

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:	2025/62/93212/W
Site Address:	291, Wakefield Road, Lepton, Huddersfield, HD8 0EL
Description:	Change of use of part of mixed-use site from residential flat (C3) to office (E(g)(i))
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: 14th January 2026

Officer Report

Site Description

291, Wakefield Road, Lepton, Huddersfield, HD8 0EL is a stone built detached property which occupies a corner plot between Wakefield road and Knotty Lane. The site is within a large plot that is accessed from the east (Knotty Lane) and is covered in hard surfacing to provide parking.

The property is currently mixed use with both residential and commercial uses, the commercial use is office space in association with a property services company.

The site is located within the Green Belt Kirklees Local Plan and within a low risk coal area.

Description of Proposal

The application is seeking planning permission for the change of use from a residential flat (Class C3) to an office (E(g)(i)).

History of negotiations

Non required

Relevant Planning History

2010/92159: Operational development for the erection of polytunnel. Conditional full permission.

Whilst the site is within the red line boundary for the above application, it is considered it is of little relevance to the consideration of this case.

Representations

The site was advertised by site notice and on the council website. Publicity expired on 4th January 2026. No representation was received.

Consultation Responses

KC Highways Development Management – Informal discussions whereby they confirmed they have no objections

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory

Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

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

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 13** – Town Centre Uses
- **LP 21** – Highway Safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

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
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

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

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making

- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Assessment

The following matters are considered in the assessment below –

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

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.

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
- (g) Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- (h)(v) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)

The proposal would consist of a change of use to the building from a residential dwelling to an office. Although this would be a material change of use of the site, it would be a continuation of an existing use of the site and have limited visual implications. 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(h)(v).

Town Centre Use

The proposal would be for a town centre use, to serve an existing development which is a mix of uses which includes town centre uses. In this case it is considered that it would be unreasonable of the LPA to require submission of a sequential assessment, having regard to policy LP13 of the KLP. Whilst there would be a further intensification of the uses in this out of town centre location, it is not considered this would be to a significant degree. Furthermore it is considered the use would likely be in conjunction / compliment the existing range of uses at the site. As a result it is unlikely that other town centre locations would be identified given the uses would not be likely comparable on the basis of existing shared facilities or the potential to use the offices in conjunction with existing provisions at the site.

In addition the proposal would remove a residential element from the mixed use site, the mix of uses would likely impact upon residential occupiers in terms of noise / disturbance and the amenity impact to future occupiers is a factor which weighs in favour of the proposal which would see a more compatible use in connection with other existing uses.

Principle of development – Conclusion

The proposal is concluded to be acceptable in terms of impact upon the Green Belt. Furthermore the existing mix of uses and operations from the site are considered to be such that in this case the individual site characteristics dictate that whilst no sequential assessment has been submitted, there are considerations present in this case which dictate that an absence of a sequential assessment does not constitute a reason for refusal in this instance. There are considered to be material considerations present as part of this proposal which demonstrate the impact would not be significant having regard to the requirements of policy LP13.

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, heritage assets and landscape...”

The proposal would not require substantial alterations to the external appearance of the building to facilitate the development. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on residential amenity

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

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

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. Policy LP52 of the KLP requires, amongst other things, that noise emissions are acceptable.

The proposal would remove the residential element from the site and would continue the existing commercial use on site. There are no residential properties adjoining the site; therefore, the proposed change of use is considered to not cause significant harm to the amenity of neighbouring occupiers. The scheme therefore complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework

4. Impact on Highway Safety

Paragraph 116 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The Highways Design Guide SPD is also relevant.

KC Highways Development Management (HDM) have been consulted on the proposal and have not raised any objections.

Parking arrangements are already present in the locality, the proposal would serve an existing commercial development and as such it is not considered necessary to require details of parking / waste storage to be submitted given the existing facilities would be able to be utilised as part of the development.

It is therefore considered that, the development would not result in significant harm to highway safety, thus complying with policy LP21 & LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Other Matters

Ecology

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.

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

Within the applicant's application form they have stated that the development is exempt from providing BNG as it falls under the de minimis exemption. The nature of the development is considered to be such that it would fall within this exemption. Furthermore it is not considered reasonable of the LPA to insist upon biodiversity enhancements in this case given the nature of the proposal would have a largely neutral impact upon ecology / biodiversity.

Land Stability

The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

6. Representations

No representations received

Conclusion

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

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

Decision Authorisation - Delegated Powers

Application Number: 2025/93212

Officer Recommendation: Approve

Conditions:

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

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

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 and LP53 of the Kirklees Local Plan and Chapters 2, 4, 9, 12, 13 and 15 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, 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 Table:

Plan Type	Reference	Version	Date Received
Location Plan	01a		21/11/2025
Proposed site plan	05a		21/11/2025
Proposed elevations	04a		21/11/2025
Existing Plans	03a		21/11/2025
Existing block plan	02a		21/11/2025
Supporting Planning Statement	25/856		21/11/2025
Climate change	25/856		21/11/2025

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

