

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:	2025/62/93080/E
Site Address:	adj, 141, Toftshaw Lane, East Bierley, BD4 6QS
Description:	Demolition of existing storage building and erection of detached dwelling (retrospective)
Recommending Officer:	Elenya Jackson

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 29-MAY-2026

Officer Report

Site Description

The application site resides to the rear (south-west) of no.141 Toftshaw Lane, Bradford, BD4 6QS.

The site was previously occupied by a large corrugated metal outbuilding which was used as a stable and storeroom. The site also features several kennels.

The site resides to the north-west of Birkenshaw and there are several large commercial units 100m to the north of the site.

The immediate street scene is residential in nature and encompasses a variety of dwelling types. The properties are not uniform in appearance; however, there is some consistency with regards to construction materials.

The site is located within the Green Belt, a High Risk coal area and a biodiversity opportunity zone.

Description of Proposal

This application has been received for the demolition of the existing stable and its replacement with a single dwelling with associated landscaping. The application is part retrospective as works have commenced on site for a previous planning application which did not discharge its pre-commencement conditions.

The proposal would largely occupy the same footprint as the existing stable, it's width across the north and south elevation would be 8.4m and its depth along the east and west elevation would be 15.3m.

The proposal would feature a pitched roof which would create a gable end along its northern and southern elevation. The maximum height of this would be approximately 4.3m.

The proposal would be constructed with natural stone, a grey slate roof and chartwell green UPVC windows.

The proposal would also feature hard standing to access the site and the garden.

History of negotiations/amendments received

N/A

Relevant Planning History

2023/91051: Erection of single storey rear extension and extension of existing raised patio. Conditional full permission.

2021/94555: Demolition of existing buildings and erection of detached dwelling. Conditional full permission.

2012/90073: Demolition of existing stable/storage block and erection of dwelling with detached garage and septic tank. refused

2013/90344: Erection of stables and formation of riding arena. Refused

2013/91344: Erection of stables and formation of riding arena. Conditional Approval

2013/93482: Erection of extension to form Granny annexe. Conditional approval

Representations

The application was advertised by a site notice which expired on 12/12/2025. No comments were received as a result of site publicity.

No comments were received throughout the application process and the application was therefore progressed.

Consultation Responses

KC Ecology: As the application is retrospective, there are no comments made.

KC Environmental Health: No objection subject to conditions/informative

The Mining Remediation Authority: Requested an informative is added to the decision notice should planning permission be granted.

Policy

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 located within the Green Belt.

Kirklees Local Plan:

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 20 – Sustainable Travel
LP 21 – Highways Safety and Access
LP 22 – Parking
LP 24 – Design
LP 28 – Drainage
LP 30 – Biodiversity and Geodiversity
LP 43 – Waste Management Hierarchy
LP 51 – Protection and Improvement of Local Air Quality
LP 52 – Protection and Improvement of Environmental Quality
LP 53 – Contaminated and Unstable Land
LP57 – The Extension, Alteration or Replacement of Existing Buildings
LP59 – Brownfield Sites in the Green Belt
LP60 – The Re-Use and Conversion of Buildings

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.

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 Healthy and Safe Communities
Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Efficient Use of Land
Chapter 12 – Achieving Well-Designed places
Chapter 13- Preserving the Green Belt
Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
Chapter 15 – Conserving and Enhancing the Natural Environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Supplementary Planning Guidance

Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which

includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Housing supply:

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.

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 strong 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 weighs in favour of housing development but has to be balanced against any

adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment.

Policy LP7 of the Kirklees Local Plan states that proposals should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

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 Council's 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. Although the Council is not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

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.

Green Belt

The site is located within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development for the purposes of the NPPF and Kirklees Local Plan
- The effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area
- If found to be inappropriate development, whether the harm by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development

Is the development inappropriate in the Green Belt?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, these are as follows:

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

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. 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.

Exemptions

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless the proposal accords with one of the exemptions outlined in paragraphs 154 and 155.

Consideration of paragraph 154

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant, this has been supported by the planning statement provided:

- (g) Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

Officers have reviewed the previous report for this site and understand the proposal was assessed against LP60 of the Kirklees Local Plan which refers to the conversion of buildings however, it is considered that LP59 would be more appropriate in this instance as the previous structures on site were removed and LP57 of the Kirklees Local Plan states that replacement buildings in the Green Belt should be within the same use.

Policy LP59 of the Kirklees Local Plan refers to the re-development of brownfield land. This policy states that proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that: in the case of infilling, the gap is small and is located between existing built form on a brownfield site; in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

From reviewing the site history and the previous assessment of application 2021/94555, it is considered that the scheme was assessed as follows:

‘The proposal would include the demolition of the existing equestrian facilities on the site and its replacement with a single storey domestic dwelling which will continue to be accessed by the existing access on Toftshaw Lane’.

The proposal would occupy approximately 91% of the original footprint of the equestrian building and would have a maximum height 21cm smaller than the existing building. The overall volume of the proposal would be 80% of the original structure.

The proposed domestic curtilage would include an element of hard standing to provide parking for the property; however, the extent of the curtilage proposed to support the dwelling would be less than that defined working areas of the equestrian site.

The proposal would be located largely in the same position on site as the existing equestrian building which is to the rear of the residential dwellings along Toftshaw Lane and therefore would not increase the sites prominence within the Green Belt.

Further details of the hard landscaping including boundary enclosures are recommended to be conditioned so as to protect the openness of the Green Belt and should permission be granted. Furthermore, it is considered necessary and justified to remove permitted development rights for means of enclosures also so as to preserve the open and agricultural character of the area.

This application is therefore consistent with the provisions of paragraph 154, representing a low-impact, site-specific response to demonstrated local needs, without compromising the integrity or long-term function of the Green Belt.

The proposed development would therefore constitute an acceptable form of development in the Green Belt. As outlined in paragraph 153 of the NPPF, "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

In this case it is considered that the site has previously received permission for a similar a development of the same use and the changes to the National Planning Policy Framework are not substantive in a way that would warrant refusal on the application. In this case, officers consider that this would constitute the existence of very special circumstances. It is therefore concluded that the principle of development is acceptable. Notwithstanding this, a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below

Conclusion

It is considered that the principle of the development would be acceptable however further assessment is required regarding the impact upon heritage, visual amenity, residential amenity and access / highway safety considerations, as well as all other relevant considerations.

Visual Amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 126 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...”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines 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.

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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context and Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

The previous application, 2021/94555, was assessed as follows:

'The existing structure is marginally visible along Toftshaw Lane; however, it is usually contained behind a gate which belongs to 141 Toftshaw Lane and it is set back from the street scene. However, officers consider that the proposal would be visible from the public realm.

The proposal would be constructed predominantly out of natural stone which is in keeping with neighbouring dwellings; however, it would also feature an element of grey render along its southern and northern elevation. Other properties within the vicinity also feature rendered elevations which are visible within the street scene and it is therefore considered that to the proposed materials would not be overly contrasting to the prevailing character of the area. However, a condition will be added should the application receive permission to ensure the proposed materials intergrate with the context of the site

The proposal would not be in line with existing development in the street scene and therefore would not interrupt any existing building lines, it is considered that the reduction in scale (footprint and roof height) compared to existing development would aid the proposals assimilation within the plot and prevent it from dominating the site.

Should permission be granted, it is considered necessary to remove permitted development rights for extensions, outbuildings and new windows to the barn building so as to prevent unsympathetic alterations to the building that would erode its character and to preserve the open character of the locality.

Given the above, the proposal is considered to be in accordance with Policies LP24 and LP59 of the Kirklees Local Plan and Chapters 12 of the NPPF'.

It is considered by officers that the scheme has been amended since the previous permission to remove the render and change the windows to chartwell green. However, the assessment above from the previous permission is relevant in this case of the overall visual amenity impact.

Details of the proposed materials have been provided on the plans and they are considered acceptable for the setting of the site and a condition is not required.

Officers consider it appropriate and justified to remove permitted development rights for this application due to it being an infill dwelling in the Green Belt.

Given the above, the proposal is considered to be in accordance with Policies LP24 and LP59 of the Kirklees Local Plan and Chapters 12 of the NPPF.

Residential Amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. Further to this, 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.”

In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder’s Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

141 Toftshaw Lane: adjoins the application site to the north.

Overlooking: The proposal would not feature any windows in its northern elevation; however, there would be side facing windows in the proposal’s eastern elevation. It is considered that due to these windows being situated approximately 18m from the projection at no.141 and angled away from the dwelling, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would be situated 20.7m away from the main dwelling at no.141. Due to the separation distances between the proposed dwelling and no.141, no significant issues would arise regarding overshadowing loss of light or overbearing.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise

generated during the construction process. To avoid this, it is recommended that in this instance a footnote is added advising that such works are limited to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays. This approach is supported by KC Environmental Health. In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Future Occupiers

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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.

Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.” Further to this, 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.”

National space standards require the following gross internal floor area for a two bed one storey dwelling:

- 2 Bedroom, 3-person dwelling set over 1 storey- 61 square metres
- 2 Bedroom, 4-person dwelling set over 1 storey- 70 square metres

The proposed floor plans show the proposal would have two bed spaces and therefore is required to have an internal floor space of 70m², which the development would comfortably exceed due to having an internal floor space of approx. 116m².

The proposed development, subject to conditions, is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site has residential properties in the wider area and the occupiers of these could potentially be disturbed by noise generated during the construction process. To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the

hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Plan Policies LP24 and Chapter 12 of the National Planning Policy Framework.

Impact on Highway Safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

The 2021 application for a similar development was assessed as follows:
'KC Highways DM have been formally consulted as part of this application, as the proposal would intensify the domestic use at the site. They have raised no objections subject to conditions.

Bradford MDC were also consulted on the application to assess the impact on the highway network as Toftshaw Lane is within their ownership. No comments were received in response to the consultation.

A condition has been requested to be attached to the decision to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

KC Highways DM have requested a condition be added to the application which outlines the storage of bins on site as this has not been presented on the plans.

The proposed off street parking arrangement is considered to be acceptable and therefore the application can be supported subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide'.

There have not been substantial changes since the previous application and therefore the above assessment is still considered accurate.

It is considered that the aforementioned conditions would still be appropriate in this instance and are recommended to be applied to the current application should planning permission be approved.

In view of the above it is considered that, the proposal would be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

Other matters:

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 pre-dates 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.

The proposal is for the erection of one dwelling. The details provided in the climate change statement are considered sufficient. This would comply with the aims of policies LP24 and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Biodiversity Net Gain/Bats/ Ecology

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good

design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

Officers have consulted with KC Ecology on the application as the site is located within a bat alert layer on the Council's GIS system. KC Ecology have commended that as the proposal is retrospective they have no additional comments to provide.

Due to the site being within a Bat Alert layer on the councils GIS system, officers consider it reasonable to recommend conditions requiring ecological enhancement on site. Therefore, a condition is recommended on the application relating to the inclusion of one bird box per dwelling and one bat box.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions. In this case, the dwellings would constitute a self build and therefore biodiversity net gain is not required on site.

Officers will add a note to the decision notice regarding the dwellings being a self-build.

Contaminated land/Coal Mining Legacy:

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.

Part of the application site is located in a high risk coal area and a Coal Mining Risk Assessment has been provided in support of the application.

This has been reviewed by the mining remediation authority and an informative note has been requested to be added to the decision notice.

Due to the site being partially located in a High Risk Coal area, KC Environmental Health have been consulted on the application. They have reviewed the documents provided and conclude that, On the basis of the professional judgement of the report author and the evidence and interpretations presented in the Ground Investigation Report (desk based and intrusive) by Soil and Structures, dated 05 September 2025 (V01), Environmental Health have no objection to the proposal. We note the report considers the need for controls in relation to unexpected contamination and therefore recommended an unexpected contaminated land condition is added to the decision notice.

The applicant is reminded that in-line with paragraph 197 of the National Planning Policy Framework, the responsibility of ensuring safe development remains with the developer.

Subject to the imposition of conditions, it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Representations:

No comments received

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 development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/62/91126/E

Officer Recommendation: Approve

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP24, LP59 of the Kirklees Local Plan, the Kirklees Housebuilder's Design Guide SPD and advice within the National Planning Policy Framework.

1. The development shall be carried out in accordance with the material details submitted. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained.

Reason: In the interests of visual amenity to accord with Policy LP 24 of the Kirklees Local Plan, the Kirklees Housebuilder's Design Guide SPD and guidance contained within the National Planning Policy Framework.

2. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP22 of the Kirklees Local Plan

3. Before occupation of the new dwelling, one electric vehicle recharging point shall be provided within the parking areas for each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP 21 and LP24 of the Kirklees Local Plan

4. The surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be undertaken to ensure that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: To ensure the provision of an adequate drainage system in the interests of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. A single bat box, in the form of a Schweglar type 1FR bat box or similar, shall be installed integral to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained.

Reason: To ensure that there are no harmful effects on bats which are a protected species and to ensure that appropriate mitigation and enhancement measures are incorporated into the development, in accordance with Chapter 11 of the National Planning Policy Framework

6. A sparrow terrace nest box shall be installed integral to the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained.

Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework (NPPF).

7. Notwithstanding the submitted plans and information, details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: In the interest of visual amenity and to ensure that the development would not encroach into the wider Green Belt and therefore impact adversely upon its openness, in accordance with Policies LP 24 and LP 59 of the Kirklees Local Plan as well as the aims of chapters 12 and 13 of the National Planning Policy Framework

8. Prior to development commencing on the superstructure of the proposal, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning

Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To accord with Local Plan Policy LP 24 of the Kirklees Local Plan and the aims of chapters 12 of the National Planning Policy Framework

9. If contamination, or evidence of coal workings is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

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: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions

Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

Approval of EVCPs under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

NOTE: All Bats and their roosts are fully protected under the EC Habitats Directive, transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017. It is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement.

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: 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: No construction related noise shall be audible beyond the site boundary outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

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 and Existing Site Plan, Elevations and Floor Plan	01	b	5/11/2025
Proposed Site Plan	M02		5/11/2025
Proposed Elevations and Floor Plan	M01	A	5/11/2025
Ground Investigation Report	01		5/11/2025
Planning Statement	02		5/11/2025
Transport Assessment			5/11/2025
Climate Change Statement			5/11/2025
Design and Access Statement			5/11/2025

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

No amended plans were requested during the course of the application