

**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:	2025/62/93199/E
Site Address:	Falledge Barn, Falledge Lane, Upper Denby, Huddersfield, HD8 8YH
Description:	Erection of extension and alterations to agricultural buildings to form one dwelling with access and associated works
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 4th February 2026

Officer Report

Site Description

The application site is contained within Fall Edge Farm which is a small holding located to the south-east of Fall Edge Lane, approx. 494m north of Penistone Road. The site is accessed off of a surfaced track from Falledge Lane.

The specific buildings which the proposal relates to is two existing barns in the north-eastern corner of the site. The wider site was originally a farm; however, there have been several class Q applications which has resulted in the site mainly having a residential use.

The site is located in the Green Belt and its surrounding area is predominantly open fields with the nearest development outside of the holding being 130m north.

Description of Proposal

The development proposal is for the conversion of two agricultural buildings into a dwelling which would be facilitated by the erection of an infill extension between the two buildings.

The link extension between the two buildings would have a width of 5.4m and a depth of 3.8m and a height of 4.2m.

The proposal would see the re cladding of the existing building with corrugated black cladding for the roof, coursed natural stone at ground floor level for the walls and a mix of timber cladding and zinc cladding for the walls.

There would be amenity space provided to the east of the site.

History of negotiations/amendments received.

N/A

Relevant Planning History

2024/92646: Prior notification for change of use from agricultural building to one dwelling with building works. Details approved.

2021/93434: Prior notification for change of use from agricultural building to one dwelling with associated building works. Details approved.

2018/92255: Prior notification for change of use from agricultural building to one dwelling with associated building operations. Withdrawn.

Representations

The application was advertised by site notice. Final publicity expired 29/01/2025.

No representations received.

Consultation Responses

KC Highways DM (informal on 7/1/2025) – no objections.

KC Ecology: No objections subject to conditions.

The Mining Remediation Authority: No objections

Denby Dale Parish Council: No Objections.

Policy

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

The site is located in the Green Belt and Strategic Green Infrastructure Network as indicated within the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 31** - Strategic Green Infrastructure Network
- **LP 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 57** - The extension, alteration or replacement of existing building
- **LP 60** - The re-use and conversion of buildings

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Builders Design SPD
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance

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

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

- Chapter 2 – Achieving sustainable development.
- Chapter 12 – Achieving well-designed places.
- Chapter 15- Conserving and enhancing the natural environment.

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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1 – Principle of development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is re-iterated within paragraph 2 of the National Planning Policy Framework (NPPF).

Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and defines this as the balance of economic, social and environmental elements. Paragraph 10 states that at its heart is a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the Development Plan should be approved without delay, but where the Development Plan is absent, silent or relevant policies are out of date, LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against

the NPPF as a whole, or specific policies within the NPPF indicate that development should be restricted.

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.

Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;

The proposal would see the density of development similar to that as previously consented at site (1.no dwelling). Given the allocation of the land and the access arrangements it is considered that in this case the individual site characteristics are such that a density lower than that as set out in the aforementioned policies can be concluded as acceptable.

Development within the Green Belt

The site is located within the Green Belt. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Within paragraph 143 the NPPF identifies five purposes of the Green Belt:

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

Paragraph 153 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Notwithstanding the above, paragraphs 154 and 155 of the NPPF identify certain developments that are considered to be not inappropriate within the Green Belt. These are considered in the following sections:

Consideration of paragraph 154

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant:

- (c) 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.
- (h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it... (iv) the re-use of buildings provided that the buildings are of permanent and substantial construction

Policies LP57 and LP60 are relevant and relate to extensions / alterations and conversions of building. LP57 and LP60 seek to ensure developments are not disproportionate and would be to a building of permanent and substantial construction.

The proposal would consist of a change of use to the building from a barn/storage facility into a residential dwelling and would be facilitated via the re cladding of the host buildings and the erection of a small infill extension between the two buildings.

It is considered that the proposed extensions would be modest in scale in the context of the host buildings and as such this element of the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Accordingly, this element of the proposal would be appropriate development within the Green Belt, by virtue of 154(c).

The proposed change of use would not introduce a new character into the site as several of the buildings in the wider site have been converted to part of a residential use and the site has previously received approval for several class Q applications. The redline boundary of the site is reasonably contained and therefore would not introduce an unreasonable amount of domestic paraphernalia into the green belt. Therefore, the proposed change of use would be appropriate development within the Green Belt, by virtue of 154(h).

It is therefore concluded that the principle of development is acceptable in this case.

2 – Impact on 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...”

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

In addition to this, the NPPF outlines that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

“New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality, Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context. Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area. It is considered that the proposal would feature a pitched roof which would not be out of keeping given the mixed appearance of surrounding development.

The proposed dwelling would be located adjacent to existing residential properties and development within the site and would be set back from the public realm and behind existing development in the site which would reduce its prominence from the public realm.

It is considered that the proposed dwelling would be contemporary in design; however, this would be within the parameters of the existing building. The materials used in the re cladding of the building would be considered

appropriate in a rural context given such materials are often a characteristic of an agricultural building.

Officers consider that the use of black is a more contemporary colour for pennine vernacular but also consider that the building would not be highly prominent from the public realm and would still appear cohesive with the site. This conclusion is drawn having regard to the appearance of the existing site and buildings. Officers recommend that conditions are added relating to the submission of the proposed materials / boundary treatments.

To avoid any significant change to the agreed appearance of the development in the future and to limit any further impact on the wider site and character of the area, a condition shall be added to the decision notice to withdraw the permitted development rights for the erection of boundary treatments, extensions and outbuildings within the application site.

For these reasons and subject to the imposition of the recommended conditions, it is concluded that the development as proposed would be of a satisfactory quality in terms of its scale, materials (subject to condition) and design that would be in keeping with the surrounding development as well as the prevailing character of the area. There would not be any harm to the amenity of the street scene as a result of the development proposal.

3 – Impact on residential amenity

A core planning principle as set out by policies within Chapter 12 of the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

It is considered that there would be a reasonable separation distance between the proposal and other neighbouring properties and therefore no additional properties would be impacted by the proposal.

The Granary: adjoins the application site to the south.

Overlooking: The proposal would not feature any side facing windows.

Overshadowing/loss of light/overbearing: The infill extension would be set a reasonable distance away from the granary and the alterations to facilitate the conversion would be within the scale and mass of the existing building; therefore, no significant issues would be raised regarding overshadowing/loss of light/overbearing.

The old Dairy: The garage/outbuilding associated with The Old Dairy adjoins the application site.

Overlooking: There would be no windows on the southern elevation of the building and therefore no significant issues would be raised regarding overlooking.

Overshadowing/loss of light/overbearing: The proposed infill extension would be located a sufficient distance and single storey and therefore would not raise any significant issues regarding overshadowing/loss of light or overbearing.

No other properties would be impacted by the development.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this,

Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

National space standards require the following gross internal floor areas:
4Bedroom 5-person dwelling set over 3 storeys- 97 square metres.
4Bedroom, 6-person dwelling set over 3storeys- 106 square metres.
4Bedroom, 7-person dwelling set over 3 storeys- 115 square metres.
4Bedroom, 8-person dwelling set over 3 storeys- 124 square metres.

The proposed dwelling would have four bedrooms and is therefore required to have a minimum space of 97m². The dwelling would have a floor space of 490m² over two floors and would therefore meet this requirement.

Principle 17 of the House Builders Design Guide SPD states 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. External space should be able to accommodate activities such as playing, drying clothes, cycle, waste and recycling storage.

Due to the property having access to a reasonable amount of outdoor amenity space, the proposal is considered to accord with Principle 17 of the SPD.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, and the National Planning Policy Framework.

4 – Impact on highway safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Officers have informally discussed the application with KC Highways on 7/01/2026.

The proposed dwelling would provide four bedrooms which required 3 spaces to be provided to ensure accordance with the Kirklees highway design guide. It is considered that sufficient details have been provided to demonstrate that these spaces can be achieved within the site and the proposal would accord with the highways Design Guide and policy LP22 of the Kirklees Local Plan.

Bin presentation points have not been provided to support the application; however, officers consider that these could be secured via condition.

Officers consider that subject to condition the proposed scheme would accord with the principles of LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

Climate Change

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

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.

As the application is for one dwelling, it is considered that these matters would be adequately addressed via the requirement for building control approval of the building which would include requirements for thermal efficiency and provision of an electric vehicle charging point which is considered to be a suitable level of mitigation in this case.

Biodiversity/Ecology/Bats

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

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. 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 site is located within a bat alert layer on the councils GIS system. The proposal has been supported by a Bat Survey which has been reviewed by KC Ecology and conditions have been recommended. Specifically a precautionary working method statement, and enhancements of the site through provision of bat / bird boxes. In addition it is considered appropriate to require a lighting scheme in the event artificial lighting is intended to be installed which ensures it would not significantly affect any bat populations in the locality.

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 proposals appear to be exempt from the general Biodiversity Net Gain condition because the proposed development is intended to be for the construction of a single self-build or custom-build dwelling, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

Officers recommend a note is added to the decision regarding the proposal being a self build to ensure that the proposal would not be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

It is therefore considered that subject to the aforementioned conditions, the proposal would accord with LP30 of the Kirklees local plan.

Coal Mining legacy/Contaminated Land

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land

instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The site is located in a high risk coal area, in response to this, officers have consulted The Mining Remediation Authority on the application who have not raised any objections to the proposal. However, further more detailed considerations of ground conditions and/or foundation design would be required given ground works are required and the potential to encounter contaminants. Conditions are recommended to ensure necessary investigations are undertaken.

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

6 - Representations

No representations received.

7 – Conclusion

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for refusal.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2025/62/93199/E

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision

notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP21, LP24, LP30, LP51, LP52, LP53, LP57 and LP60 of the Kirklees Local Plan, principles within the Housebuilders Design Guide SPD and policies within Chapters 2, 4, 9, 12, 13 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 materials including walls, roofs, doors, windows, surfacing, rainwater goods and colour finishes 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 and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policies LP2 and LP24 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 12 of the National Planning Policy Framework.

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

Reason: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

5. 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

6. Where 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

8. 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 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

9. Prior to the commencement of works on site, a detailed Precautionary Working Method Statement (PWMS) in respect of bats shall be submitted to and approved by the local planning authority. In order to minimise risk and avoid harm to bats, the PWMS shall include (but not be limited to):

- toolbox talks provided by a suitably qualified ecologist,
- attendance of an ECoW (Ecological Clerk of Works) as required,
- pre-commencement building checks,
- careful hand stripping around potential bat roosting features.

In the event of encountering a bat, all work must cease until the ecological clerk of works and Natural England are contacted for advice on the best way to proceed lawfully. All contractors working on site should be made aware of

this advice and provided with the contact details of the ecological clerk of works.

Reason: This is a pre commencement condition required to ensure the development has an acceptable impact in relation to bats. In order that the proposals are implemented in accordance with policy LP30 of the Kirklees Local Plan.

10. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the approved boundary treatment scheme has been implemented on the site and shall be retained thereafter.

Reason: In the interests of the visual amenity of the locality in accordance with Policy LP24 of the Kirklees Local Plan, principles within the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

11. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

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

12. 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 Classes A - E of Part 1 and/or Class A of Part 2 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.

Reason: To ensure that the development has an acceptable visual impact, in accordance with the requirements of Policies LP24 and LP60 of the Kirklees Local Plan and the principles within the Housebuilders Design Guide SPD (2021) and policies within Chapters 12 and 13 of the National Planning Policy Framework.

13. Two bat boxes and Two bird boxes shall be incorporated into the dwelling hereby approved; the boxes shall be long-lasting Schwegler 'woodcrete' type or similar and shall be located away from sources of light. The bat and bird boxes shall be provided prior to first occupation of the dwelling hereby approved and thereafter be retained.

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

14. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the

Local Planning Authority. The submitted scheme shall demonstrate conformance with established guidance document Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night. The submitted scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. No external artificial lighting shall be erected within the site other than that which has been approved by this condition which shall be retained thereafter.

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

15. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing

- (i) the location, design and materials of all bin storage areas/enclosures and
- (ii) bin presentations points for collection of wastes has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into use until the works required have been completed/provided, which shall thereafter be retained.

Reason: To ensure adequate waste storage facilities are provided in the interests of highway safety to accord with policy LP21 of the Kirklees Local Plan.

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

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

NOTE: 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: 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: Birds All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest, or the nests are otherwise deserted.

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
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Location plan	106 A		26/11/2025
Proposed site plan	105		26/11/2025
Proposed side elevations	103		26/11/2025
Proposed front and rear elevations	102		26/11/2025
Proposed floor plans	101		26/11/2025
Existing plans	100 A		26/11/2025
Existing site plan	104		26/11/2025
Coal Mining risk assessment	1.0		26/11/2025
Bat Survey	MBE/BAT/2025/085/02		26/11/2025
Mine entry interpretation	2017		26/11/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. Officers did not request revisions to the scheme during the course of the application.