

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Tel: 01484 686322 e mail: nick@roberthalstead.co.uk

Planning Development

Planning Statement

Land between 3 & 7 Boulder Gate, Marsden, Huddersfield, HD7 6LJ

Introduction

In May 2024, a planning application for the “erection of detached dwelling and detached garage with associated landscaping” was refused by the LPA at the above site (ref: 2024/90652). A subsequent appeal was later dismissed in December 2024 (ref: APP/Z4718/W/24/3348803).

The Planning Inspector dismissed the appeal on 1) the character and appearance of the area, and 2) the living conditions of future occupiers. He considered the proposals contrary to Local Plan Policies LP2, LP24 and LP35 and the guidance within the Kirklees Housebuilders Design Guide SPD.

It is important to note that neither the Council nor the Inspector objected to the principle of development i.e. the construction of a dwelling on the site.¹

On that basis, a revised proposal was submitted as a pre-application enquiry in April 2025 taking account of the matters raised in the appeal decision (ref: 2025/20452).

This planning application for the “erection of 1 no. detached dwelling with associated parking and landscaping (modified proposal)” has taken on board the both the appeal decision and the advice received from the LPA during the pre-application enquiry process, and includes a revised set of plans. The modified proposal is now considered to be acceptable in overcoming the reasons given by the Planning Inspector in the appeal decision, and the further points raised by the LPA through the pre-application enquiry.

Responding to the appeal key points

Three main points of contention were made in the appeal decision. The plans submitted as part of the pre-application enquiry attempted to address these points in the following ways (and see further below for more details in connection with these changes):

- 1) The dwelling would appear as cramped and contrived due to its awkward orientation.

¹ Paragraph 8 of the Inspector’s decision letter confirms this.

Applicant Response: The proposed dwelling was re-positioned by 45 degrees so that it aligns with the front and rear elevations of No. 3 Boulder Gate.

2) The lack of breathing space around the dwelling would be at odds with the established character of the Boulder Gate Estate.

Applicant Response: The proposed dwelling has been reduced in size. The footprint now measures 67.1 sq.m compared with the previous footprint of 83.5 sq.m. This represents a reduction of 16.4 sq.m or 20%. In addition, the height of the dwelling was reduced. The design of the roof was also revised, which results in reduced massing and built form.

The increase in the amount of breathing space around the dwelling as a result of the re-design would be more in keeping with the character of Boulder Gate, and the development (acceptable in principle) would enable the alleged important views to be maintained.

3) The quantum and useability of the garden would be substandard.

Applicant Response: Through and following the pre-application enquiry, the amount of garden area around the dwelling has been increased further from 136 sq.m, to 180 sq.m. This includes increased areas of level patio and lawn, as well as slightly sloping grassed areas. The amount of useable garden has therefore improved and is proportionate for the size of the dwelling proposed.

Responding to pre-application enquiry feedback from the LPA

A pre-application enquiry meeting was held on 23rd May 2025. The LPA requested that the following points also be considered in a planning application:

1) The air source heat pumps should be removed or sited in a less prominent location:

Our Response: The air source heat pumps have been relocated to the north facing elevation situated between the existing dwelling (No. 3 Boulder Gate) and the proposed dwelling, therefore in a less prominent location.

2) The detached garage should be removed to create an amenity space in that location on the basis that such an amendment has the potential to offer an increased level of privacy.

Our Response: The garage has now been removed from the plans which results in an increased amount of amenity space. The proposals now include three off-street parking spaces instead, which is considered to be appropriate given the size of the proposed dwelling (3-bed). Indeed, this provision is more than required by the relevant Highways Design Guide SPD

3) The dwelling should be set down further within the site having regard to the extent of excavations required to do so.

Our Response: It is not possible to lower the finished floor levels any further due to excessive excavations and then retaining structures that would be necessary. However, in order to mitigate this, the north facing gable has been removed and replaced with a hipped roof which lessens the scale and massing of the proposed dwelling. As a result, the impact of the dwelling on the street scene has been reduced and the 'important views' sighted in the Inspector's report largely remain.

4) Explore the potential of the dwelling being semi-detached to tie in with No. 3 Boulder Gate.

Our Response: Whilst this option has been briefly assessed, it is considered that the plans as submitted now adequately overcome the reasons cited in the appeal. It is also considered that a semi-detached house would look at odds within the Boulder Gate Estate which comprises of solely detached properties.

Changes to the plans resulting from both the appeal and pre-application processes

The changes in full, through - and following - the pre-application stage, and following the appeal decision comprise:

- 1) The orientation of the dwelling has changed so that it is now parallel with the neighbouring properties to the north on Boulder Gate / Gate Head.
- 2) The gable roof design has been changed to eliminate one of the projecting gables on the front (eastern) elevation).
- 3) Ridge Height (and roof pitch) reduced by between 0.43m and 0.85m
- 4) Depth of dwelling reduced by 0.85m (8m to 7.15m)
- 5) Length of dwelling reduced by 0.7m (9.6m to 8.9m)
- 6) Porch width reduced by 0.35m.
- 7) Patio and level garden areas increased in size from 136 sq.m to 180 sq.m.
- 8) Other areas of garden also increased in size as a result of the dwelling's footprint reducing by 16.4 sq.m.

Site Description

The application site comprises of a small parcel of land situated between No's 3 and 7 Boulder Gate. The site is currently relatively overgrown with low lying vegetation and grass. Some existing foundations also exist on the site. The site slopes upwards in a southerly direction, which results in the site being located at an elevated position compared to the other existing plots on Boulder Gate.

The application site is situated within a predominantly residential area with the surrounding dwellings comprising of a mix of house types, scales, and designs. The centre of Marsden is located approximately 0.5 miles south-west of the site. The rear of the application site is located on the corner of Meltham Road and Gate Head, but access to the site is via Boulder Gate.

Planning History

87/04588 – Erection of residential development comprising 9 no. dwellings – Approved

2011/91199 – Certificate of Lawfulness for proposed erection of dwelling – Refused.

2024/90652 – Erection of detached dwelling and detached garage with associated landscaping – refused and dismissed at appeal.

Policy Designation

The application site is on located on unallocated land in the Kirklees Local Plan.



View of the Application Site from the corner of Meltham Road / Gate Head

The Proposals

This application seeks planning permission for the erection of one detached dwelling with associated parking and landscaping (modified proposal).

The proposed dwelling would comprise a two-storey split-level property. The dwelling would have a partly pitched and partly hipped roof with a projecting entrance porch on the east facing elevation. The dwelling would be constructed using coursed stone with concrete roof tiles. Solar panels are proposed on the south facing roof slope. Most of the windows are proposed on the front and rear elevations.

Internally, the proposed accommodation would comprise open plan kitchen, dining and lounge with separate playroom/study and W.C on the ground floor and three bedrooms and two bathrooms on the first floor.

A hardstanding area is proposed adjacent to the highway which would accommodate three parking spaces. Hard and soft landscaped areas are proposed around the dwelling on the remainder of the site.

Assessment of the Proposals

Principle of development

As the previous appeal decision dated 14th November 2024 confirmed at Paragraph 8, neither the Council nor the Inspector objected to the principle of development i.e. the construction of a dwelling on the site.

The Council's housing supply and delivery position means that supporting the principle of residential development, particularly on urban infill sites, is ever more pressing, particularly in the light of the

national housing crisis and the Government's target of building 1.5 million homes in this parliamentary term.

Density / plot size / useable amenity space

The LPA also previously confirmed in the delegated officer's report for the previous application ref: 2024/90652 that the "density of the proposed development is considered to be acceptable in this case given the nature of the site in terms of the topography." ²

At paragraph 9 of the appeal decision, the Inspector noted: "Moreover, the lack of breathing space around the dwelling would also be at odds with the established character of the Boulder Gate estate."

In response, this comment from the Inspector is not supported by the facts. The other eight plots on Boulder Gate have been measured in terms of plot size, dwelling footprint, and dwelling-to-plot size ratios.

The results are as follows:

Plot no.	Dwelling Ftprint (sq.m)	Plot Size (sq.m)	Dwelling to plot size ratio (footprint / plot size x 100)
New plot	67	400	17%
2	83	288	29%
3	87	270	32%
4	74	245	30%
5	82	390	21%
6	79	331	24%
7	74	186	40%
8	73	224	33%
9	73	203	36%

The average footprint size of the existing dwelling is **78 sq.m**, the average plot size is **267 sq.m**, and the average dwelling to plot size ratio is **33%**.

This analysis therefore concludes:

- 1) The proposed dwelling footprint is the smallest on the Boulder Gate estate.
- 2) The plot size is the largest on the Boulder Gate estate.
- 3) The dwelling to plot size ratio is the lowest on the Boulder Gate estate.

Added to this, the amended plans now include 180 sq.m of level amenity space for the future occupants to enjoy.

It therefore cannot be otherwise concluded that there is a "lack of breathing space around the dwelling would also be at odds with the established character of the Boulder Gate estate." The exact opposite is in fact true and it is considered that this issue (the second listed above in terms of issues raised by the Inspector) has been suitably addressed.

² Page 8 penultimate paragraph

Design and Visual Amenity

In the Appeal Decision, the Planning Inspector concluded that:

“The dwelling would undoubtedly appear as cramped and contrived due to its awkward orientation relative to Nos 3 and 7 as well as the Meltham Road/Gate Head junction. The important views referred to in the SPD would be diluted and the dwelling would be an unwelcome and prominent addition to the Meltham Road streetscene.”

Local Plan Policy LP2 states:

‘All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.’

Local Plan Policy LP24 states:

‘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.’*

Local Plan LP35 states:

‘3. 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.’

Principle 2 in the Housebuilders Design Guide states:

‘New residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.’*

Principle 5 in the Housebuilders Design Guide SPD states:

‘The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas, and to seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.’

This part of Marsden is largely characterised by suburban 20th century style developments, comprising a mixture of brick and artificial stone. It could be argued that this detracts from the more traditional character and appearance of development in the Colne Valley, which comprises predominantly of terraced mill workers cottages built of natural stone.

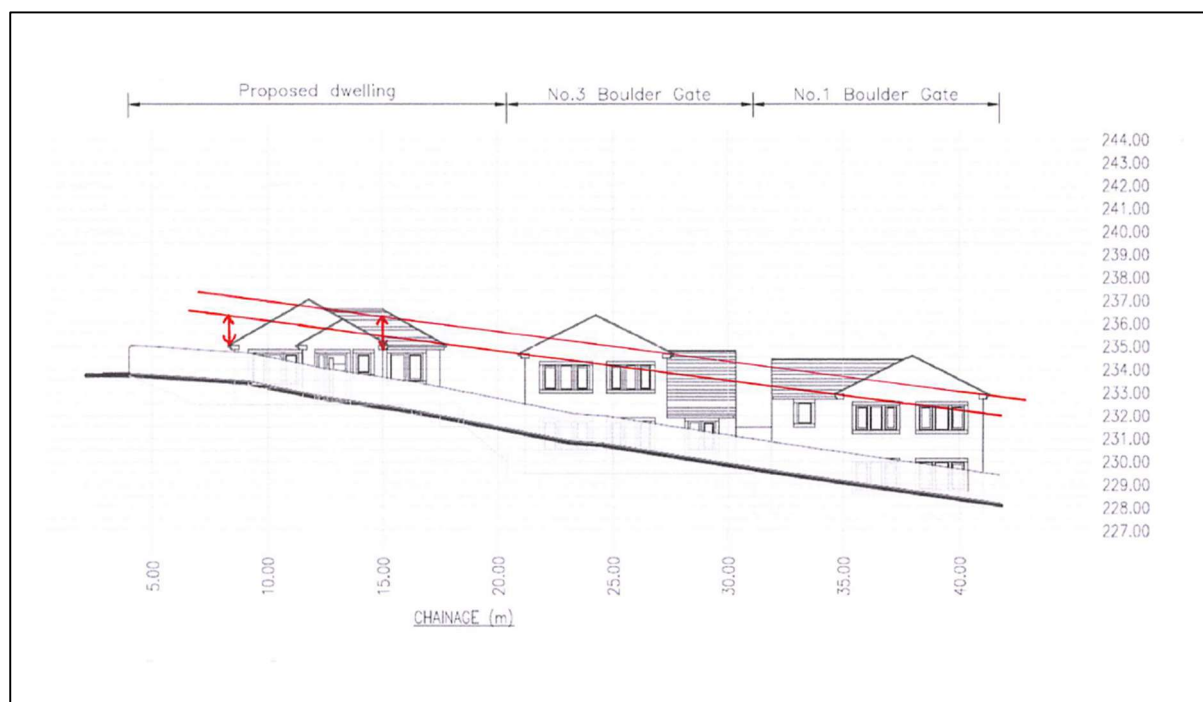
The proposed development seeks to be in keeping with the pattern of stone constructed dual pitched roof two storey dwellings within the vicinity of the site - particularly the immediately adjoining Boulder Gate development to which this plot belongs. However, as an improvement to the quality of design on

this locality, the proposed development seeks to incorporate natural stone walling materials, in keeping with the traditional materials of construction in the area and would thereby enhance the quality of development within Boulder Gate itself (artificial stone) and the locality which predominantly consists of 20th century architecture of not a particularly high merit.

In addition, the local landscape beyond the urban settlements comprises of grazing fields enclosed by traditional gritstone walls. In this case, the traditional dry stone wall enclosing the site on two sides will be retained and rebuilt to match where necessary - thereby maintaining a link to the traditional character of this area. In summary, the appeal development would be considered sympathetic to local character and history, and thereby maintain a sense of place, in accordance with Principle 2 (Context) of the Kirklees Housebuilders SPD

The proposed dwelling has now been re-positioned by 45 degrees so that it aligns with the front and rear elevations of No. 3 Boulder Gate – addressing one of the three key points raised by the Inspector i.e. “The dwelling would appear as cramped and contrived due to its awkward orientation.”

As illustrated by the red dotted lines (showing the previous proposals) on the new plans, the proposed dwelling has also been reduced in size and now has a footprint measuring 67.1 sq.m compared with the previous footprint of 83.5 sq.m. This represents a reduction of 16.4 sq.m or 20%. In addition, the height of the dwelling has also been reduced, and the design of the roof has been revised, reducing the overall massing and built form.



Cross section from Gate Head showing eaves heights pattern

As can be seen from the above cross section, the split level dwelling³ now sits proportionately lower in the street scene compared with the eaves height of the two adjacent dwellings, meaning the proposed plot would be less prominent than existing dwellings in the street scene.

³ The appeal decision said at Para 15: “I acknowledge that a split-level design is appropriate for the site’s topography.”

In terms of detailing, whilst there was a degree of disagreement at the time of the previous application regarding fenestration detailing ⁴, the Inspector noted at Paragraph 9 of the appeal decision: “While I find nothing particularly objectionable to the detailing of the proposed dwelling...”

As such, the proposed dwelling is now considered to be in keeping with the character of the local area and would create a positive and coherent identity with the other dwellings on Boulder Gate. The siting and scale of the development would also preserve the important views of the surrounding landscape and would not unduly impact the significance of nearby heritage assets.

Finally, in response to pre-application feedback, the air source heat pumps have been relocated to the north facing elevation situated between the existing dwelling (No. 3 Boulder Gate) and the proposed dwelling, therefore in a less prominent location.

The proposals are now therefore considered to be acceptable in terms of visual amenity and have adequately overcome the Inspectors comments and previous reason for refusal. The proposals are considered to comply with Local Plan Policy LP24 and LP35 and Principles 2 and 5 in the Housebuilders Design Guide SPD.

Residential Amenity

The Council previously concluded in agreement with the appellant that there would be no loss of residential amenity to the immediate neighbouring properties No’s. 3 and 7 Boulder Gate, as a result of either overshadowing, overlooking or loss of outlook to existing windows.

In the Appeal Decision, the Planning Inspector concluded that:

“The quantum and useability of the garden would be substandard given the site’s topography...”

The Inspector went on to state that “the proposed development would result in unacceptable living conditions for future occupants of the development contrary to Local Plan Policy LP24 b) and the SPD.

Local Plan Policy LP24 b. states:

‘Proposals should promote good design by ensuring: b. they provide a high standard of amenity for future and neighbouring occupiers.’

Principle 17 in the Housebuilders Design Guide SPD states:

‘All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.’

In relation to the Inspector’s concerns i.e. “the quantum and useability of the garden space”, the plans at the appeal stage comprised 136 sq.m level areas of garden patio comprising 92 sq.m front and rear garden, and patio areas of 44.5 sq.m.

⁴ Design of the main window design to the first floor.

The re-positioning of the proposed dwelling, the reduction in the size of the dwelling and the removal of the detached garage results in an increased amount of garden area. The amenity space would also be largely focussed towards the south and south-west of the plot thereby maximising sunlight.

The amended plans now include: level garden (64.22 sq.m rear + 59.6 sq.m front) and level patio (rear = 43.6 sq.m & front = 12.8sq.m - total = 56.4 sq.m). As such, there is now 180 sq.m of level amenity space for the future occupants to enjoy. This has increased from the appeal scheme by 44 sq.m and comprises 54% of the plot size excluding the building (i.e. 180/333 x 100).

The amount of useable garden has therefore improved considerably and is more than proportionate for the size of the dwelling proposed, and the plot size. It is also now arguably better than the other plots on Boulder Gate. The removal of the garage – in response to the Council’s feedback at the pre-application stage, also provides future occupants with a greater degree of privacy in that area of the garden.

Also, with reference to the subtext to Principle 17 at Paragraph 9.3, (“Garden sizes will vary between sites and homes and should be incorporated in a way that takes into consideration the site’s context”), as demonstrated by the plot analysis above, the level of overall amenity space provided by these proposals exceeds the levels provided on other plots - the dwelling to plot size ratio being the lowest on the Boulder Gate estate.

The proposals are therefore now considered to be acceptable in respect of residential amenity and have adequately overcome the Inspectors comments and previous reason for refusal. The proposals are considered to comply with Local Plan Policy LP24 and Principle 17 in the Housebuilders Design Guide SPD.

Sustainable Development

The Council has a presumption in favour of sustainable development as outlined in Local Plan Policy LP1 and paragraphs 7-14 in the NPPF. Paragraph 8 in the NPPF states that sustainable development is achieved through economic, social, and environmental objectives that include,

‘ensuring that sufficient land of the right types is available in the right places at the right time to support growth; ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and protecting and enhancing our natural, built and historic environment including making effective use of land, and mitigating and adapting to climate change.’

Paragraph 124 in the NPPF for example states that,

‘Planning policies and decisions should: d) promote and support the development of under-utilised land and buildings.’

Local Plan Policy LP3 (Location of development) also states that,

‘2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way; d. ensuring delivery of housing and jobs in smaller settlements to meet local housing and employment needs.’

The site is located within the urban settlement of Marsden, in a predominantly residential area. The site is approximately 0.5 miles away from the centre of Marsden, which provides many local services and amenities. A number of schools are within walking distance: Marsden I & N school (10 mins walk);

and Marsden Junior School (9 Mins walk). Local shops (e.g. a Co-op) and many other services & community facilities are located in Marsden centre - 11 mins walk away. Marsden rail station is a 17 minute walk (0.8 miles).

Local bus routes are also plentiful and convenient:

- An hourly bus service (938) runs between Marsden and the neighbouring town Slaithwaite Monday to Fridays and two every three hours on Saturday. The bus stops for this are located immediately to the east of the site on Meltham Road.
- An hourly bus service (184) runs between Oldham and Huddersfield along Manchester Road, 9 minutes walk from the appeal site.
- A half hourly bus service (383) runs between Marsden and Huddersfield along Manchester Road, again the same bus stops as above - 9 minutes walk from the appeal site.

Paragraph 7.3 of the SPD (Page 20) refers to the Housing Design Audit for England, which supports higher development densities because it can help make local services and public transport more viable, as well as reducing the need to travel to access community facilities and services.

The proposed development is therefore considered to be acceptable with regard to achieving sustainable development and accords with Local Plan Policies LP1 and LP3 and the aims of Chapter 2 in the NPPF.

Housing Supply and delivery

Paragraph 61 in the NPPF states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.'*

Paragraph 72 also states that, *'Planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.'*

Paragraph 73 goes on to state that, *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.'

Paragraph 79 in the NPPF also states that, *'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply: c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.'*

The confirmed position for Kirklees Council ⁵ is that there is not currently a five-year supply of specific deliverable sites. As such, the presumption in favour of sustainable development (the tilted balance) applies in accordance with NPPF Paragraph 11d.

In addition to the confirmed inadequate housing supply position, housing delivery in Kirklees has also fallen below 95% of the Local Authority's housing requirement over the previous three years and is at 54%. Again, at this low level of delivery, the tilted balance applies as per NPPF Paragraph 11d.

As a result, the Council is obliged grant planning permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. ⁶

The proposed development on this windfall site would provide an additional home for the local community and it is currently available and deliverable.

As per NPPF paragraph 73, the appeal proposal is a small/medium sized site, and therefore represents an opportunity to "make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly" - noting that the applicant Mr Mullens is a local builder and intends to build-out this site very quickly. The development would also therefore provide local jobs in the form of construction and other related trades during the course of the development, benefiting the local economy.

The same NPPF paragraph requires the decision-maker to give "great weight" to the benefits of using suitable sites within existing settlements for homes.

The proposals are therefore considered to be acceptable in relation to housing supply and delivery and accords with the aims of Chapter 5 in the NPPF.

Efficient use of brownfield land within settlements

The proposals accord with Local Plan Policy LP7 (Efficient and effective use of land and buildings) which requires the best use of land and buildings, and encourages the re-use or adaptation of vacant or underused properties, and prioritises the use of despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value.

NPPF paragraph 124(a) refers to substantial weight being given to brownfield land within settlements.

The site in question is not of high environmental value and is partially despoiled / degraded as a result of the presence of partially built structures: it is therefore brownfield land because of the existing structures on the site, which as evidenced by site photos, the remains of these structures have not "blended into the landscape". ⁷

In summary, the application site is located on unallocated land in the Kirklees Local Plan. The site for the proposed dwelling forms part of a larger housing site that gained planning approval for nine dwellings in 1988 (LPA ref: 87/04588). However, only eight of the nine dwellings were built, with the

⁵ Kirklees Housing Position Statement to Boost Supply February 2024

⁶ Underlining our emphasis.

⁷ NPPF glossary – 'previously developed land'

last plot (the application site) left vacant. This last plot represents a sustainable brownfield infill plot within an urban area.

Highways Considerations

Local Plan Policy LP21 states:

‘New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.’

Access to the application site would be off the existing access serving Boulder Gate.

The detached garage has been removed from the proposals and instead three off-street parking spaces are proposed on an area of hardstanding located at the front of the site. The amount of parking provision therefore exceeds the guidance in the Kirklees Highways Design Guide SPD which recommends two spaces for a 3-bed dwelling. Whilst turning within the site is limited, Boulder Gate is a quiet residential cul-de-sac and as such, cars manoeuvring in and out of the site would not represent a highway safety concern.

Bin storage is proposed at the edge of the driveway which is deemed acceptable and reflects other properties on the street.

It should be noted that the LPA did not object to the previous proposals on highway safety grounds.

The proposals are therefore considered to be acceptable and in compliance with Local Plan Policy LP21 and the aims of Chapter 9 in the NPPF.

Biodiversity Net Gain

Government Guidance on Biodiversity Net Gain states at Paragraph 002:

“The statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, unless exempt, a Biodiversity Gain Plan must be submitted and approved prior to the commencement of that development.”

As the Guidance also confirms (Para 024), “the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England.”

In accordance with Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the minimum information needed to accompany the application is contained within the application form accompanying this application.

A Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment has been produced by Knight Sky Ecology. The site walkover revealed that the site currently comprises of species-poor rank grassland with a pre-development habitat value of **0.08 units**. There were no hedgerows or water courses within the site. There were also no habitats of suitability for nesting birds or roosting bats.

The proposed development would include vegetated gardens to the front and rear. The post-development value of the site habitat would be **0.03 units**. The proposed development would therefore result in a net loss of **0.05 habitat units** or 75%. The proposals would therefore not meet the required 10% net gain. In order to meet the BNG condition, the purchasing of off-site biodiversity credits is advised.

In order to enhance biodiversity on the site, a bat box is proposed on the west elevation of the proposed dwelling.

In light of the above, the information provided with this application is considered to address relevant statutory requirements and complies with Local Plan Policy LP33 and the aims of Chapter 15.

Climate Change

A Climate Change Statement is submitted as part of the application. Climate change mitigation measures have been incorporated into the proposals. These include:

- Solar panels on the south facing roof slope
- Air source heat pumps
- Electric vehicle charging point
- Rainwater harvesting via a rainwater butt
- Smart energy metering and visual display of usage
- LED lighting internally and externally
- Thermostatic valves and temperature regulated thermostats to prevent unnecessary energy consumption

The proposed development would therefore have a positive impact on climate change and accords with Local Plan Policies LP24 and LP26 and Principle 18 in the SPD.

Conclusion and planning balance

This application seeks planning permission for the erection of one no. detached dwelling with associated parking and landscaping (modified proposal).

As discussed in the preceding paragraphs of this report, and following the conclusion of the pre-application process, it is considered that the proposals have adequately overcome the reasons cited by the Inspector in the previous appeal decision in terms of design & visual amenity and residential amenity. Further amendments have responses to the Council's further suggestions for improvement of the scheme at the pre-application stage.

In summary, the applicant respectfully considers that the planning balance is tilted heavily in favour of granting planning permission in this case. The presumption in favour of development (the tilted balance) now applies within Kirklees, and the appellant considers that the *adverse impacts* of the proposals do not in any reasonably objective measure *outweigh the benefits of the scheme in a significant and demonstrable manner*, as per NPPF paragraph 11(d).

It is therefore respectfully requested that planning permission is approved accordingly.

Robert Halstead Chartered Surveyors & Town Planners

December 2025