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:	**2025/62/93214/W**
Site Address:	22, Holly Bank Road, Lindley, Huddersfield, HD3 3LX
Description:	Change of use from first floor 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: 8th October 2026

OFFICER REPORT

Site Description

22, Holly Bank Road, Lindley, Huddersfield, HD3 3LX 4AQ is a two storey end of terrace dwelling.

The property is located immediately abutting dwellings; however, the wider area is mixed use with Lindley District Centre located approximately 100m west of the site.

The ground floor of the site currently operates as an office.

Description of Proposal

The applicant is seeking permission for the change of use of the first floor from a dwelling to an office (Class E (gi))

The submitted planning statement includes details that the business would open between 9am to 5pm Monday to Friday with no opening on the weekends or bank holidays.

There are no details of external alterations to the outbuilding.

Relevant Planning History

2003/93918: Change of use of ground floor from Homeopathic clinic to offices and first floor to storage. Conditional full permission.

History of negotiations

The applicant was requested to provide the following information throughout the decision-making process by the previous case officer

- Provide a reason for the change of use
- Explain the relationship the change of use will have with the ground floor use
- Provide a reason why the existing office requires an extension
- Provide employment figures for the new use
- Explain if customers will be allowed to enter the site
- Explain the catchment area for the business
- Sequential test

In response, the applicant has explained the two uses would be able to be severed should this be necessary, 4 new full time employment opportunities will be created, the offices will serves the local catchment area, and customers may visit the site at times.

Following this, the applicant was requested to provide a sequential test for sites within Lindley Local Centre.

Representations

The application was advertised by site notice, and the site publicity expired on 8/01/2026.

No comments received

Consultation Responses

K.C Highways DM – informal discussion on 7.10.2026 - no objection subject to conditions

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 unallocated within the Kirklees Local Plan.

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. The National Planning Policy Framework 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 under other matters.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town centre uses
- **LP 21** – Highways and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework, requiring development to be considerate in terms of the character of the host property, street scene, and wider area. 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 following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026 the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The National Planning Policy Framework constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 4** – Achieving sustainable development
- **Chapter 8** – Ensuring the vitality of town centres
- **Chapter 15** – Promoting sustainable transport
- **Chapter 14** – Achieving well-designed places
- **Chapter 19** – Conserving and enhancing the natural environment

Assessment

1 – Principle of development:

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 4 of the National Planning Policy Framework. The objectives of the policies in chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements. For proposals within settlements policy S4 sets out development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 14 of the National Planning Policy Framework. Policy LP24 of the Kirklees Local Plan suggests that proposals should promote good design by ensuring *inter alia* that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In terms of the proposed use of the first floor flat to convert it into an office. The site is located outside of the Lindley District Centre which is the closest main centre use to the development and the proposed use as a office is considered to be a main town centre use.

Officers requested a sequential test was provided with the catchment being for Lindley due to it being the closest main centre and in accordance with Policy LP13, it is considered that the proposal would need to pass a sequential test to be policy compliant.

It has been demonstrated that there are no additional available units within the closest Local Centre. In addition, the applicant currently operates from the offices on the ground floor of the building and the use is currently established on site.

As such, it is considered the application has passed the sequential test and would therefore be policy compliant.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2 – Impact on visual amenity:

Policy LP24 (Design) of the Council's adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Chapter 14 of the NPPF is also of relevance to the consideration of this application.

Officers have reviewed the proposal and its proposed external alterations and consider that, the development would not increase the scale of development on site as it would not result in any extensions.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or

the wider street scene, complying with Policy LP24 of the Kirklees Local Plan, Key Design and the aims of Chapter 14 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

The proposal would intensify the office use on site, and this would be adjacent to the first floor of the neighbouring dwellings.

Having reviewed the history on site, it is noted that the site was previously approved to have the ground floor office subject to the following condition:

> *2. No activity shall take place on the premises outside the hours of 8.00am and 18.00pm on weekdays, 8.00am and 13.00pm on Saturdays or at any time on Sundays (and Bank Holidays).*

It is therefore considered reasonable to impose the same condition relating to the first floor and therefore the premises would not be in operation in any materially different way than it currently does with respect to office use of the site.

After assessing the above factors, subject to condition, officers consider that this proposal would not result in any significant impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policy LP24 of the Kirklees Local Plan and chapter 17 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 15 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

Officers have informally discussed the application with KC Highways on 7/10/2026 who note that the site is outside of a district centre but is in close proximity to sustainable transport links (bus stops).

The site does not have any capacity for vehicular parking and is enclosed by residential development.

Officers have confirmed with the agent that four additional members of staff would be attending the site and note that there is temporary parking provision west of the site which could be used for visitors.

Considering that the site currently has a ground floor use and there is no dedicated parking, officers consider it appropriate to condition that no more

than 10 members of staff are to attend the site at any given time to ensure that the development would not result in an unacceptable increase in vehicular movements to and from the site.

There is outdoor space to the rear of the site and it is considered appropriate to condition the provision of cycle storage to the rear. Inclusion of such a condition will promote sustainable, non car modes of travel, in respect of the associated more intensive use of the site.

Therefore, subject to conditions, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Noise

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources.

It is considered that subject to the aforementioned conditions regarding opening hours, no significant issues would be raised regarding noise.

There are no other matters considered relevant to the determination of this application.

6 – Representations:

N/A

7 – Conclusion:

This application for the Change of use from first floor residential flat (C3) to office (E(g)(i) at 22, Holly Bank Road, Lindley, Huddersfield, HD3 3LX 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. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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 approval.

Recommendation **Approve**
Decision Authorisation - Delegated Powers
Application Number: 2025/93214
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, LP13, LP21, LP22, LP24, and LP53 of the Kirklees Local Plan the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. No activity shall take place on the premises outside the hours outside the hours of:
09.00-18.00 Monday to Friday and 9:00- 13.00 on Saturdays with no opening on Sundays or Bank Holidays.
Reason: To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the

Kirklees Local Plan and Chapters 14 and 15 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Use Classes Order 2021 (or any Order revoking or re-enacting that Order) no other use within Class E than the use of offices (E(g)(i) hereby approved is hereby permitted.
Reason: To ensure the vitality and viability of the Local Centre and to accord with Policy LP13 of the Kirklees Local Plan and advice within Chapter 8 of the National Planning Policy Framework and to preserve the residential amenity of neighbouring residents.

5. There shall be no more than 10 members of staff on site at any given time.
Reason: To ensure that the proposed use does not give rise to unacceptable impacts on the highway network to accord with the aims of Policies LP24 and LP21 of the Kirklees Local Plan and Chapters 14 and 15 of the National Planning Policy Framework

6. Notwithstanding the plans submitted, the development shall not be brought into use until secure, covered, cycle parking facilities have been provided in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be retained.
Reason: To ensure adequate cycle storage is provided for occupiers of the development hereby approved to accord with Policies LP21 and LP22 of the Kirklees Local Plan, the Council's adopted Highways Design Guide and policies contained in chapter 15 of the National Planning Policy Framework

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays,
08.00 and 13.00 hours, Saturdays,
with no working Sundays or Public Holidays.

In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location Plan	PL03	A	20/11/2025
Proposed floor plans	PL01	B	20/11/2025
Existing floor plans	PL02	A	20/11/2025
Sequential test			29/04/2026
Application Form			20/11/2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application. A sequential assessment has been submitted as part of the application.