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:	**2025/62/93420/E**
Site Address:	7A, Little Lepton, Green Balk Lane, Lepton, Huddersfield, HD8 0LN
Description:	Demolition of existing bungalow and erection of detached dwelling with integral garage
Recommending Officer:	Elenya Jackson

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 23rd February 2026

Officer Report

Site Description

The application site relates to a brick built detached bungalow with detached garage to the North West set within enclosed gardens within land which is defined as Green Belt within the Kirklees Local Plan. The brick built bungalow is accessed via a driveway from Green Balk Lane.

The application site makes up part of a small cluster of buildings to the North and West.

Description of Proposal

The application has been received as a re-submission of a previous planning permission (application re-submission of previous approved application 2022/62/93350/E).

Permission is sought for the demolition of the existing bungalow and detached garage to be replaced by a three bedroom detached dwelling with integral garage.

The width of the proposed dwelling is 13.8m with a main dwelling depth of 10.9m (at ground floor level).

The dwelling has a gable projection to the front with a projection of 1.9m. To the rear of the dwelling is a single storey lean-to element which extends the full width of the dwelling at a projection of 2m. The proposal also includes a projection beyond the lean-to single storey element of the dwelling. This would project 3m beyond the rear elevation of the dwelling and have a width of 3.8m. This is consistent with the previously approved application.

The overall ridge height of the proposed dwelling is 6.8m with a pitched roof. The dwelling has 3 no. dormers to the rear with a projection of 2m; height of 2.3m and the side dormers have a width of 2.2m. The middle dormer would have a width of 3m.

There are 2 no. further dormers to the frontage which would sit either side of the glazed projection on the principal elevation.

The frontage of the dwelling will hold full length glazed windows within the central gable which continue at first floor within the gable. The dormers to the east and west will hold doors with a glazed balcony screen.

The rear elevation will hold mostly full length glazed windows within the single storey element with entrance door to the north-west

The drive will be formed with and area of extended permeable hardstanding and enclosed by the existing dry stone wall and vegetation. A stone patio will

be added to the rear with the remaining extent of the site retained as vegetation.

The dwelling will be constructed from natural coursed Yorkshire stone with artificial stone slate roof. The windows and openings would be aluminium

History of negotiations/amendments received.

N/A

Relevant Planning History

2018/92691 - Demolition of existing bungalow and erection of detached dwelling with integral garage – granted

2022/93350 - Demolition of existing bungalow and erection of detached dwelling with integral garage. Granted

Representations

The application was advertised by site notice, in accordance with the Council's adopted Development Management Charter. Final publicity expired 29/01/2025.

No representations received.

Consultation Responses

KC Highways DM (informal on 7/1/2025) – no objections.

KC Ecology: No objections subject to conditions.

The Mining Remediation Authority: No objections

KC Environmental Health: No objections subject to conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located in the Green Belt in the Kirklees Local Plan Proposals Map.

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.

The most relevant policies for consideration in this case are:

Kirklees Local Plan:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 7** - Efficient and effective use of land and buildings
- **LP 11** - Housing mix and affordable housing
- **LP 20** - Sustainable travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 28** - Drainage
- **LP 30** - Biodiversity & Geodiversity
- **LP 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 57** - The extension, alteration or replacement of existing building

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- House Builders Design SPD
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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, 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 8 Promoting Healthy and Safe Communities
- Chapter 9 Promoting Sustainable Transport
- Chapter11 Making Effective Use of Land Chapter
- Chapter 12 – Achieving well-designed places.

- Chapter 13- Protecting Green Belt land
- Chapter14 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.

A**ssessment**

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity and historic environment
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters
6) Representations
7) Conclusion

1 – Principle of development:

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 development plan unless material considerations indicate otherwise. This is re-iterated within paragraph 2 of the National Planning Policy Framework (NPPF).

Section 2 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and defines this as the balance of economic, social and environmental elements. Paragraph 10 states that at its heart is a presumption in favour of sustainable development. For decision making this means that development proposals that accord with the Development Plan should be approved without delay, but where the Development Plan is absent, silent or relevant policies are out of date, LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate that development should be restricted.

Development within the Green Belt

The site is located within the Green Belt. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Within paragraph 143 the NPPF identifies five purposes of the Green Belt:

(a) to check the unrestricted sprawl of large built-up areas;
(b) to prevent neighbouring towns merging into one another;
(c) to assist in safeguarding the countryside from encroachment;
(d) to preserve the setting and special character of historic towns; and
(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Notwithstanding the above, paragraphs 154 and 155 of the NPPF identify certain developments that are considered to be not inappropriate within the Green Belt. These are considered in the following sections:

Consideration of paragraph 154

For paragraph 154, it is considered, in this instance, that the following exemptions may be relevant:

- (c) 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.

Policies LP57 of the Kirklees Local Plan is also considered relevant as it relates to extensions / alterations and conversions of buildings. This states that:

b. In the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;
c. the proposal does not result in a greater impact on the openness in terms of the treatment of the outdoor areas, including hardstanding, curtilages and enclosures and means of access; and
d. 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

The proposal would include the demolition of the existing dwelling on the site and its replacement with a domestic dwelling which will continue to be accessed by the existing access.

The previous application was assessed as follows:

' *The footprint of the proposal has been marginally increased since the initial application via the introduction of a single storey projection to the rear of the*

proposed dwelling. However, this would add a modest addition, adding approximately 11m^2 to the ground floor footprint of the dwelling.

Similarly to the previous application, a small area of grass to the front of the original bungalow will be removed and replaced with permeable hardstanding. The dry stone boundary wall and vegetation boundary will be retained around the perimeter of the site. Due to the amount of vegetation to be retained on the site it is considered that the loss of the small area of grass to the frontage of the site is acceptable and does not impact on the openness of the green belt.

The proposal would be located largely in the same position on site as the existing dwelling and therefore would not increase the sites prominence within the Green Belt due to it being situated amongst a cluster of dwellings.

There have been alterations to the principal elevation of the dwelling to that previously approved via the alteration of a central dormer to a full length glazed projection. However, the projection has been reduced in depth which assists with limiting the scale of the development.

The application also includes a single storey rear projection which has a footprint of 11m^2 . The previous application had a single storey projection which was removed during the course of the application and the width of the proposal reduced. It is considered that, due to the projection on the principal elevation of the dwelling being reduced and the footprint of the single storey element only being 11m^2, this alteration is considered acceptable.

The scheme remains largely similar to that of the previously approved application, however, due to the increased footprint of the proposal, it is considered that any additional development on site would represent overdevelopment. As a result, it is considered necessary to remove permitted development rights to prevent harm to the openness of the green belt. In the event that planning permission is approved, a condition is recommended to that effect.

It is therefore considered that the proposal would constitute appropriate development in the Green Belt with respect to Chapter 13 of the NPPF. In summary it is considered that the proposed development, subject to conditions, would be of appropriate design and could be accommodated without detriment landscape quality, residential amenity or highway safety. The development is therefore considered to be in accordance with Policy LP57 of the Kirklees Local Plan.

It is considered that, although there have been updates to the NPPF since the determination of 2022/93350 to include the concept of ‘Grey Belt’. It is considered that the assessment above is still appropriate for the application and the proposal would constitute appropriate development in the Green Belt with respect to Chapter 13 of the NPPF and in turn would therefore considered to be in accordance with Policy LP57 of the Kirklees Local Plan.

2 – Impact on visual amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. LP24 states that 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…”

The NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.

In addition to this, the NPPF outlines that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

“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 and illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 15 of the Kirklees Housebuilders Design Guide SPD states that the design of the roofline should relate well to site context. Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area. It is considered that the proposal would feature a pitched roof which would not be out of keeping given the mixed appearance of surrounding development.

The proposed dwelling would be located adjacent to existing residential properties and development within the site and would be set back from the public realm.

The proposal is the same as the previous permission on site which has previously been considered to be of an acceptable scale so as not to be materially significantly larger than the original dwelling and detached garage.

It is considered that the scale and design of the proposal would be appropriate for the area as there is not an established, uniform building design within the street scene, which features a variety of detached/semi detached two storey dwellings and bungalows. The proposal is largely consistent with the materials palette of the area and would be in-keeping with other dwellings in the area. Within the previously approved applications on site, it has been highlighted that large amounts of glazing are not necessarily characteristic in terms of the more traditional setting of neighbouring dwellings. However, the dwelling which is being demolished is not currently in keeping with surrounding development and on balance the application is considered acceptable due to the proposal being located within a small built up area, largely contained by other residential development.

In coming to this view, consideration has been given to the fact that development in this particular locality does have varieties within its scale and design. In view of the above, provided that suitable conditions are imposed to ensure the satisfactory appearance of the development, it is considered that it will be acceptable in visual amenity terms reasonably satisfying the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021) in this regard.

To avoid any significant change to the agreed appearance of the development in the future and to limit any further impact on the wider site and character of the area, a condition shall be added to the decision notice to withdraw the permitted development rights for the erection of extensions and outbuildings within the application site marked in red on the submitted location plan.

For the reasons already given above and subject to the imposition of the recommended conditions, it is concluded that the development as proposed would be of a satisfactory quality in terms of its scale, materials (subject to condition) and design that would be in keeping with the surrounding development as well as the prevailing character of the area. There would not be any harm to the amenity of the street scene as a result of the development proposal.

3 – Impact on residential amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 c), which states that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder's Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

6 Little Lepton: is a detached dwelling which benefits from its own driveway.
Overlooking: The relationship between the rear elevation of the proposed dwelling is considered to not have a direct view as a bathroom window would be the closest window to the shared boundary. Therefore, no significant issues would arise regarding overlooking
Overshadowing/loss of light/overbearing: The proposal is considered to be of similar scale to the existing dwelling in terms of maximum height and situated approximately 13m away from the dwelling with an indirect relationship and separated by gardens/vegetation. Therefore, no significant issued would arise regarding overshadowing/loss of light/overbearing.

Beldon Farm and 4 Little Lepton: adjoin the application property to the north-west.
Overlooking: There is one side facing window relating to a utility room at ground floor level. It is considered that as this is non habitable, at ground floor level and predominantly screened by the planting around the site, there will be limited impact.

Overshadowing/loss of light/overbearing: The proposal would be approximately 16m away from the rear elevation of these properties and therefore no significant issues would arise regarding overshadowing/loss of light or overbearing.

The Barn Low Fold Farm: adjoins the application site to the south.
Overlooking: The proposed dwelling would feature one first floor side facing window for a bathroom. This could be conditioned to be obscured and therefore no significant issues would arise regarding overlooking.
Overshadowing/loss of light/overbearing: The proposal would be situated approximately 17m to the north of the neighbouring property. Therefore, no significant issues would arise regarding overshadowing/loss of light/overbearing.

It is considered that when occupied, the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process In order to mitigate any harm, it is recommended that in this instance a footnote is attached limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

In view of the above, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

No other properties would be impacted by the development.

Amenity of the Proposed Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"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."*

dwelling:
3 Bedroom, 4-person dwelling set over 2 storeys- 84 square metres
3 Bedroom, 5-person dwelling set over 2 storeys- 93 square metres
3 Bedroom, 6-person dwelling set over 2 storeys- 102 square metres

The proposed floor plans show the proposal would have three bed spaces and therefore is required to have an internal floor space of $84m^{2.}$

However, the proposal also demonstrates a home office which could be used as a bedroom.

4 Bedroom, 5-person dwelling set over 2 storeys- 97 square metres
4 Bedroom, 6-person dwelling set over 2 storeys- 106 square metres
4 Bedroom, 7-person dwelling set over 2 storeys- 115 square metres

The proposal is shown to have an internal floor space of $268m^2$ over two floors. It is considered that an acceptable standard of living would be demonstrated if the proposal received planning permission.

Principle 17 of the House Builders Design Guide SPD states that 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. External space should be able to accommodate activities such as playing, drying clothes, cycle, waste and recycling storage.

Due to the property having access to a reasonable amount of outdoor amenity space, the proposal is considered to accord with Principle 17 of the SPD.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 and LP52 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, and the National Planning Policy Framework.

4 – Impact on highway safety

With regards to Highway Safety, Policies LP20, LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

KC Highways DM have been informally consulted as part of this application on 28/01/2026, as the proposal would intensify the domestic use at the site.

Off-street parking is provided within the site by a single integral garage and space within the private driveway for at least two further vehicles. As the proposed dwelling will replace an existing dwelling, it is assumed that the bin collections, access and sight lines are acceptable and will remain the same.

A condition has been reccommended to be attached to the decision to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

Details of bin storage have also been presented on the proposed plans which are consistent with the previous application and have previously been considered acceptable.

In view of the above it is considered that the proposal will be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

5 – Other matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining

planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

As the application is for one dwelling, it is considered that these matters would be adequately addressed via building control which includes a requirement for provision of one electric vehicle (EV) parking space. Given this was concluded sufficient mitigation upon the extant permission, and the requirements of building regulations have subsequently been updated since the grant of permission of the extant consent it is conserved sufficient mitigation will be ensured through the building regulations process.

Biodiversity/Ecology/Bats

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 179 of the NPPF outlines that decisions should promote the protection and recovery of priority species, and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 180 goes on to note that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity and outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist.

The site is not located within a bat alert layer on the councils GIS system; however, there is demolition proposed as part of the application and therefore officers have consulted KC Ecology on the application.

It has been requested that conditions relating to a lighting strategy are recommended for the application as well as information relating to bird and bats. It is considered that as the proposal is not within a bat alert layer on the councils GIS system and this condition was not recommended previously, it would be unreasonable for this condition to be added in this instance. However, officers will be recommending a condition relating to biodiversity enhancement on the site.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to be a self build and would therefore be in-line with a qualifying exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Providing the application is constructed as a self build, the proposal would be considered to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). An informative note to this effect will be added.

Given the extant permission in place and on the basis of the recommended conditions / informative the proposal is considered to be acceptable in this regard.

Coal Mining legacy/Contaminated Land

The application site is located in close proximity to a landfill site. Under the previously approved application, contaminated land conditions were deemed necessary, and the previously approved documents have been re submitted under the current application. The Mining remediation authority have confirmed they have no objection to the proposal.

KC Environmental Health has been consulted on the application and have accepted the detail provided; however, they have requested clarification that stockpiled contaminated soils have been appropriately removed from site and any imported materials to be validated in accordance with Yorkshire and Lincolnshire Pollution Advisory Group Guidance - Verification requirements for cover systems (version 4.1, June 2021). As a result, conditions have been recommended on the application relating to the implementation of the remediation strategy and that verification details are provided.

It is considered subject to the aforementioned conditions being included on the decision notice, the proposal would accord with LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Drainage

It is likely that existing drainage infrastructure would be utilised. Due to the scale of the proposal, the statutory drainage bodies have not been consulted on this application so it is not currently known whether these methods of drainage would be acceptable to them in this particular instance. In relation to surface water drainage, the applicant should consider the drainage hierarchy with discharge to sewer only being acceptable where it has been demonstrated that other options are not viable. However, given that this site lies within a main built up area and is enclosed by residential development, it is considered very likely, on the balance of probability, that a suitable means of draining the development could be achieved in this instance. In view of this, and as control over drainage matters can reasonably be exercised through the Building Control process, it is considered that there are no reasonable drainage grounds for opposing this development.

6 - Representations

N/A.

7 – Conclusion

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

The National planning policy framework has introduced a presumption in favour of sustainable development. The policies set out in the National planning policy framework taken as a whole constitute the Government's view of what sustainable development means in practice.

It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers
Application Number: 2025/62/90583
Officer Recommendation: APPROVE
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP51, LP52 and LP57 of the Kirklees Local Plan, Chapters 2, 5, 8, 9,11, 12, 13, 14 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021) and Highway Design Guide SPD (2019).

3. The dwelling hereby approved shall be faced in Natural Yorkshire Stone and roofed in Artificial stone slates as specified on plan reference 18035D-02-P10.
Reason: In the interest of visual amenity and to comply with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP22 of the Kirklees Local Plan.

5. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.
Reason: To ensure the provision of an adequate drainage system in the interests
of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.
Reason: To safeguard the privacy of the adjoining properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan. and the provisions of the Housebuilders Design Guide SPD (2021).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.
Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD (2021).

8. Remediation of the site shall be carried out and completed in accordance with the approved Phase 3 Remedial Strategy by Yourenvironment, Report Number: YE8009 dated April 2019 and the report dated 19th March 2024 by Your Environment. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework

10. A sparrow terrace nest box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development
Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

11. The development shall not be occupied until the window within the first floor of the East elevation serving a bathroom of the dwelling hereby approved has been obscure glazed. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the obscure glazing shall thereafter be retained.
Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policy LP 24 of the Kirklees Local Plan.

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

NOTE: The applicant is hereby advised that the site lies within 250 metres of a former landfill site where significant levels of landfill gas have been detected. It is therefore recommended that the applicant should consider carrying out landfill gas monitoring prior to developing the application site to establish the levels of landfill gas and consider whether mitigation measures are necessary.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution. Footnote; - Adoption under Section 38 of the Highways Act: It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

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

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

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

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice

- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site plan and sections	18035D-01-P01		10/12/2025
Proposed elevations and floor plans	8035D-02-P10		10/12/2025
Climate change statement			10/12/2025
Coal Mining Risk Assessment	2019		10/12/2025
Phase Two Report	YE7444		10/12/2025
Phase Three: Remediation Strategy	YE8009		10/12/2025
Additional top soil assessment	YEX5832		10/12/2025
Land quality letter dated 10th March 2024			10/12/2025

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 Planning 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 revisions were requested to this application as non were deemed necessary.