

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) Section 59A**

**DELEGATED DECISION FOR APPLICATION FOR PERMISSION IN PRINCIPLE**

Reference no.: 2025/59/93228/W

Site: rear of, 70, New North Road, Edgerton, Huddersfield,  
HD1 5NE

Description: Application for permission in principle for erection of  
up to 5 dwellings

Case Office: Danielle Cooper

**Decision Reference: Approval of Permission in Principle**

**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 09-Jan-2026**

## **Officer report**

**Application:** 2025/93228 rear of, 70, New North Road, Edgerton, Huddersfield, HD1 5NE

**Proposal:** Application for permission in principle for erection of up to 5 dwellings

## **Site Description**

The application site comprises a piece of undeveloped land that comprises shrubs and trees. It would appear that the site was formerly a garden area of No. 70 New North Road. Access will be taken from New North Road.

A public right of way (HUD/343/20) is situated along the north boundary.

Part of the site is located within Greenhead Park/New North Road Conservation Area, including the access and part of the courtyard area as shown on the submitted block plan.

The site is also located amongst a number of Grade II listed buildings.

The immediate area is mixed with commercial and residential properties.

Protected trees are also located along the site boundaries.

## **Description of Proposal**

The application is seeking permission in principle for the erection of up to 5 dwellings. As this application relates to permission in principle, the information provided is limited to a location plan and planning statement.

## **History of Negotiations**

None.

## **Consultation Responses**

KC Ecology – Comments received during the course of the application discussed in the Assessment section of this report.

## **Planning history**

2003/92344 - Erection of 5 no. town houses with integral garages (within the curtilage of a listed building within a conservation area) – Approved

## **Public / Local Representations**

The application was advertised by a site notice and the press. Final publicity expired on 4th January 2026. No representations have been received.

## **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 unallocated within the Kirklees Local Plan.

### Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP24 – Design
- LP33 – Trees
- LP35 – Heritage

### Supplementary Planning Documents (SPD):

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
- 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

## **Assessment**

### 1. Permission in Principle Purpose

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in principle and the second ('Technical Details Consent') stage is when the detailed development proposals are assessed. The Technical Details Stage has the effect of granting planning permission.

The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage (Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

It is not possible for conditions to be attached to a grant of Permission in Principle, and its terms may only include the site location, the type of development and the amount of development. The Local Planning Authority (LPA) can inform the applicants what they expect to see at the Technical Details Stage.

It is not possible to secure a planning obligation at the permission in principle stage.

The LPA may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this

case the development is for up to 5 units and the site has an area of less than 1 hectare. The resultant floor-space is shown as 100 sqm for each dwelling and would be 3 storeys in height. Whilst the Planning in Principle route is limited, the submitted Location Plan does provide an illustration of how the 5 dwellings could be positioned. The principle of residential development may be acceptable on site however if planning in principle is approved, this does not render the layout provided acceptable. This would need to be fully assessed at the Technical Details Stage. It is advised that further design work is conducted to ensure a high standard of development is provided.

The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development.

The LPA must not grant permission for development which is likely to affect a Habitats Site, as defined in the NPPF. The Council's Ecologist noted in their consultation response that the site is surrounded by several environmental designations including a number of waterbodies and priority habitats (deciduous woodland), with several records for protected and priority species and habitats being present within 1km of the site. However, the Kirklees Mapping System does not identify the site as falling within such a designation. On this basis, impacts on protected habitats are not considered to be a significant constraint to justify refusal/request further information. It is, however noted that a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) assessment will be required at the Technical Details Stage.

## 2. Location and Land Use

### *Housing Land Supply*

It is appropriate to consider the Local Planning Authority's overall housing position. The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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.

Irrespective of the Councils 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".

Policy LP7 of the Kirklees Local Plan states encourages efficient and effective use of land and buildings. The policy goes on to further state that 'proposals:

- a) should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;
- b) should encourage the reuse or adaptation of vacant or underused properties;
- c) should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;
- d) will allow for access to adjoining undeveloped land so it may subsequently be developed'

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Part of the site is within a Conservation Area and as such is a protected area. It is also noted that the site is located amongst a number of Grade II Listed Buildings.

As such the following policies are relevant:

*Policy LP35 states the following:*

*'Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm...*

*Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:*

*a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;*

*b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;'*

The proposed erection of five dwellings on this site would necessitate the removal of existing trees and shrubbery within the site, however, these are not subject to protection. Consequently, it is not considered that their removal would result in a materially adverse impact on the visual significance of the surrounding heritage assets or the immediate area.

It should be noted, however, that protected trees are located along the side boundaries, just outside the red line boundary. To ensure that the Root Protection Areas (RPAs) of these trees are neither directly nor indirectly affected, an Arboricultural Impact Assessment will be required at the Technical Details Stage, in accordance with Policy LP33 of the Kirklees Local Plan.

The site is also situated within, and adjacent to, a Conservation Area, and in proximity to Grade II Listed Buildings. Therefore, the design, form, and layout of the proposed dwellings must be carefully considered to avoid any substantial harmful on these heritage assets, in line with Policy LP35. The impact on visual amenity would be assessed at the Technical Details Stage. It is noteworthy that planning permission was previously granted for five terraced dwellings on this site under application 2003/92344, although this scheme was not implemented. This demonstrates that the principle of developing five dwellings on this site is considered achievable however this was approved under a different policy framework and only adopted policy/guidance can be given material weight at the Technical Details Stage.

In addition, the site is considered to be located within a sustainable location as its within close proximity to available public transport modes and Huddersfield Town Centre. It is also noted residential developments are located adjacent to the site. Therefore, in relation to location and land use, this application site is considered appropriate for residential development and would meet the requirements of the aforementioned policies.

### 3. Amount of Development

The proposed development seeks permission in principle for up to five dwellings. Policy LP7 of the Kirklees Local Plan sets a target density of 35 dwellings per hectare, which would suggest a capacity of approximately 2–3 dwellings for this site. Consequently, there is some concern that the provision of five dwellings could constitute overdevelopment.

However, taking into account the site's planning history, which previously granted permission for five dwellings, alongside the submitted block plan showing five terraces, it is considered that accommodating five dwellings on the site could be achievable. It is important to note that, at the Technical Details Stage, these dwellings must comply with

the Nationally Described Space Standards (NDSS) and provide adequate amenity space and appropriate separation distances.

Accordingly, the proposed quantum and density of development is considered to be consistent with Policy LP7 of the Local Plan and Chapter 11 of the NPPF. When appropriately designed, the provision of five dwellings on this site would not result in overdevelopment.

## 5. Other Matters

### *Contaminated Land*

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Similarly, the south-east corner of the application is identified as within a potentially contaminated land

The site is also located within a High Risk Coal Area. As such a Coal Mining Risk Assessment would be required.

These matters would be dealt with at the Technical Details Stage.

### *Biodiversity*

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.

The applicant is required to provide details of BNG at the Technical Details Stage.

All other matters would be dealt with at the Technical Details stage.

### *Public Right of Way (PROW)*

It is important to note that a PROW runs along the north side boundary of the site. The PROW must remain open and unaffected by the proposed development. This matter would be detail with at a Technical Details Stage.

## 6. Representations

No representations have been received.

## 6. Conclusion



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1. Approval of all details of the proposal (hereinafter called “the technical details”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
1. Application for approval of the technical details shall be made to the Local Planning Authority before the expiration of three years from the date of this permission in principle.
2. The development hereby permitted in principle shall be begun before the expiration of three years of the final approval of the technical details.

Kirklees Council hereby give notice that **PERMISSION IN PRINCIPLE HAS BEEN GRANTED** for the carrying out of the above development in accordance with the application plans and documents submitted or as may otherwise be amended following written approval by the Local Planning Authority. The Permission in Principle Approved is for the erection of a maximum of one to five dwellings.

**Note:** You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

**Plans and Specifications Table:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan and Proposed Site Plan	P1265-01		24/11/2025
Existing Site Plan	P1265-05-01		24/11/2025
Proposed Site Plan	P1265-10-01		24/11/2025
Planning Statement			24/11/2025

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 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. No amendments required as application acceptable as submitted.

