

**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:	2025/62/93182/W
Site Address:	Builders yard, Meltham Road, Honley, Holmfirth, HD9 6RT
Description:	Demolition of existing building and erection of one dwelling
Recommending Officer:	Danielle Cooper

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: 17-JUL-2026

SITE AND SURROUNDINGS:

The application site comprises a parcel of land situated to the north of Meltham Road. It contains a single-storey timber structure with a shallow dual-pitched roof, which has been in place for over ten years. During the case officer's site visit, a vehicle, a skip, and assorted materials were observed within the defined red-line boundary. Hardstanding has been laid within the site.

A green metal boundary fence has been erected along the full frontage of the site.

To the east and west, the adjoining land is used for the storage of materials, as authorised by a Certificate of Lawfulness issued in 2024 (ref: 2024/CLD/91139). Within the blue-line boundary, containerships, storage sheds, and various building materials are present. These commercial storage areas are accessed directly from Meltham Road via two formalised access points.

The northern boundary comprises a mixture of fencing, shrubs, hedging, and mature trees, providing separation between the site and the amenity space of neighbouring residential properties. To the west, the site is enclosed by open fields, divided by a drystone wall approximately 1.5 metres in height with sloping copings. The eastern boundary adjoins Chandler Lane, defined by a post-and-rail timber fence. Chandler Lane is an unadopted route but accommodates a bridleway recorded on the definitive map as a public right of way (HOL/9/10).

Residential properties are located to the north, as well as to the southeast and southwest of the site.

The site is located within the Green Belt.

The site is also located within the Holme Valley Neighbourhood Development Plan – Netherthong Rural Fringe (LCA5) & Honley Village Centre (LCA6).

PROPOSAL:

The application proposes the demolition of an existing building and erection of one dwelling.

The proposal is for a 3 bedroom single storey bungalow which will be located within the north-east corner of the red line boundary. The building has a length

of 15m and width of 9m. The overall height of the building will be 4.7m with an eaves height of 2.5m. The total floorspace of the dwelling measures 118sqm.

Hedging is proposed to form the residential curtilage. Three on-site parking spaces are proposed within the residential curtilage of the site with sufficient space for turning. Garden space is proposed to the front and side of the dwelling.

Access will be off of Meltham Road and access is also shown on the proposed block plan to the adjoining commercial uses to the side of the site.

RELEVANT PLANNING HISTORY (including enforcement history):

2023/93074 - Certificate of lawfulness for existing use comprising builder's yard and workshop for the preparation and storage of building materials; and mechanic's workshop for the repair and servicing of cars, plant and machinery - Withdrawn

2024/91139 - Certificate of lawfulness for the existing use to store building materials - Approved

Site location of commercial use is shown below:



Enforcement cases:

COMP/25/0315 - Unauthorised high fence adjacent to a highway – Under investigation

COMP/22/0427 - Unauthorised activity out of hours – Under investigation

COMP/19/0271 - Alleged unauthorised deposit of waste – Notice complied with

COMP/13/0111 - Alleged unauthorised material change of use to a builders yard – No evidence of breach

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

The case officer requested a revised site plan be submitted to evidence suitable visibility splays and a bin collection point. The agent submitted a revised site plan showing the requested details which were considered reasonable and acceptable.

A badger survey was also submitted and reviewed by KC Ecology.

The case officer raised concerns regarding the unauthorised fence along the site frontage and requested its removal and replacement due to its adverse impact on visual amenity. However, the agent and applicant have declined to remove the boundary treatment. This matter is therefore assessed in full within the appraisal section of this report.

The application was requested to be heard at the District Wide Planning Committee by Ward Councillor Charles Greaves for the following reasons:

- The decision as to whether an area of land no longer forms part of the Green Belt should be taken by the Planning Committee and not delegated to officers (does the Scheme of Delegation even permit it to be delegated).
- There are ongoing unaddressed planning breaches.
- Errors over the blue line boundary have not been addressed.
- To enable residents to raise their concerns directly with the Planning Committee.

Officer update: The application was discussed with the Chair of the District Wide Planning Committee on the 6th July 2026. It was authorised that the application be determined under delegated powers.

PLANNING 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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

The application site is located within the Green Belt.

Kirklees Local Plan (KLP):

- LP1** – Presumption in favour of sustainable development
- LP2** – Place shaping
- LP3** – Location of new development
- LP7** – Efficient and effective use of land and buildings
- LP21** – Highways and access
- LP22** – Parking
- LP24** – Design
- LP28** – Drainage
- LP30** – Biodiversity and geodiversity
- LP33** – Trees
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP59** – Brownfield sites in the green belt

National Planning Policy Framework:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) last published December 2024, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014 and revised most recently on the 27 February 2025, 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. The following chapters of the NPPF are considered applicable to this enquiry: -

- Chapter 2** – Achieving sustainable development
- Chapter 11** – Making efficient use of land
- Chapter 12** – Achieving well-designed places

Chapter 13 – Protecting Green Belt land

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

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

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 3 Conserving and Enhancing Local Heritage Assets
- Policy 10 Protecting Local Green Space
- Policy 12 Promoting Sustainability
- Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

PUBLIC/LOCAL RESPONSE:

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024) which was in force at the time of registering the application and undertaking publicity.

The application was advertised by site notice. Final publicity date expired 31st December 2025.

2 representations have been submitted and have been summarised below:

- The proposed development is inappropriate development in the Green Belt.
- Concern of encroachment within the Green Belt.
- Concern of existing habitats on the site being disturbed from the proposed development.

Further to the request from Ward Councillor Charles Greaves to refer the application to Planning Committee, the following comments in objection have been submitted:

- Concern with the accuracy of the submitted information in regard to land contamination.
- Concern of existing habitats on the site being disturbed from the proposed development.
- The enforcement history associated with the site is relevant to this site. The applicant is in breach of approved certificate of lawfulness ref: 2024/CLD/91139 & a 2m high metal fence has been erected along the frontage of the site.

Holme Valley Parish Council – Support but would like to see improved climate mitigation.

These comments will be addressed in sections appraisal of this report.

CONSULTATION RESPONSES:

KC Ecology – No objection subject to conditions.

KC Highway Development Management – No objection subject to suitable visibility splays and bin presentation points to be provided by amended plans.

Officer comment: The agent has submitted a revised block plan showing suitable visibility splays and a bin presentation point which is acceptable.

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

MAIN ISSUES

- Principle of development (Including impact on the Green Belt)
- Impact on visual amenity

- Impact on residential amenity
- Impact on highway safety
- Climate Change
- Other Matters
- Representations
- Conclusion

APPRAISAL

Principle of development (Including impact on the Green Belt)

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 11d) 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.”

The application seeks permission for the erection of one new dwelling and therefore does not fall within exceptions a, b, c, e or f.

Policy LP59 of the Kirklees Local Plan also sets out that proposals for infilling within existing brownfield sites in Green Belts 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.”*

In the supporting text for LP59, paragraph 19.33 of the Kirklees Local Plan states:

- “The redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form”*

The definition of previously developed land is contained within the NPPF (P. 77) as: ‘Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that

was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’

The submitted Design and Access Statement asserts that “the site has been occupied by a building for more than 10 years and can therefore be considered brownfield.” However, there remains some uncertainty regarding the established long-term use of the building. Historic mapping indicates that the structure has been present since at least 2004, but in the absence of any formal planning history, and given the site’s semi-rural context, it is plausible that the building may have been used for agricultural purposes. As a result, it cannot be confirmed that the site meets the definition of previously developed land set out in paragraph 154(g) of the NPPF.

Grey Belt Considerations

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

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

10.16 Annex 2 of the NPPF defines Grey Belt as:

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

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to Green Belt purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as

to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Planning Practice Guidance published 27 February 2025 pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

Meeting Green Belt Purposes – Land (Paragraph 155a)

The PPG confirms that purpose (a) - to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and that villages should not be considered large built up areas for this purpose.

The nearest town is Netherton, situated around 1.7km north of the site. The next nearest town is Brockholes located approx. 2km from the site to the south-east, and Holmfirth being located approx. 3.2km from the site. Given the semi-rural location of the site, the proposed development will not result in sprawl of towns or villages located close by. The site is located amongst open greenfields and is physically and visually separated from surrounding towns. It does not form part of a settlement edge that would influence the outward spread of an urban area. On this basis, the land is considered to make only a weak contribution to Green Belt Purpose (a) - to check the unrestricted sprawl of large built-up areas.

The PPG confirms that purpose (b) - to prevent neighbouring towns from merging into one another, relates to the merging of towns not villages, and that the degree of contribution depends on whether development would erode visual separation between towns.

The site is an isolated parcel of land within a much wider swathe of Green Belt. The land is visually and functionally contained with site boundaries in the form of stone walls, fencing and hedges, and is capable of development that would not affect wider landscape buffers and open fields that provide a clear physical and visual separation between Honley, and other towns and villages in the wider area.

The site is located on a parcel of land located in between land used for commercial purposes, and its individual contribution to preventing the merging of towns is considered to be limited. On this basis, the site is assessed as making only a weak contribution to Green Belt purpose (b). A well-considered redevelopment of the site in isolation would not materially affect the visual or perceived separation between towns or lead to any realistic sense of coalescence.

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

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

Meeting Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purpose (a) & (b) and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land, whereby residential development is located to the north and south-east & south-west of the site and commercial uses being directly adjacent the red line boundary. As such this indicates that the proposed development would not undermine the Green Belts ability to perform those purposes strategically over the plan area. As such in respect of purpose (c) (safeguarding the countryside from encroachment), the proposed development is not considered to result in encroachment given the above as the building would demolish an existing single storey building for a bungalow. The proposal therefore satisfies Paragraph 155(a) of the NPPF (2024).

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement.

This shortfall is a material consideration and supports the principle of development on Grey Belt land. The proposed development would contribute to addressing housing need within Kirklees through the delivery of one dwelling. While limited in overall scale to the housing stock, it nonetheless engages this policy test and satisfies the requirements of Paragraph 155(b).

Sustainable Location (Paragraph 155c)

Paragraph 155(c) requires that the site is in or can be made a sustainable location.

The application site is situated close to a well built up residential area to the south west and is within reasonable walking distance of amenities, including schools, shops, and public transport services.

It is recognised that future occupants of the dwelling would be reliant on the use of private vehicles for most day-to-day journeys, however the proposal relates to a single dwelling and associated trip generation would be minimal.

Taking into account the sites rural setting, the site proximity to local facilities and services, and the limited scale of development, it is considered that the development would be in a reasonably accessible and sustainable location for the purposes Paragraph 155c of the NPPF.

Principle of development – Conclusion

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

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

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

Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (Achieving well designed places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, 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 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

Policy 1 of the HVNDP sets out that development proposals should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Netherthong Rural Fringe

(LCA5) & Honley Village Centre (LCA6). Policy 2 of the HVNDP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

The application proposes the demolition of an existing building and erection of one dwelling. 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 proposal is for a 3 bedroom single storey bungalow which will be located within the north-east corner of the red line boundary, situated on the footprint of the existing building to be demolished. The building has a length of 15m and width of 9m, with the overall height of the building being 4.7m and eaves of 2.5m. The total floorspace of the dwelling measures 118sqm.

While it is acknowledged that introducing a residential building within a predominantly commercial yard is unusual, the proposed dwelling would be occupied by the owner of the commercial premises located on either side of the site. This relationship helps justify the siting and ensures the residential use remains functionally connected to the existing operations. To add to this, given the modest scale of the proposed bungalow, which replaces an existing shed of comparable size, the visual impact of the development is expected to be minimal. Its simple form, combined with the use of natural stone walls and blue slate roofing, will allow the building to integrate well with the neighbouring residential properties located immediately to the south. The scale is therefore considered appropriate and does not raise concerns regarding overdevelopment or any adverse urbanising effects. To ensure the final appearance remains acceptable, in the event that planning permission be approved, it is recommended that a condition be attached requiring details of all external walling and roofing materials to be submitted and approved prior to construction.

Hedging is proposed to define the residential curtilage, helping to soften the appearance of the site and complement its Green Belt setting. Three on-site parking spaces are accommodated within the curtilage, with ample room provided for vehicle turning. Garden areas are positioned to the front and side of the dwelling, introducing additional soft landscaping that will further enhance the site's overall character.

It is acknowledged that an unauthorised 1.8–2m green metal fence has been erected along the site frontage, positioned within the blue line boundary, with a small section of the fence and gates falling within the red line boundary. The case officer raised concerns regarding the fence due to its incongruous appearance, which is not in keeping with the local context. To preserve the visual amenity of the streetscape within this semi-rural Green Belt location, the removal of the fence was therefore requested. It is important to note that the fence is not lawful in this location, and any boundary treatment along the site frontage would need to be reduced to a maximum height of 1m.

To address the visual harm arising from the existing fence and gates, it is considered necessary to impose a condition requiring their removal within three months of any permission being granted, and for an appropriate replacement boundary treatment—within both the red and blue line boundaries—to be submitted to and approved by the Local Planning Authority. Hedging or a low stone wall would be considered suitable in this Green Belt setting. While it is acknowledged that planting has been introduced behind the fence, this is not considered sufficient to mitigate the visual impact of the unauthorised structure, particularly in an area characterised by low stone walls and hedgerows.

To further safeguard the visual amenity of the site, in the event that planning permission be approved, it is considered necessary to impose a condition preventing the storage of building materials within the red line boundary.

In this instance it is considered reasonable and necessary to remove permitted development rights for Classes A (extensions) B (additions to the roof e.g. dormer windows), C (any other alteration to the roof – e.g. rooflights) and E (buildings incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended. This is to ensure that no large, overly dominant extensions or outbuildings which would have an adverse harmful impact on the character and setting of the green belt or Grade II listed buildings, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken without first being assessed by the Local Planning Authority.

Subject to the aforementioned conditions, the Local Planning Authority consider the overall design, scale and siting of the proposal is therefore acceptable, according with policy LP24 of the Kirklees Local Plan, the aforementioned parts of the Housebuilders' Design Guide SPD and the Holme Valley Neighbourhood Development Plan, and guidance contained within the NPPF.

Impact on residential amenity

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

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

Further to this, Paragraph 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 proposed dwelling would be positioned on a plot located a substantial distance from any neighbouring residential properties. As a result, the development is not considered to give rise to any issues of overbearing, overshadowing, or loss of privacy that would adversely affect the residential amenity of nearby occupants.

Impact on future occupants

Detached bungalow

Plot 1 (3 bed – Floor space: 118sqm)

The proposed dwelling will allow a good outlook and receipt of natural light to its occupants, the landscaping of the site would ensure that a generous amount of outdoor amenity space would be provided, and floorspace would

be comfortably in excess of that required under the Nationally Described Space Standards for a three bedroom house.

Kirklees Local Plan policy LP52 states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, must be accompanied by evidence to show that 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.

Policy 2 of the HVNDP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes.

Given that the proposed dwelling would be located between existing commercial activities that generate notable levels of noise, there is a justified concern regarding potential impacts on residential amenity. To address this, in the event that planning permission be approved, it is considered necessary to attach a condition restricting occupancy of the dwelling to a person solely or mainly employed in the commercial operations within the blue line boundary (i.e. the applicant). This approach ensures that the residential use remains directly associated with the adjoining businesses and prevents unacceptable amenity impacts that could arise if the dwelling were occupied independently of the commercial activities. The agent has confirmed that the dwelling would be occupied by the owner of the adjacent commercial activities located within the blue line boundary.

In conclusion, subject to the aforementioned conditions, it is considered that the proposals are acceptable with regard to impacts on residential amenity, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD and Principle 2 of the Holme Valley Neighbourhood Development Plan.

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

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.

Principle 12 of the Housebuilders Design Guide SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. Principle 19 of the Housebuilders Design Guide SPD also states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

The application has been reviewed by KC Highways Development Management, who consider the proposal to be acceptable.

The existing access serving the wider site will be retained and widened to 4.5m, allowing for safe two-way vehicle movement. This arrangement is considered acceptable. In addition, sightlines of 2.4m x 160m have been demonstrated on the submitted plans and are satisfactory. Any alterations to the access within the adopted highway, including the provision of a dropped kerb, will need to be carried out under a Section 184 agreement of the Highways Act 1980 (vehicle crossings over footways and verges). This requirement will be secured by informative.

Provision has been made for three on-site parking spaces, along with adequate internal turning space to allow vehicles to enter and exit the site in forward gear. This is considered acceptable. The approved parking areas will need to 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 13 May 2009 (ISBN 9781409804864), as amended or superseded. This will be secured by condition.

A dedicated bin storage area is shown within the site, with a bin presentation point located adjacent to the public highway. This arrangement is considered acceptable.

For the aforementioned reasons, subject to an appropriately worded condition, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 contained within the National Planning Policy Framework.

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.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change given the requirements in relation to building regulations as well as materials being sourced locally. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Other Matters

Ecology:

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self-build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

However, the following policies are relevant:

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

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

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

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

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

The submitted PEA makes recommendations for bats, birds, badgers, brown hare, and hedgehogs on site. As such a Construction Environmental Management Plan will be conditioned to be submitted to ensure biodiversity is protected during the construction phase. A badger survey was submitted which is recommended to be conditioned.

To protect existing habitats surrounding the site, in the event that planning permission be approved, an artificial lighting strategy is recommended to be condition be imposed if the applicant decides to install any external lighting.

To ensure the site does benefit from biodiversity enhancements, a Biodiversity Enhancement Plan Survey is also recommended to be conditioned.

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

Foul Sewage:

Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

The site is located within Flood Risk Zone 1 and given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development via soakaways.

Contaminated Land:

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The site is not identified as within Potentially Contaminated Land, however as the existing use of the site may have been used for agricultural purposes in the past and commercial activities take place surrounding the site, which may have introduced contamination in the form of chemicals associated with material and farm waste, farming and machinery, a Phase 1 Preliminary Risk Assessment and Phase 2 Ground Investigation Report, and where necessary Phase 3 Remediation Strategy are therefore recommended to be conditioned.

This approach allows for potential risks identified to be addressed through suitably worded pre-commencement conditions, ensuring the development would be safe and suitable for its intended use.

It is considered that with the inclusion of the aforementioned conditions, the proposal will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Representations

The application was advertised by site notice. Final publicity date expired 31st December 2025.

2 representations have been submitted and have been summarised and addressed below:

- The proposed development is inappropriate development in the Greenbelt.
- Concern of encroachment within the Greenbelt.

Officer comment: *The principle of development has been assessed within the Assessment section of this officer report and is considered acceptable due to it falling under the exceptions of grey belt land.*

- Concern of existing habitats on the site being disturbed from the proposed development.

Officer comment: *A Preliminary Ecological Report and Badger survey has been submitted and reviewed by KC Ecology who consider the reports reasonable and acceptable and have recommended conditions to ensure habitats and biodiversity at the site are protected.*

Further to the request from Councillor Greaves to refer the application to committee, the following objection comments have been submitted and addressed below:

- Concern with the accuracy of the submitted information in regard to land contamination.

Officer comment: *This comment is noted. A Phase 1 Preliminary Risk Assessment and Phase 2 Ground Investigation Report, and where necessary Phase 3 Remediation Strategy will be secured by condition should the development be approved.*

- Concern of existing habitats on the site being disturbed from the proposed development.

Officer comment: *A Preliminary Ecological Report and Badger survey has been submitted and reviewed by KC Ecology who consider the reports reasonable and acceptable and have recommended conditions to ensure habitats and biodiversity at the site are protected.*

- The enforcement history associated with the site is relevant to this site. The applicant is in breach of approved certificate of lawfulness ref: 2024/CLD/91139 & a 2m high metal fence has been erected along the frontage of the site.

Officer comment: *The above comment is noted. Breaches that have occurred within the blue line boundary should be referred to enforcement. In regard to the unauthorised fence erected along the frontage of the site, this matter will be dealt with by condition should the application be approved as detailed within the Assessment section of this officer report.*

Holme Valley Parish Council – Support but would like to see improved climate mitigation.

Officer comment: *This comment is noted. The submitted Climate Mitigation Statement is considered acceptable of a proposal of this scale and nature.*

CONCLUSION

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2025/93182

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 LP7, LP21, LP22, LP24, LP28, LP30 and LP33 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 14 and 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 on the approved dwelling and garage 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 and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to protect the green belt setting to accord with Policy LP24 and LP35 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. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, and E of Part 1 of Schedule 2 to that Order shall be carried out within the site without the prior written consent of the Local Planning Authority.

Reason: To ensure that no large, overly dominant extensions or outbuildings are provided which would have an adverse harmful impact on the character and appearance of the street scene, or result in overdevelopment of the site, this is to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, and Principles 2 and 6 of the Housebuilders Design Guide SPD.

5. Within three months of the date of this permission, the existing green metal fence and gates located along the site frontage (within both the red and blue line boundaries as shown on the submitted location plan, received 17/11/2025 shall be completely removed.

No replacement boundary treatment shall be installed until full details of the proposed boundary treatment, including materials, height, and design, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be installed in accordance with the approved details and retained thereafter.

Reason: In the interests of preserving the visual amenity and semi-rural character of the area, and to ensure that any boundary treatment is appropriate to the Green Belt setting. This is to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

6. No storage of building materials, equipment, or associated items shall take place within the red line boundary at any time.

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

7. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed in the commercial operations carried out within the blue line boundary of the application site as shown on the submitted location plan, received 17/11/2026, together with any resident dependants.

Reason: To safeguard the residential amenity of future occupants, given the potential for noise and general disturbance arising from the adjoining commercial uses, and to ensure the dwelling remains functionally linked to the

associated business operations. This is to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

8. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on the proposed site plan, received 26/03/2025, are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

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

9. 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.

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

10. Prior to the commencement of development, a further badger survey and report of the site by an appropriately qualified and experienced ecologist must be undertaken within the application site and a 30m buffer and be submitted to and approved in writing by the Local Planning Authority before any works commence to prevent harm to this species. This badger survey should be undertaken immediately prior to the commencement of works, and no more than 3 months prior to the commencement of the works. If any badger activity is detected during this survey, a suitable course of action shall be submitted to and approved in writing by the Local Planning Authority before any works commence to prevent harm to this species.

Any badger protection and mitigation measures set out in the aforementioned survey shall be implemented in full, and the development hereby approved shall thereafter be carried out strictly in accordance with those badger protection and mitigation measures throughout the period of construction, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure badgers are protected in compliance with the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

11. 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 and Chapter 15 of the National Planning Policy Framework 2024.

12. A Biodiversity Enhancement Management Plan must be provided to the LPA prior to the commencement of works on-site. It must include the following items that will be installed post development:

- 2no Bird boxes for swifts and house sparrows.
- 2no bat boxes
- 1no bee box

- A planting scheme should be implemented within the scheme with fruit trees and flowerbeds.
- Plantings should comprise native species of high biodiversity value.
- Small holes within fences (and other mechanisms) for hedgehogs' mobility.

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

13. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: 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

14. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (4) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: 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.

15. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (5) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: 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.

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (6). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the

Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: 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.

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

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

NOTE: Contaminated Land

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: Construction Site Working Times

Noisy construction related activities shall not take place outside the hours of: 07:30 to 18:30 hours Monday to Fridays

08:00 to 13:00 hours, Saturdays
With no noisy activities on Sundays or 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: Badgers are protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also states the conditions for the Protection of Badgers licence requirements.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). 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. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	-	-	17/11/2025
Proposed Site Plan	02	A	26/03/2026
Proposed Plans and Elevations	01	-	17/11/2025
Climate Change Statement	-	-	01/12/2025
Design and Access Statement	-	-	01/12/2025
Preliminary	23284/ADo	-	02/12/2025

Ecological Appraisal Report			
Badger Survey & Report	23284a/Ado	-	20/03/2026

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 Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

The case officer requested a revised site plan to be submitted to show suitable visibility splays and a bin collection point. The agent submitted a revised site plan showing the requested details which were considered reasonable and acceptable.

A badger survey was also submitted and reviewed by KC Ecology.