight provisions, overbearingness and overlooking and would be acceptable in relation to future occupiers in accordance with Policy LP24(b) and (c) of the Kirklees Local Plan and Chapter 12 of the NPPF 2024.

3. Highway safety

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impact on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

Access

Access to the development would be taken from the southwest side of the site frontage. The access is proposed to be widened allowing for a vehicle passing place to be created in front of the proposed dwelling without obstructing Burton Royd Lane. This arrangement is considered to be sufficient to support safe entry and egress to and from Burton Royd Lane and prevent vehicle conflict at the access point.

The application has been reviewed by KC highways, and it is considered that there are acceptable visibility splays onto Linfit Lane.

Internal Layout and refuse

The supporting plans demonstrate that the dwelling would be served with a bin storage area to the south and collection point, this has been sited near the site entrance for ease of collection by refuse services without obstructing the highway.

Parking

It is acknowledged that the proposal is for access and layout only at this stage. However, the proposal is shown to have three parking spaces upon a private driveway. The Kirklees Highways Design Guide recommends that dwellings with four or more bedrooms should provide three parking spaces; the level of provision shown is considered acceptable in principle, subject to consistency with the final number of bedrooms. Should larger dwellings come forward at reserved matters, any parking shortfall would need to be addressed through a revised layout or reduced scale.

No dedicated cycle parking is currently shown within the layout; however, given the size of the plots and the potential for rear garden access, it is considered feasible for secure cycle storage to be accommodated within each curtilage. Therefore, a condition will be attached to the decision to ensure compliance with national and local planning policy in this respect.

The proposed access is considered acceptable. The widened access and visibility splays meet the required standards, and the internal turning area is sufficient for emergency and service vehicles. The development is therefore

considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, the Kirklees Highways Design Guide SPD and Chapter 9 of the NPPF.

4. Contaminated Land

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

This site is not known to be at risk of concerns relating to contaminated land; however, due to the nature of the proposed development and ground works being required, officers consider it reasonable to add an unexpected, contaminated land condition to the application.

This would be required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. Flood and Drainage

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated flood zone and is identified via the Environment Agency's flood risk mapping as being at no risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this instance.

However, in accordance with Policy LP28 of the Kirklees Local Plan and the objectives of Chapter 14 of the NPPF, new development is still expected to incorporate sustainable drainage measures to ensure that surface water is appropriately managed and does not increase flood risk either on or off site.

A condition is proposed should the application receive permission to ensure parking areas are constructed in permeable material and appropriately drained in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

6. Biodiversity, Ecology & impact upon Tree(s)

Ecology

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

Chapter 15 of the National Planning Policy Framework 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. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

There are trees and hedgerows on the site, and protected species adjacent to the site and a preliminary ecological appraisal has been provided in support of the application.

KC Ecology have been consulted on the application and confirmed that further information is required prior to decision relating to additional botanical surveys and conditions are recommended relating to the protected species on site.

The additional surveys have been provided during the course of the application and reviewed by KC Ecology.

It is confirmed that the surveys provided are appropriate for development and conditions are required to ensure that an ecological design strategy is secured on site, a construction management plan (biodiversity) and a lighting strategy to ensure any lighting on site does not impact any protected species.

Subject to these conditions the proposal would accord with LP30 of the Kirklees local plan.

Biodiversity net gain

Regarding Biodiversity Net Gain (BNG), no BNG has been submitted with the application.

Officers note that the applicant has declared the scheme exempt from BNG requirements on the basis that it is a self-build development. While Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021) makes provision for self-build and custom-build exemptions, such exemptions are not automatic and require formal confirmation in accordance with Regulation 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This includes evidence that the proposed development meets the definition of Self-build and Custom Build under Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and will be occupied by the person commission its construction.

It is considered that on the basis the proposal is a self-build as set out in the submission documents, there would not be a requirement for BNG as set out in the aforementioned regulations. However, it is considered that a level of ecological enhancement would be required to be provided to ensure compliance with policies LP30 and Principle 9 of the SPD. Subject to inclusion of a condition requiring submission of a scheme of biodiversity net gain measures to be submitted pursuant with the Reserved Matters application for landscaping, it is considered the proposal would be acceptable in this regard and meet the requirements of the aforementioned policies.

7. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on

sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is an outline and matters relating to climate change would usually form part of the design details of a scheme and would inform how a proposal responds to climate change through energy efficiency, low carbon design and resilience measures.

While it is accepted that these details would be more appropriately considered at reserved matters stage; the applicant has provided a Climate Change Statement which sets out some overarching sustainability principles to demonstrate how climate mitigation and adaptation have been considered at this early stage. Any reserved matters submission would need to secure appropriate carbon reduction measures in line with the Kirklees Climate Change Guidance and the Council's declared climate emergency. This would also be expected in order to comply with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan.

8. Other Matters

None.

9. Representations

11 representations were received which raised the following concerns:

- Flood risk
Officer response: The site is not located in an area known to be at risk of flooding. The drainage of the site is required to be established in line with the drainage hierarchy to prevent any surface drainage issues arising from the proposed development.
- Current use of the land
Officer response: It is acknowledged that a current use of the land is suggested within supporting documents. However, officers have assessed the application to be Grey Belt land, and this does not require a former use to be considered.
- Application form inaccuracies
Officer response: Officers have reviewed the details contained within the application form and consider that they would not impact the assessment made of the application.
- Highway safety
Officers have reviewed the application with KC Highways, and it is considered that Burton Royd Lane is unadopted and matters pertaining to the use of this road would be a civil matter and where Burton Royd adjoins Linfit Lane has appropriate visibility splays and therefore no significant concerns would be raised on site.

- Inappropriate in the Green Belt
Officer response: The application site has been considered to accord with the definition of Grey Belt which means that development of this nature would not be considered inappropriate development.
- Damage to unadopted road
Officer response: This would be a civil matter between the owners of Burton Royd Lane.
- Impact on character of the area
Officer response: The proposal is for an outline permission for one dwelling whereby the design of the structure would be agreed at reserved matters stage. From the details provided, it is considered that an appropriately designed structure could be achieved on site.
- Impact on wildlife
Officer response: The application has been reviewed by KC Ecology as a preliminary ecological appraisal was provided to support the application and a botanical survey. Conditions are recommended on the application to limit any impact on wildlife.
- Impact on Biodiversity
Officer response: The application has been reviewed by KC Ecology as a preliminary ecological appraisal was provided to support the application and a botanical survey. Conditions are recommended on the application to provide enhancement opportunities on site.
- Impact on historical significance
Officer correspondence: The site is not in a Conservation Area or in close proximity to any Listed Buildings.
- Land not representing previously developed land
Officer correspondence: Officer have not assessed the application as previously developed land.
- Land not being grey belt
Officer response: The principle of this report sets out the assessment for the land to be considered grey belt.
- Previous planning history of the site
Officer response: Whilst planning history is a material planning consideration, applications must be assessed in line with the development plan and in turn the NPPF. The NPPF has been updated since the previous planning applications on site and the application has been assessed in accordance with this.
- Impact on protected species

Officer response: The application has been reviewed by KC Ecology as a preliminary ecological appraisal was provided to support the application and a botanical survey. Conditions are recommended on the application to limit any impact on wildlife.

- Setting precedent for future development
Officer response: Any future application would be assessed on their own merits.
- Site clearance undertaken
Officer response: There has been sufficient flora and fauna on site for an assessment to be made as the site was overgrown at the time of the site visit.

12. 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 not constitute inappropriate development in the Green Belt as it would be considered to be located within the Green Belt. The application is therefore considered to accord with Chapter 15 of the NPPF and Policies LP24 and LP32 of the Kirklees Local Plan.

Recommendation

Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/93016

Officer Recommendation: Approve

Conditions and Reasons:

1. Approval of the details of appearance, scale and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024. This is a pre-commencement condition to protect habitats and species during construction.

5. No development shall take place until an ecological design strategy (EDS) detailing mitigation and enhancement to be undertaken as part of the development has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and nature conservation objectives for the proposed works.
- a) Review of site potential and constraints.
- b) Detailed design(s) and/or working method(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance.
- h) Details for monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The EDS shall be completed in accordance with the approved details prior to the development being brought into use and all features shall be retained thereafter.

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024. This is a pre-commencement condition to ensure habitats and species are protected and appropriate biodiversity mitigation and enhancement measures are secured.

6. Prior to the installation of any external lighting on site, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the approved lighting scheme.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

7. The residential development hereby approved shall not exceed a maximum of one dwelling.

Reason: For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapter 12 of the National Planning Policy Framework.

8. 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 Chapter 15 of the National Planning Policy Framework.

NOTE: The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015. The first occupation hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

NOTE: Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF

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 (Kirklees Street Scene: 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: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE - The removal of any remaining vegetation should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	25/1229/01a	-	18/02/2026

Plan Type	Reference	Version	Date Received
Proposed Site Plan		-	4/06/2026
Botanical survey		-	18/02/2026
Preliminary Ecological Appraisal		-	18/02/2026

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 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. Officers requested an additional survey during the course of the application and for the access to be widened to create a passing place.