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:	**2025/62/93393/W**
Site Address:	Lower Smithfield, Scholes Moor Road, Scholes, Holmfirth, HD9 1RU
Description:	Erection of fence to front
Recommending Officer:	Joanna Rednall

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 18-Feb-2026

The Site

Lower Smithfield is a detached one and a half storey property located in the defined Green Belt within the Kirklees Local Plan. The property is constructed from stone with a tiled roof. Amenity space for the dwellinghouse is to the front and rear with a driveway to the side leading to an attached integral garage. The property sits with a small cluster of buildings which are surrounded by open fields.

The Proposal

The application is seeking planning permission for the erection of a fence to the front of the site.

The total height of the fence is 1.5m and extends around the perimeter of the front garden. It is constructed from timber/composite fence panels with concrete posts. The fence is situated behind the existing laurel bushes.

History of Negotiations

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

Planning History

Relevant planning history for this site is summarised as follows:-

2025/92315: Certificate of lawfulness for proposed extension to integral garage – Refused.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 12th February 2026.

No representations were received as a result of the publicity.

Parish/ Town Council Comments

Holme Valley Parish Council: Support

Consultations

No statutory consultations were requested for this application.

Allocation & Policies

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity
LP57 The extension, alteration or replacement of existing buildings

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley
Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
Policy 12 – Promoting Sustainability
Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

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. Considered to be of relevance to the consideration of this application are policies within the following chapters: -

Chapter 2 – Achieving sustainable development
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 13 – Protecting Green Belt Land
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16th 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.

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)
Kirklees Highway Design Guide (November 2019)
Holme Valley Neighbourhood Development Plan

Legislation

The Town & Country Planning Act 1990 (as amended).

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 plan unless material considerations indicate otherwise.

Assessment

The following matters are considered in the assessment below –

1. Principle of development

1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of 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. 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.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

<u>Land allocation – Green Belt</u>

The site is designated Green Belt on the Kirklees Local Plan. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in paragraph 154 and 155.

Within paragraph 154 the exception listed at part c) is for 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.

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as

having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

Also of relevance is LP57(d) which sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that: 'the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'.

It is considered that the scale of the development is no more than is reasonably required for the function of the fence, erected to provide security and privacy. It is also considered that the fencing would not appear obtrusive, will be constructed from timber and of a colour finish which appropriately harmonises with the setting of the site. Given the design of the fence, and its use in association with the established residential use of the site, it is considered that its erection is an alteration which is acceptable in this case in light of the aforementioned policies.

The overall impact upon openness both visually and spatially is not considered to be significant, given that the fencing is located either on the property wall or behind the boundary wall within the amenity space. Furthermore, it is considered that the proposal is of an acceptable scale. The proposal is not considered to conflict with any purposes of keeping land in the Green Belt as identified within policies contained within Chapter 13 of the NPPF.

As such, this applications proposal is considered to preserve the openness of the Green Belt and does not impact upon the purposes of keeping land within the Green Belt. Therefore, it is considered that the fence is an alteration which meets the requirements of LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.

2 – Impact upon 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. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA).

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting. Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

The application site is within Landscape Character Area 3 - Hade Edge Upland Pastures

Key landscape characteristic of the area where are

- The open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way (PRoW) follows local lanes or field boundaries. Minor roads and PRoW, including sections of the Kirklees Way and the Barnsley Boundary Walk long distance footpaths, connect farmsteads located on the valley sides. National Cycle Route no. 68 also passes through this area.

Key built characteristic of the area are

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.

- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

The proposal seeks permission for the erection of a 1.5-metre-high fence to the perimeter of the front garden. Boundary treatments in the immediate vicinity of the application site are generally modest in height and comprise low walls and established hedgerows, which are predominantly maintained at a low level. Taller boundary treatments are present along the side boundaries of the site. Collectively, these features contribute positively to the character and appearance of the area by maintaining a sense of openness to the frontages of the dwellings.

Officers consider that, by virtue of its limited height, the proposed fence would not appear unduly prominent, incongruous, or oppressive within the street scene. However, it is considered that the use of standard timber or composite fence panels could appear visually stark and at odds with the prevailing character of the area. As such, it is reasonable and necessary to impose a condition requiring the fence to be finished in a brown or dark green colour, in the interests of visual amenity and to ensure the development integrates more successfully with the surrounding local character.

For the reasons outlined above, it is considered that the development does not cause detrimental harm to the visual amenities of the locality. The proposed development is therefore considered to comply with policies within Chapter 12 of the National Planning Policy Framework, policy LP24 of the Kirklees Local Plan and Key Design Principles 1 & 2 of the House Extension and Alterations SPD.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

The House Extensions and Alterations SPD sets out a number of designs principles which will need to be considered when assessing a proposal's impact on residential amenity, which state:

- Principle 3 – that: *"extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours".*
- Principle 4 – that: *"extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook."*
- Principle 5 – that: *"extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property".*
- Principle 6 – that: *"extensions and alterations should not unduly reduce the outlook from a neighbouring property."*

The position of the fence is such that there would be no impact on the amenities of the occupiers of the neighbouring properties.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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 Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

The proposed development would not result in any change to the existing parking arrangements on site, as the works relate solely to the enclosure of the existing front lawned garden. The proposed fence would be set back approximately 0.75 metres from the existing grass verge and a further 5.2 metres from the highway. On this basis, the proposal is not considered to give rise to harm in respect of highway safety, access, or visibility splays.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 15 of the Council's Street Design Guide and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 15 of the National Planning Policy Framework are 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. The site is not within a bat alert layer on the Council's GIS system and there are no records of bat roosts at the site. The proposal is therefore considered to have a neutral impact upon ecology.

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.

6 – Representations:

No third party representations received.

The support from Holme Valley Parish Council is noted.

7 – 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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2025/93393

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 (as amended).

1. 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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees

Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document, Policies 1, 2, 12 & 13 of the Holme Valley Neighbourhood Development Plan and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

2. The fence hereby approved shall be of a brown or dark green colour finish which shall thereafter be retained.

   Reason: In the interests of visual amenity to accord with Policies LP24, LP35 & LP57 of the Kirklees Local Plan, and the aims of Chapters 2, 9, 12, 13 & 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Block Plan as Existing	25057D-02-P01	-	09/12/2025
Proposed Site Plan, Section and Fence Details	25057D-05-P01	-	09/12/2025
Application Form	-	-	09/12/2025

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

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