

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/93041/E
Site Address:	Land Adj, 2, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EP
Description:	Erection of detached dwelling with associated external works
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: 22 January 2026

Error! Filename not specified.

Officer Report

2025/93041 - Land Adj, 2, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EP

Site Description

The site is part of residential garden space of 2 Hopton Hall Lane. The area of development is located to the south of the existing dwelling. There are residential dwellings to the north, south and west of the site. To the east are open fields which are part of the Green Belt. The site contains 1no. protected tree (22/95/t45). There is a mild gradient that slopes from south to north.

2 Hopton Hall Lane is a large, detached dwelling. It is present on the 1922 County Series OS map, named as Park Farm. Residential development along Fairways and Chiltern Drive was erected in 1970/80s. Properties on these streets border the application site. They consist mainly of detached two-storey and 1.5 storey buildings.

Hopton Hall Lane is a road with a countryside character due to the traditional dwellings on the street, views towards open fields and trees that line the road.

The site is located in a bat alert layer, with a high risk coal layer .

Description Proposal

The applicant is seeking planning permission for erection of a detached dwelling and associated external works.

The proposed dwelling will have an 'L' shaped footprint. It will be 13.10m(w) x 24.50m(l). The front section of the house will have an eaves height of 4.20m and a ridgeline height of 8.00m. The rear projection will have an eaves height of 2.30m and a ridgeline height of 5.10m.

The roof design will be formed of a hipped-cross-pitched roof. A glazed front façade will be erected on the east facing elevation.

An access to the dwelling will be formed off Hopton Hall Lane.

In terms of landscaping details, a driveway will sit to the front of the dwelling, with a courtyard to the rear of the house. A grassed trim will remain around the dwelling. A stone wall will be introduced on its northern boundary, with other treatments remaining as existing.

Amendments/Negotiations

Officers requested the rear ridgeline of dwelling was dropped to reduce the visibility of the dwelling from aspects along Fair Ways.

- Proposed grouped plan (20)001 revA received 13/01/26
- Site section plan (70)001 revA received 13/01/26

The rear ridgeline was dropped by 0.5m, this was received and accepted by Officers.

- Block plan(20)002 revA received 20/02/26

Updated to show skylight windows on rear projection.

Public Representations

The application was advertised by neighbour notification letters, which expired on 19 December 2025. As a result of the publicity, 2 representations have been received. Comments are summarised below:

- The proposed dwelling is overbearing
- The dwelling is out of character with the surrounding properties.
- The property is too close to shared boundaries.
- There is scope for the dwellings to be moved further to the north away from other properties.
- There are windows that overlook towards neighbouring properties.
- Trees and shrubs will be removed from the site which provide screening.
- The revised entrance will be near to the boundary of a neighbouring property
- The revised entrance may damage the roots of existing trees.
- The revised entrance is on the bend of a busy road which may cause highway safety concerns.
- The system for the removal of foul sewage is unknown.

These comments will be assessed throughout the application, with Officer comments within the *Representations* section of the report.

Consultation Responses

The Mining Remediation Authority - No objection, subject to conditions for further intrusive investigations.

KC Trees – No objection, subject to a condition for an Arboricultural Method Statement to protect trees during construction.

KC Environmental Health – Comments brought forward from application 2025/90768, recommended full land contamination conditions.

KC Highways – Verbal comments brought forward from application 2025/90768. No objection.

Relevant Planning History

2025/90768 - Erection of detached dwelling and associated external works – Refused.

2024/93055 - Erection of detached dwelling and associated external works – Refused

Pre-application Advice

The applicant has previously received pre-application advice for residential development on the site, in 2019. Block plans were submitted, without the submission of elevation plans. The scale, position and layout of the indicative plans have changed significantly from when the advice was provided.

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 27th February 2019).

The site is unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

National Policies and Guidance

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.

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.

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 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations

- Kirklees Highways Design Guide SPD (2019).
- Kirklees Housebuilders Design Guide SPD (2021).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Gov Uk Biodiversity Net Gain Technical Guidance (2023).

The following matters are considered in the assessment below –

- 1) Principle of Development
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Issues
- 5) Representations
- 6) Conclusion

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 assessed.

The site is UNALLOCATED on the KLP Policies Map. Policy LP2 states that:

“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...”

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.

In this case, 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, a balance will be formed, within this assessment, against the benefits one dwellings would bring.

Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 3 dwellings. It is recognised that there are a number of constraints within the site, including a protected tree and aspects of highway safety due to the access onto Hopton Hall Lane. There are large, detached dwellings off Hopton Hall Lane and a sense of openness throughout the area. Therefore, for the purposes of density, 1 dwelling would be acceptable providing the plans meet the requirement of footnote 8 of the NPPF.

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...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Previous iterations of residential development in this plot have been submitted and assessed under applications 2024/93055 & 2025/90768. In respect of the proposed, the rear gable-end has been reduced in height by 0.50m, the rear projection has been reduced in width by 3.20m and ridgeline dropped by 1.00m. In addition to the changes of the dwelling, the boundary of the plot has been increased to the north by 2.20m. These are additional changes on top of amendments received and assessed under 2025/90768.

Application 2025/90768 was previously refused for the following reason

1. The development, due to scale and roofline, would introduce a form of development that fails to consider the wider existing urban grain and topographical features of the landscape. Introducing such a development would harm the sense of place along Fairways, appearing cramped within its locality introducing a scale that departs from the existing character found within the local site context. It would therefore be contrary to Principles 2, 4, 5 & 15 of the Kirklees House Builders

Design Guide Supplementary Planning Document, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Hopton Hall Lane is a single lane road with a countryside character due to the traditional dwellings on the street and views towards open fields. This character is further enhanced by the mature trees that run along the roadside. There are large detached and semi-detached properties on the street. The density of the late 20th century dwellings to the south and west increases slightly, however there is still an open character to the dwellings due to the generous side space and front gardens.

Principle 4 regards density in a visual sense, paragraph 7.2 states, *‘Density should positively respond to the scale, form and massing of the surrounding locality’.*

In terms of the proposed dwelling and relationship with the plot and wider context, the reduction in overall volume and increase in scale of the land is considered to benefit the proposal in terms of accommodating the development within the surrounding built and natural landscape. It relates to the scale of 2 Hopton Hall Lane, maintaining the low density of housing at this particular point in the street whilst being sufficient in plot size.

Principle 5 regards the coherence of layouts and the visual connection to surrounding areas. Section plans (70)001 revA indicates the ridgeline of the rear gable-end and projections, it has been sufficiently reduced when considering the distance from properties along Fairways allowing for long distance views across the valley to the north the visual connection to the surrounding area is preserved.

Principle 13 of the Kirklees Housebuilders Design Guide SPD states *‘applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.’*

External materials will be stone walling, with stained wooden edge boards details. The roof will be clad in stone slates. In addition, there will be a large wooden glazed frame on the east elevation. Materials maintain the rural character of Hopton Hall Lane, they have an acceptable finish.

Principle 15, *the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.*

The roofline has been further reduced by lowering sections to the rear of the building when compared with proposal 2025/90768. These changes reduce the visibility of the rear projection, the predominant section of the projection sits relatively level and away from the boundary treatment to the south. The ridgeline of the main building is acceptable due to its sitting, and hipped shape drawing mass away from the boundary.

Landscaping is an important aspect of visual amenity. The property will be visible from Hopton Hall Lane which has a countryside character. The dwelling is sufficiently set back from the roadside, the plot will retain a mature tree, landscaping and the stone wall to the front boundary.

The development is considered to have overcome reason for refusal no.1 2025/90768, it complies with LP24a & c of the Kirklees Local Plan, principles set out in the Kirklees Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

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

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 SPD also provides advised separation distances for two storey dwellings:

- 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.

The properties affected will be 2 Hopton Hall Lane, 1 Fairways, 3 Fairways, 5 Fairways, 4 Chiltern Drive.

Impact on 2 Hopton Hall Lane

2 Hopton Hall Lane sits 18.80m to the north of the application dwelling. In terms of privacy, there is a window within the north facing gable-end which the floorplans indicate will be a bathroom. In order to protect the privacy of neighbouring inhabitants and neighbouring occupants, it will be conditioned that bathroom/ensuite windows are obscurely glazed. In terms of the north facing ground floor windows,

A 1.20m stone wall will be erected between the properties which are currently under shared land ownership. It is recognised there will be views from side elevation windows towards the outdoor residential space of 2 Hopton Hall Lane. If the ownership of the two houses changes in the future, further treatments can be provided.

Impact on 1 Fairways

1 Fairways rests to the south of the dwelling, it is positioned at a 45oC angle to the application dwelling. In terms of privacy there are three proposed skylights on the south facing roof plane of the proposed property. Two of these windows light a void area that lights the ground floor. The third will light an en-suite which will be glazed. Additionally, there will be several ground floor windows on the south facing elevation. Section plan (70)001 revA indicates these windows will be sufficiently screened due to the landscaping works and existing fencing along this elevation. Due to these mitigations, there will be no impact to privacy.

When taking a measurement from the top of the boundary treatment, there is a separation distance of 5.40m from the gable of the rear projection, the pitched roof shape draws mass further away from the boundary. Due to the distance, there will not be a loss of light, outlook or an overbearing impact.

Impact on 3 Fairways

3 Fairways is a 1.5 storey property located to the south of the rear projection of the proposed dwelling. Rear facing windows have a direct relationship to the application property. Ground floor windows are proposed, as well as the skylight previously discussed. Due to the use of the skylights and landscaping works, there will be no impact in terms of privacy.

As indicated on Section plan (70)001 revA the rear projection of the dwelling is 5.80m from the top of the shared boundary, therefore there will not be a loss of light or outlook, or an overbearing impact when considering the distance from rear facing windows or when the garden is in use.

Impact on 5 Fairways

5 Fairways is located to the south-west of the application dwelling. There are no windows with a direct relationship facing towards the property.

The property boundary is 6.30m from the end of the rear projection. Rear facing windows are an appropriate distance away from the boundary and will not cause a loss of privacy. Additionally, the proposed development will not lead to a loss of light or outlook or be overbearing.

5 Chiltern Drive

5 Chiltern Drive is located to the north-west of the development site. The plot shares its boundary with the west of the development site. Windows of the rear projection will be from high level skylights, the nearest is 6.60m from the boundary, angled away. It is not considered these windows will impact upon privacy due to the height and angle of outlook.

Additionally, the property is distanced appropriately, so not to lead to a loss of outlook, light or be overbearing.

Amenity of the Proposed 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). Space standards indicate a 2 storey dwelling with 3 bedrooms requires a minimum internal floorspace of 74m².

Double bedrooms must be at least 11.5m² with the first being a width of 2.75m.

The internal space of the dwelling exceeds the minimum space standards set out within NDSS.

Notwithstanding this, an assessment should not just be conformed to a numerical calculation but of the quality of the functionality of habitable space. All bedrooms have a good flow of natural light from window openings and are spacious to allow for storage and walkways.

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.”*

In terms of outdoor space for the enjoyment of occupiers, the dwelling includes a courtyard to the rear which is considered private. This area is spacious allowing for a suitable enjoyment for the number of potential occupants.

Having considered the above factors, 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 and Chapter 12 of the NPPF.

Impact on Highways 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 proposed access has been narrowed since previous applications however it allows for the same number of vehicles to use the access at one time. Visibility splays have been provided. Previously KC Highways raised no concerns in relation to the access, safety of Hopton Hall Lane or number of vehicle spaces. These comments have been taken forward.

Whilst the position of the access has been marginally changed due to the reduced width of the egress, visibility splays are indicated on Block Plan (20)002 revA indicate visibility has not impacted the ability for merging drivers to see down Hopton Hall Lane. There is suitable parking within the site. Bin storage areas and collection points do not obstruct the highway. The plans therefore accord with LP21 & LP22 of the Kirklees Local Plan.

Environmental Matters

BNG & Ecology

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from exemptions as set out by The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024 due to its custom self-build exemption.

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.

The application site is located in a bat alert layer on the Council's GIS mapping system. In order to provide a habitat it will be conditioned a bat box is installed on the building to comply with LP30.

Historic Coal Legacy

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site falls within a high-risk development area. A Coal Mining Risk Assessment was subsequently submitted and reviewed by The Mining Remediation Authority. The report identifies a risk to the proposed development from possible past unrecorded shallow and surface mining activity.

The Mining Remediation Authority recommended suitable conditions to determine the extent of any works or mitigation that may be required which will be included as part of the decision for approval. It is recommended appropriate conditions should be attached.

Trees

Policy LP33 relates to the protection of trees. One tree within the site of the proposed development (Land adjacent to 2 Hopton Hall Lane, Mirfield, West Yorkshire, WF18 8EP) is subject to Tree Preservation Order [TPO Ref. 22/95/t45].

KC Trees were consulted to assess the impact of the development on the protected tree and other shrubs that are to be removed from the site.

They confirmed the new layout avoid impacts to the protected tree at the entrance to the site. They recommended an updated AIA report is submitted accompanied by a Arboricultural Method Statement detailing methods to protect the tree. Considering there are no natural or physical barriers to protect 22/95/t45 a condition is recommended to comply with LP33.

Contaminated Land

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 198 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

A Coal Mining Assessment authored by Envirosolutions (2nd December 2024, ES03459) has been received in support of the application. The report identifies a potential risk from shallow coal, coal workings, and mine entries

associated with two coal seams. KC Environmental Health reviewed the report under 2025/90768. As the report identifies a potential risk from shallow coal, coal workings, and mine entries associated with two coal seams there may be a potential risk to end users. For these reasons, should the application be approved contaminated land conditions and a footnote issued.

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

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.

A climate change statement has been submitted as part of the application which details the intended measures to be incorporated, including solar panels. It is considered the details are sufficient to comply with principle 18 of the Kirklees Housebuilders Design Guide.

Representations

It has been considered whether the objections brought forward would have a material weight to the decision for planning permission.

Material weight has been considered for the following, assessments are concluded in the paragraphs above;

Visual Amenity

- The dwelling is out of character with the surrounding properties.
- The property is too close to shared boundaries.
- There is scope for the dwellings to be moved further to the north away from other properties.

Officer Comment: The proposal is considered to comply with relevant national and local policy in terms of visual amenity due to the increase in plot size and reduction in volume.

Residential Amenity

- The property is too close to shared boundaries.
- The proposed dwelling is overbearing
- There is scope for the dwellings to be moved further to the north away from other properties.
- There are windows that overlook towards neighbouring properties.
- The revised entrance will be near to the boundary of a neighbouring property.

Officer Comment: It is not considered that the development will lead to a negative impact in terms of residential amenity.

Highway Safety

- The revised entrance is on the bend of a busy road which may cause highway safety concerns.

Officer Comment: The revised access is fundamentally the same as that previously assessed. KC Highways raised no concern in terms of highway safety or parking.

Environmental Matters

- Trees and shrubs will be removed from the site which provide screening.

Officer Comment: Existing trees to be retained are identified on block plan (20)002 revA. There are sufficient existing boundaries in place and proposed so that privacy would not be impacted if soft landscaping is trimmed.

- The revised entrance may damage the roots of existing trees.

Officer Comment:

Other Matters

- The system for the removal of foul sewage is unknown.

Officer Comment: The Council's GIS mapping system indicates a mains sewer runs along Hopton Hall Lane. There are no planning concerns in consideration of the removal of waste sewage

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

Approve

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, LP3, LP7, LP21, LP22, LP24, LP30, LP33, LP51, LP52, LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. No above ground development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, in order 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.

4. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: 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. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk

Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, in order 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.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, 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.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: This is a pre-commencement condition to ensure adequate remediation measures are considered at an appropriate time, 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.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks 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 shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: This is a pre-commencement condition to ensure adequate remediation measures are considered at an appropriate time, 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.

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

10. Development shall not commence until an updated Arboricultural Impact Assessment and Arboricultural Method Statement, has been submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details on how the work will be undertaken to minimise damage to the retained trees. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: This is a pre-commencement condition to ensure the protection of trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan.

11. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing ref 70(001) revA. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development.

Reason: In the interests of visual amenity and the amenity of neighbouring occupiers to accord with Policy LP24 of the Kirklees Local Plan, principle 6 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

12. The external building materials of the dwelling hereby approved shall accord with the material key and elevation drawings identified on proposed grouped plans (20)001 revA.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles of the Kirklees Housebuilders Design Guide SPD and the aims of chapter 12 of the National Planning Policy Framework.

13. The development shall not be occupied until the W/C/bathroom windows in the dwelling hereby approved dwellings have been obscurely glazed (to a minimum Grade 4). 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) shall thereafter be retained.

Reason: To protect the privacy of future and neighbouring occupiers and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the Kirklees Housebuilders Design and the aims of the National Planning Policy Framework.

14. The boundary treatments of the development shall be in accordance with those detailed within submitted block plan ref (20)002 revA. The development shall not be brought into use until the boundary treatments details upon submitted drawing ref (20)002 revA have been completed. The boundary treatments shall be thereafter retained and maintained for the lifetime of the development in accordance with the details upon drawing ref (20)002 revA.

Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5, 6 & 8 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

15. Prior to the occupation of the development hereby approved the access and driveway shall be laid out in accordance with the approved details indicated on drawing ref (20)002 revA and maintained and retained for the lifetime of the development.

Reason: In the interests of visual amenity and traffic safety and to comply with Policy LP21, LP22 & LP24 of the Kirklees Local Plan and Chapters 9 & 12 of the NPPF.

16. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives and access road on (20)002 revA are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework

17. One 'Schweglar' bat box shall be incorporated into the north facing elevation of the dwelling hereby approved during the construction phase; it shall be located away from sources of light and be sited at least 4 metres above ground level. The bat box shall be provided prior to first occupation of the dwelling to which it relates and thereafter retained.

Reason: To enhance the biodiversity of the site in accordance with Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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: 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.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

NOTE: Due to its location, a bat roost may be present on site. bats are a European protected species under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or

obstruct access to any place used by bats for shelter, whether they are present or not. If bats are found, then Natural England should be contacted.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan			
Location plan	(EX)001	-	07 November 2025
Proposed block plan	(20)002	revA	20 January 2026
Proposed grouped plans	(20)001	revA	13 January 2026
Proposed site sections	(70)001	revA	13 January 2026
Climate change statement	-	-	07 November 2025
Coal Mining Risk Assessment	-	-	07 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. Amended plans were received and accepted throughout the decision making process.

