

**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.: 2025/59/93369/E
Site: rear of, 220, Raikes Land, East Bierley, BD4 6RD
Description: Permission in principle for erection of 1 dwelling
Case Office: Edward Cheseldine

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 11-Feb-2026

Officer Report

2025/93369 - rear of, 220, Raikes Land, East Bierley, BD4 6RD

Description Proposal

Application for permission in principle for erection of detached dwelling.

Site Description

The application site relates to the domestic curtilage of 220 Raikes Lane. The site currently includes a detached dwelling, outbuilding and landscaping. It is bounded by a mixture of treatments including stone wall, fencing and hedging. It is located in the Green Belt.

Proposal Description

The application is seeking permission in principle for one dwelling.

As this application relates to permission in principle, the information provided is limited to a location plan and planning statement.

Amendments/Negotiations

No negotiations were required to be undertaken during the application process as the application is a matter of determining the principle of residential development on the site.

Consultation Responses

None required at this stage. Relevant consultations will be sought at Technical Details Stage.

Relevant Planning History

2008/90376 – Erection of 2 bedroom bungalow – Refused

2017/90347 – Erection of detached dwelling – Refused

Public Representation

The application was advertised by way of a site notice, which expired on 14 January 2026. As a result of the publicity, no representations were received.

Policy & Legislation

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 allocated as Green Belt land in 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. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP 24** – Design

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, and 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 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

- Chapter 15 – Conserving and enhancing the natural environment

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

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 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 1 unit and the site has an area of less than 1 hectare. The resultant floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details Stage.

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

Local Planning Authorities must not grant permission in principle for development which is likely to affect a Habitats Site (as defined within the NPPF). The site is not in an area classified under European habitat protection or those listed in the NPPF.

2. Principle of Residential Development

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

It is noted that this site is within the Green Belt. 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”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

The site is located on Green Belt land. The NPPF states that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

Paragraph 153 states that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

Paragraph 154 of the NPPF states “*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) *buildings for agriculture and forestry;*
- a) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- c) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) *limited infilling in villages;*
- e) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”*

The application is for a new dwelling and as such would not fall under exceptions a, b, c, d, f or g.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages. It states that:

“Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.”

The site is located on the edge of a settlement of Toftshaw Moor which has a strong association with the large built-up area to the north, therefore its location is not considered to meet the requirements of part e, limited infill of villages.

Grey Belt Considerations

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

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

Annex 2 of the NPPF defines Grey Belt as:

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

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

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

Satisfying Green Belt Purposes – Land (Paragraph 155a)

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

The site is 43 metres from a large built-up area consisting of residential and commercial uses. The nearest town of Cleckheaton is located 3.9km the south. The next nearest town is Birstall located 4.45km to the south-east. The town of Cleckheaton is located

4km to the south. However, the site is currently residential curtilage with natural and physical boundaries that will contain development which currently contains existing development. The site is therefore considered to have a moderate contribution to the purposes of purpose (a) – to check the unrestricted urban sprawl of built-up areas.

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

The site is a small parcel of residential curtilage contained by boundaries which is visually and functionally separated from the wider landscape including open fields to the east and residential development to the south. This wider landscape provides a physical and visual buffer from other town and villages within the wider area. The site forms a very small part of a gap between towns. Therefore, it is considered the site has a weak contribution to the purposes of (b) - to prevent neighbouring towns from merging into one another.

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

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

Satisfying Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a moderate contribution to Purpose (a), a weak contribution to Purpose (b), and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a wider area of Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land which is set adjacent to residential development to the south and east. The proposed dwelling would therefore infill this piece of land within defined boundaries. On this basis, although the development would see some localised visual change, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area. The proposal therefore satisfies Paragraph 155(a) of the NPPF (2024).

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), Kirklees currently has a 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.

This shortfall is a material consideration and supports the principle of development on Grey Belt land. The proposed development would contribute to addressing housing need within Kirklees through the delivery of a new dwelling. The supporting information indicates an intention to deliver a single dwelling, that would make a small but positive contribution to local housing stock. While limited in scale, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b).

Sustainable Location (Paragraph 155c)

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

The application site is located in a reasonable distance from shopping outlets located along Tong Street, schools and local amenities. The local area also benefits from a bus network.

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

Principle of development – Conclusion

The site makes a moderate/weak contribution to Green Belt purposes (a), (b) and (d) due to its small scale and previously built nature. A dwelling in this location would be well confined, safeguarding the wider countryside from encroachment. The land is already residential in nature, however there would be a wider domestication due to the associate activity and footprint of development

There is a demonstrable unmet need for housing in the borough due to the lack of a five year housing land supply, and the site is in a reasonably sustainable location.

Taking these factors together, the proposal is considered to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is acceptable in principle. As a single dwelling Paragraph 155(d) is not applicable.

Development would therefore be acceptable in principle, according with LP1, LP2, LP3 & LP7 of the Kirklees Local Plan and paragraphs within Chapter 13 of the NPPF.

3. Quantum of Development

The proposed development is seeking permission in principle for one dwelling. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 1 dwelling. One dwelling is proposed in this instance, which is considered appropriate given the density of development.

4. 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 site is located within a historic landfill site. This matter would be considered 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.

5. Conclusion

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 this Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

The location, land use and density of development is considered appropriate for the wider setting of the site. Given such, this permission in principle application has been assessed against relevant policies in the development plan and other material

considerations. It is considered that the permission in principle would constitute sustainable development and is therefore recommended for approval.

Recommendation: **Approval of Permission in Principle**

Application: 2025/93369 - rear of, 220, Raikes Land, East Bierley, BD4 6RD

Proposal: Permission in principle for the erection of detached dwellings (minimum of 1, maximum of 5)

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:

Plan Type	Reference	Version	Date Received
Location Plan	RL-R01-EX-100	-	14 January 2025
Planning Statement	-	-	14 January 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 negotiations were required to be undertaken during the application process.

