

**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:	2025/62/93108/W
Site Address:	Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AS
Description:	Demolition of existing stables and erection of detached dwelling
Recommending Officer:	Danielle Cooper

DECISION – Ful 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: 3-Jun-2026

Site Description

The site comprises a paddock, stables and area of hardstanding. The existing development benefits from planning permission granted following an appeal.

The site occupies a lower ground level than Penistone Road, the highway from which the site is accessed.

Existing mature trees and vegetation are situated along the eastern boundary.

It is bordered by Fenay Bridge public house and its car park to the northwest, across the highway to the east woodland and residential properties and otherwise surrounded by fields and wooded tracts of land to its west with hills beyond.

The site is within the Green Belt and the Strategic Green Infrastructure Network. The red line boundary also includes an ordnance survey water feature identified as 0059 Inland water edge/limit.

Description of Proposal

The application is seeking planning permission for the demolition of existing stables and erection of detached dwelling.

The proposed rectangular dwelling will be situated at the end of the turning area for vehicles and will cover a floor area of 215.33sqm. The dwelling will be single storey in height with dormers within the roofscape - 2 to the rear and 1 to the front. A glazed entrance is proposed. The overall height of the building will be 7m and eaves of 3m. The dwelling would be finished in wooden cladding with a slate roof.

The existing access will be utilised with a new 1.8-metre high gates and stone boundary walls with piers.

The layout allows for vehicles to enter and turn within the site, with three off-street parking spaces proposed and a dedicated turning area. Surfacing comprises permeable tarmac to the hardstanding, with a grass-crete driveway and paved areas serving the dwelling.

History of Negotiations

As requested by KC Ecology, KC Trees and KC Highways, the agent submitted additional plans and documents including a Preliminary Ecological

Assessment, an Arboricultural Report and a site plan showing visibility splays and bin collection.

The information was reviewed by the relevant consultees and considered acceptable. Due to the nature of the information requested, further publicity was not deemed necessary.

Relevant Planning History

2022/90494 - Erection of stables – Refused – Appeal Upheld

Representations

The application has been advertised by site notice. Final publicity expired on 31st December 2025. One representation was received by a Ward Councillor at the time of their submission, Alison Munro. The comments have been summarised below:

- The site is located next to Fenay Beck.
- There are trees located on site.
- Where will the existing stables be relocated as they own land surrounding the site.
- Removal of the stables will release carbon.
- No special circumstances have been provided to demonstrate the proposal would be acceptable within the green belt.
- The stables is an agricultural building that it of a temporary build.
- Concern of wildlife and habitats.
- Existing trees have been removed.
- Concern that the proposal will result in increased flooding and that it is within a flood zone area.
- The applicant may not own the land.
- Concern the existing access is not suitable.
- Concern of multiple cars parking at the site.
- Concern of an existing gravel drive being laid without permission.

Kirkburton Parish Council – No comment.

Consultation Responses

KC Ecology – No objection subject to conditions

KC Highways Development Management – No objections.

KC Highway Structures – No objections

KC Environmental Health – No objections subject to conditions relating to a noise impact assessment and reporting of unexpected contamination, construction times and electric charging vehicle points to be installed.

KC Trees – No objection subject to an Arboricultural Method Statement to be conditioned.

KC Lead Local Flood Authority – No objection subject to a condition relating to sustainable Drainage/Soakaways.

The Environment Agency – No objection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

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

The site is designated as Strategic Green Infrastructure Network.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP33 – Trees
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land.
- LP59 – Brownfield sites in the Green Belt

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

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

National Policies and Guidance:

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

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.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1. Principle of development (including impact on the Green Belt and visual amenity)
1. Impact upon residential amenity

2. Impact upon highway safety
3. Climate Change
4. Ecology
5. Contaminated Land / Drainage
6. Flood Risk
7. Trees
8. Representations
9. Conclusion

1 – Principle of Development (Including impact on the Green Belt and visual amenity):

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

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

It is noted that this site is within the Green Belt. Irrespective of the 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 11(d)) states that the protected areas include land designated as Green Belt.

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

Green Belt

The site is located on Green Belt land. The NPPF states that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 153 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

Paragraph 154 of the NPPF states "*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) *buildings for agriculture and forestry;*
- a) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- c) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- d) *limited infilling in villages;*
- e) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) *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.”*

LP59 of the Kirklees Local Plan is relevant, this sets out that:

‘Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

The NPPF has since been updated with paragraph 154g updated since the adoption of the Kirklees Local Plan. Therefore, given there is a degree of conflict in terms of not exceeding the existing footprint (as this could only realistically be achieved where no greater impact upon the Green Belt is also achieved), the fact the term *‘no greater impact’* has been changed to *‘which would not cause substantial harm’* in relation to openness is considered to be at odds with the wording of LP59 in respect of part b of the policy and therefore non-conformance with LP59, where there is identified conformance with the NPPF, is considered to be such that approval could be granted in such circumstances.

Of particular relevance to this application proposal is part g) of paragraph 154, as the proposal would result in 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.

The application site currently serves a stable for personal use which, for the purposes of assessment of development in the green belt under para 154(g), is considered previously developed land. The proposal comprises the demolition of the existing stables and the erection of a detached dwelling.

Government guidance relating to assessments of the impact of a proposal upon the openness of the Green Belt states that each application will require a judgement to be made based on the circumstances of each case and that openness can be capable of having both spatial and visual aspects.

The existing structures serve as stables, and the design is typical of a stable building. The buildings have formally been used in connection with the keeping of horses and therefore, their presence has a lesser impact upon the countryside location given they are associated with an outdoor sport and recreation use of the land. The proposed development will introduce a residential dwelling which is 1.5 storeys high and will therefore have a greater impact on the openness of the green belt setting. However, the LPA must assess whether the new building will cause substantial harm to the openness of the green belt as set out in paragraph 154 part g.

The agent has provided legal opinion detailing how 'substantial harm' to the green belt should be interpreted. The Local Planning Authority (LPA) note that the statement states that "substantial harm to openness must be so harmful that it in some way undermines the purposes of the Green Belt and results in seriously harmful urban sprawl".

The LPA consider the proposed design, scale and location of the proposed dwelling to be greater in terms of impact than the existing stables, although not leading to substantial harm to the openness of the Green Belt.

It is concluded that the proposal would not give rise to harmful urban sprawl nor result in substantial harm to the openness of the Green Belt. The dwelling is to be positioned within the footprint of the existing stable buildings and associated hardstanding ensuring the development remains confined to previously developed land.

The proposed one-and-a-half-storey dwelling would sit at a lower land level than the adjacent main road, benefiting from natural screening provided by the mature boundary trees and hedgerows. Although the submitted Arboricultural Impact Assessment identifies that several trees require removal due to poor health, the retained trees and existing hedgerows will continue to offer meaningful screening. As a result, the combination of site topography and remaining vegetation significantly limits wider views of the building and reduces any perceived impact on openness. In addition, the dwelling would occupy only a small proportion of the wider site and remain contained within the established land parcel, thereby preventing any encroachment into the surrounding Green Belt.

While the introduction of a residential use inevitably brings a degree of urbanisation, the scale, siting, and containment of the proposal ensure that it would not amount to harmful urban sprawl nor materially diminish the openness of the Green Belt setting.

The proposal also incorporates a grass-crete driveway, which provides necessary access while maintaining a permeable, visually softer surface that minimises impact on openness. In the event that planning permission be approved, it is recommended that additional soft landscaping be secured by condition to further reinforce the rural character of the site and ensure the development integrates appropriately with its surroundings.

As such, although the new dwelling will have a greater impact on the openness of the green belt, the LPA do not consider the impact to cause substantial harm to the openness of the Green Belt and the proposal and is therefore considered to meet the requirements of the exception set out at paragraph 154(g).

For the reasons discussed above, it is therefore considered that the principle of the proposal does not constitute inappropriate development within the Green Belt and accords with paragraph 154 exceptions G of the NPPF. Limited weight is afforded to policy LP59 in this case given the recent update to the NPPF in December 2024 and the fact the proposal does not accord with policy LP59(b) is not considered to be a reason for refusal that could be substantiated in this case.

Notwithstanding the conclusions drawn, it is noted that the development would have potential to undertake substantial additions through utilisation of Permitted Development rights, which could lead to the conclusion the impact is substantially harmful upon the openness of the green belt. As such, it is therefore considered exceptional circumstances exist in this case which justify the inclusion of a condition by the LPA removing permitted development rights for development within Classes A, AA, B, C, E & F of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (As amended).

Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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, which aims to ensure future housing development is of high-quality design.

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.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

The proposed dwelling is considered acceptable in terms of its appearance, scale and location. The development has been designed to respond positively

to its semi-rural context and to ensure that it integrates sensitively within the wider landscape.

The dwelling is to be positioned within the footprint of the existing stable building to be demolished and associated hardstanding. This ensures that the proposal remains confined to previously developed land and avoids any encroachment into the wider Green Belt. The siting benefits from mature boundary vegetation and a lower ground level relative to the adjacent main road, which together limit visibility and assist in assimilating the building into its surroundings.

The dwelling has been designed as a one and a half storey structure, proportionate to the character of the area and reflective of traditional rural building forms. It's one and a half storey height, combined with the lower land level, ensures that the development does not appear visually dominant or intrusive. The scale is therefore appropriate and does not give rise to concerns regarding overdevelopment or harmful urbanising effects.

The proposed design is contemporary yet sympathetic to the semi-rural setting. The use of cladding is considered appropriate and will help the dwelling read as a high quality rural building rather than an incongruous suburban form. These materials, along with the detailed design approach, are recommended to be secured by condition to ensure the final finish maintains the intended character and quality. A condition is recommended to be imposed to ensure external walling and roofings materials of the dwelling are submitted prior to construction of the dwelling to ensure they are suitable in terms of visual impact should planning permission be approved.

The proposed 1.8-metre-high gates and stone boundary walls with piers are considered acceptable, as their scale is modest and they are positioned immediately adjacent to the site access. This ensures the structures remain visually contained, limited in extent, and do not materially affect the openness of the Green Belt. The proposed hardstanding to the north site entrance is considered proportionate for the scale of the development is therefore considered acceptable.

The introduction of a grass-crete driveway provides a softer, more permeable surface treatment that supports the rural aesthetic and avoids unnecessary visual intrusion. The large open field retained to the front of the dwelling will ensure the openness of the rural setting is protected. As noted earlier in this report, additional soft landscaping is recommended to be secured by condition, in order to reinforce the rural character of the site and assist in integrating the development into the landscape.

The proposal represents conventional however good quality design that is considered both contextual and appropriate within its varied surroundings. The design and layout of the proposal is reflective of the surrounding area and subject to conditions is considered to be acceptable therefore complying with policy LP24 of the Kirklees Local Plan, and principle 2 of the Housebuilders Design Guide.

2. 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 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the 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 nearest residential dwellings are located to the east of the dwelling (approx. 21.5m separation distance), which are on a significantly higher land level to that of the proposal and is separated by Penistone Road. Given the considerable separation distance and difference in land levels, the proposal is not considered to result in any adverse overbearing, overshadowing or overlooking impacts, and as such, the proposed dwelling is not considered to cause any significant harm to amenity of neighbouring occupiers.

The proposed pub located north of the site has a separation distance of 68m and as such raises no concerns to potential overbearing, overshadowing or overlooking impacts.

An informative is recommended to be attached to control the hours of construction to protect residential amenity of surrounding residential properties.

The amenity of the future occupiers must also be considered. 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. 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.”*

The proposed dwelling exceeds the minimum recommendations as set out within the Nationally Described Space Standards for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is considered the proposed window would have sufficient outlook and natural light for the amenity of future occupants.

KC Environmental Health has been consulted on the proposal and raised concern in regard to noise impacting the amenity of future occupiers, as the site is located adjacent to a busy road. A condition is therefore recommended to ensure a noise impact assessment is submitted to the LPA. The noise assessment will require noise mitigation measures to be submitted also.

Subject to the aforementioned condition, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposal has been reviewed by KC Highways who consider the parking arrangement and access acceptable.

The existing access onto Penistone Road will be retained, with the addition of new 1.8-metre-high gates and stone boundary walls with piers. These are positioned within the site, ensuring that vehicles can pull clear of the highway before waiting for the gates to open, which is considered an appropriate and safe arrangement.

KC Highways advise that for a 40mph road, the standard visibility requirement is 2.4m x 120m. However, in certain circumstances—particularly where the access serves a single dwelling rather than a formal access road—this can be relaxed to 2.4m x 90m. In this case, the reduced standard is considered acceptable. The agent has demonstrated visibility splays of 2.4m x 90m on the submitted site plan, and these are deemed sufficient to ensure safe ingress and egress.

It is acknowledged that the site entrance also provides access to a bin-storage area used by the adjacent pub to the north. However, as the visibility splays have been demonstrated as acceptable, and given that the proposed gates are set back within the site to allow vehicles to pull clear of the highway and shared access before stopping, the development is not considered to result in traffic congestion or interfere with the pub's bin-storage arrangements. The access will therefore continue to operate safely and without obstruction.

Overall, the access design, visibility splays, and internal layout are considered to provide a safe and suitable means of access for the proposed dwelling, and no highway objections are raised.

The proposed block plan shows 3 on site parking spaces which is considered acceptable for a dwelling of this scale, with internal turning also considered acceptable.

The agent has identified a suitable bin collection point adjacent to the existing access, which is considered acceptable. Although a dedicated bin-storage area has not been shown on the plans, it is considered that adequate space exists to accommodate bin storage to the side of the dwelling.

An informative will be attached to advise the applicant to install electric charging vehicle points should permission be granted.

KC Highway Structures were also consulted and have stated that as the proposal will not create a new highway retaining wall or modification to an existing highway retaining wall, there are no concerns.

As such, the proposed development is considered acceptable in regard to highway safety, complying with policy LP21 of the Kirklees Local Plan.

4. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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

The proposal has been accompanied by a climate change statement, which indicated locally sourced material would be used, and consideration of solar panels and an air source heat pump which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

5. Ecology

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

Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

A BNG assessment has been provided and reviewed by the Ecology officer. The site will attain a net gain of 0.03 biodiversity units (11.53% net gain) through the creation of habitats and hedgerows. As such the report and metric is considered acceptable by Ecology .

The LPA consider it necessary to ensure an informative is in place upon any grant of permission which sets out the requirements of Biodiversity Net Gain legislation. Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.

A Preliminary Ecological Assessment (PEA) has been submitted and has been reviewed by KC Ecology and deem the assessment reasonable and acceptable.

The submitted PEA makes recommendations for birds, hedgehogs, badgers, and barn owls. As such, the submission of a Construction Environmental Management Plan is recommended to be secured by condition to ensure biodiversity is protected during the construction phase.

To protect existing habitats surrounding the site, an artificial lighting strategy condition is also recommended to be imposed should the applicant decide to install any external lighting.

Given the above, an informative will also be imposed to ensure that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

6. Land contamination & Drainage

KC Environmental Health (EH) officers were consulted on the proposed scheme and have raised no objection subject to conditions.

The site of the proposal is not shown as being on potentially contaminated land, however as groundworks will be necessary; if permission was to be

granted, a condition would be implemented to report any unexpected land contamination.

Provision of an adequate system of foul water drainage is a requirement of the Building Regulations and the applicant should contact their Building Control Provider for further information.

7. Flood Risk

The site lies adjacent flood zone 2 and 3, with Fenay Beck located approx. 31m from the site boundary. As such the Environment Agency and KC Lead Local Flood Authority have been consulted with.

KC Lead Local Flood Authority have stated that as the actual development is in flood zone 1, this therefore represents a sequential approach and a sequential test is not required.

To minimise the cumulative impact of development on local drainage networks a plan for sustainable drainage must be submitted. This will be conditioned.

The following advice is provided from KC Lead Local Flood Authority:

'The submitted plans indicate that permeable paving is to be incorporated into the design. It is suggested that grey water harvesting is included both for sustainable water supply but also to lower the volume of water discharged to the aquatic environment.

There is also a significant area within the blue line boundary to incorporate above ground storage. If soakaways won't work in this location and permeable paving is limited in its design. Shallow detention basins or ponds which overflow could easily be incorporated into the site and could offer solutions to compliment biodiversity net gain'.

The Environment Agency were also consulted with and raised no objections to the proposed development.

Given the above, officers are content that the proposal would not increase the flood risk on site or elsewhere. This is in accord with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the NPPF.

8. Trees

There are currently no protected trees on this site but several mature trees which may warrant protection. However, due to the proximity of the trees on

the boundary to Peniston Road, an Arboricultural Impact Assessment (AIA) has been submitted as requested by KC Trees.

No trees require removal or pruning works to facilitate the development, however 10 trees are recommended for removal regardless of the development due to their poor condition and significantly limited long-term prospects. These are: T1, T2, T4, T5, T6, T7, T8, T9, T10 and T11 as shown on appendix 5 within the submitted AIA.

The submitted AIA has been reviewed by KC Trees and is considered acceptable. KC Trees have however stated that an Arboricultural Method Statement will need to be submitted to show tree protection measures with retained trees. This will be conditioned.

The proposed development is therefore considered to accord with policy LP33 of the Kirklees Local Plan.

8. Representations

One representation was received a Ward Councillor at the time of submission, Alison Munro. The comments have been summarised and addressed below:

- The site is located next to Fenay Beck.

Officer comment: *This comment has been considered and addressed within the Flood Risk section of this report.*

- There are trees located on site.

Officer comment: *This comment has been considered and addressed within the Trees section of this report.*

- Where will the existing stables be relocated as they own land surrounding the site.

Officer comment: *The relocation of the stables does not form part of the application submitted. All application have to be assessed in regard to what is being applied for however officers have sought information from the agent who informs the applicant is not proposing to relocate the stables.*

- Removal of the stables will release carbon.

Officer comment: *This comment is noted, however the proposal will provide 10% biodiversity net gain on site and as such the harm is considered outweighed.*

- No special circumstances have been provided to demonstrate the proposal would be acceptable within the green belt.
- The stables is an agricultural building that it of a temporary build.

Officer comment: *This comment has been considered and addressed within the Principle of Development section of this report.*

- Concern of wildlife and habitats.

Officer comment: *This comment has been considered and addressed within the Ecology section of this report.*

- Existing trees have been removed.

Officer comment: *No protected trees appeared to have been removed at the site. Trees along the north side boundary are not protected.*

- Concern that the proposal will result in increased flooding and that it is within a flood zone area.

Officer comment: *This comment has been considered and addressed within the flood risk section of this report.*

- The applicant may not own the land.

Officer comment: *Certificate A has been signed by the applicant, with the applicant gaining permission to build the existing stables within the site as per the upheld appeal application ref: 2022/90494. As such there are no concerns with the land ownership of the site. Nevertheless, the onus is on the applicant to ensure all correct land ownership is in place and is taken in good faith by the Local Planning Authority.*

- Concern the existing access is not suitable.

Officer comment: *This comment has been considered and addressed within the Highway Safety section of this report.*

- Concern of multiple cars parking at the site.

Officer comment: *This comment has been noted. The proposal is for a 3 bed dwelling and as such the parking area provided is considered acceptable. The Local Planning Authority cannot control visitors visiting the site.*

- Concern of an existing gravel drive being laid without permission.

Officer comment: *This comment is noted. The proposal includes the gravel drive and is considered visually acceptable given that it takes up only a small section of the site.*

Kirkburton Parish Council – No comment.

Officer comment: *Comment noted.*

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 proposals does accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/93108

Officer Recommendation: Approve

Conditions:

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 (as amended).

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, 2, 3, 11, 21, 22, 24, 30, 51, 52, 53 & 59 of the Kirklees Local Plan, the Council's adopted Housebuilders SPD and policies within Chapters 2, 5, 11, 12, 13 & 15 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. 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 and to protect the green belt setting to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

4. Before construction work commences, a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy

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

Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

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

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

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

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

The CEMP must also include the following specific plans / documents:

- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)

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

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

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

8. Development shall not commence until a scheme demonstrating an adequately designed Sustainable drainage (soakaways/grey water recycling/permeable paving/detention basins/ponds, swales etc) for an effective means of drainage of surface water on this development/site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include percolation tests to prove viability where appropriate. Alternative methods of managing the increased volume of discharge should be submitted for consideration as opposed to direct discharge to local drainage networks.) No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and retained thereafter.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well being and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

9. Prior to the commencement of any external works, an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall be prepared in accordance with BS5837:2012 – Trees in relation to design, demolition and construction and shall include:

- Details of tree and hedgerow protection measures, including the location and specification of protective fencing and any ground protection;
- The identification of root protection areas (RPAs) and work exclusion zones;
- Details of any works within or adjacent to RPAs, including construction methodology where relevant;
- A program for the installation, inspection and retention of protection measures during the duration of works.

The approved AMS shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interest of protecting retained trees and hedgerows and to ensure compliance with Policies LP30 and LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. The development shall not be brought into use until a scheme detailing hard and soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be

retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity, providing biodiversity measures and mitigating impact upon openness of the Green Belt to accord with policies LP24 and LP30 of the Kirklees Local Plan, principles 7 & 9 of the Housebuilders Design Guide, policy 13 of the Holme Valley Neighbourhood Development Plan and policies within chapters 12, 13 and 15 of the National Planning Policy Framework.

11. 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) no development included within class(es) A, AA, B, C, E and F of part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: in the interests of the Green Belt and Visual Amenity to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 13 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: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: No construction related noise should 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

Bank/Public Holidays.

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: 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: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2025-160-LOC01		10/11/2025
Site Plans as Existing & Proposed	2025/160 02		10/11/2025
Proposed Elevations and Floor Plans	2025/160 01		10/11/2025
Site Plan Visibility Splays	2025/160 03		23/02/2026
Climate Change Statement			10/11/2025
Planning Statement			10/11/2025
Biodiversity Net Gain Report	SQ-3788		10/11/2025
Arboricultural Report & Impact Assessment	AWA7349		12/03/2026
Preliminary Ecological Appraisal Survey Report	SQ - 4017		23/01/2026

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. As requested by KC Ecology, KC Trees and KC Highways, the agent submitted additional plans and documents including a preliminary ecological assessment, an Arboricultural Report and a site plan showing visibility splays and bin collection.

The information was reviewed by the relevant consultees and considered acceptable.

Report Dated:

Coal – low