

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:	2025/62/93444/W
Site Address:	land rear of, 8, Longwood Road, Paddock, Huddersfield, HD3 4EU
Description:	Conversion of storage barn to create two apartments (Listed Building)
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: 12th February 2026

Officer Report.

Reference: 2025/93444

Location: land rear of, 8, Longwood Road, Paddock, Huddersfield, HD3 4EU

Proposal: Conversion of storage barn to create two apartments (Listed Building)

Site Description.

The building that is the subject of this application is a former agricultural / storage barn measuring approximately 13m by 9m, with an east-west alignment. The barn is 5.8m high to eaves, with a gable, stone-slate roof. It is sited roughly 30m north of Longwood Road, accessed by an unadopted track that provides access to 8 dwellings.

The barn abuts the western site boundary with no intervening space. To the north is an electricity substation and a short row of townhouses, 15-21 Victory Avenue.

The barn has a simple, symmetrical design with a central arched doorway at ground floor in the southern elevation which provides a passageway through to a similar doorway at the rear. It has small semi-circular windows in the upper part of the front and side elevations and there is also a small circular window high up in the front elevation, although the building does not in fact contain a first floor. The rear site boundary is formed by a stone wall.

The site is a grade II Listed Building.

The listing reads as follows:

Historic England listing description – Barn between 8 and 10 Longwood Road:

LONGWOOD ROAD 1. 5113 (North Side) Cliff End Barn between Nos 8 and 10 SE 1216 33/843 II 2. Early C19. Hammer-dressed stone. Pitched stone slate roof. Coped gables. 2 storeys. Round-arched barn doors with ashlar voussoirs. Oculus above. 2 semi-circular lunettes either side of oculus, all with plain raised surrounds. 2 semi-circular lunettes in gable ends.

Description of Proposal.

Planning permission is sought for Conversion of storage barn to create two apartments (Listed Building)

The scope of works to the building are as follows:

- Element of re building on south and western elevation
- New doors into front elevation

- Introduction of glazing into southern elevation to replace barn doors
- Replacement timber doors
- One conservation roof light into southern elevation
- Two conservation style roof lights to north
- Four windows at first floor level on northern elevation
- Two doors at ground floor level on northern elevation
- Extraction points into eastern and western elevation

History of Negotiations.

Officers requested a plan was submitted which demonstrates the parking layout. There has been a pre-application on site prior to the submission of this application to discuss previous concerns.

Relevant Planning History.

91/03121 – Change of use from barn to dwelling. Approved, not implemented.

2023/90718 – Planning permission for conversion of storage barn to two apartments. Refused on 25 March 2024 for the following reasons:

- 1. It is considered that the number of parking spaces provided within the site would be inadequate to serve the development. The proposed development would therefore be likely to lead to increased parking on the public highway, and especially on the northern side of Longwood Road, and it is considered that this would be materially harmful to the safety and convenience of highway users, contrary to the aims of policies LP21 and LP22 of the Kirklees Local Plan and paragraph 135(a) of the National Planning Policy Framework (NPPF).*
- 2. The proposed new first-floor windows in the rear (northern) elevation would have a domesticating effect on the barn owing to (i) the symmetry of the openings and (ii) the size of the larger first-floor windows. It is also considered that the proposed rooflights would, owing to their size and number, appear as modern and incongruous features that would undermine the historic character and significance of the Listed barn. The degree of harm caused is considered to be less than substantial within the meaning of the National Planning Policy Framework. Whilst it is accepted that conversion to residential use is likely to represent the optimum viable use of the barn, it has not been demonstrated that conversion to two dwellings represents the optimum viable use or that the above features are essential to enable residential conversion. A public benefit that would outweigh the harm caused in this instance has therefore not been demonstrated. The proposals therefore do not accord with policies LP24(a) and LP35 of the Kirklees Local Plan, Chapter 16 (paragraphs 203, 205 and 208) of the NPPF, and would be incompatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act.*

3. It is considered that the proposed kitchen and dining room windows in the northern elevation of the western dwelling would result in an unacceptable loss of privacy to the occupants of neighbouring dwellings, in particular 15 Victory Avenue, thereby causing harm to this property's amenity. It would thereby not accord with the aims of LP24(b) of the Kirklees Local Plan and Chapter 12, paragraph 135(f) of the NPPF.

2023/90719: Listed Building Consent for conversion of storage barn to create two apartments. Refused 26th March 2024 for the following reason:

The proposed new first-floor windows in the rear (northern) elevation would have a domesticating effect on the Listed barn owing to (i) the symmetry of the openings and (ii) the size of the larger first-floor windows. It is also considered that the proposed rooflights would, owing to their size and number, appear as modern and incongruous features that would undermine the historic character and significance of the Listed barn. The degree of harm caused is considered to be less than substantial within the meaning of the National Planning Policy Framework. Whilst it is accepted that conversion to residential use might represent the optimum viable use of the barn, it has not been demonstrated that conversion to two dwellings represents the optimum viable use or that the above features are essential to enable residential conversion. A public benefit that would outweigh the harm caused in this instance has therefore not been demonstrated. The proposals therefore do not accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 (paragraphs 203, 205 and 208) of the National Planning Policy Framework, and would be incompatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

A subsequent appeal to these decisions was dismissed (refs: APP/Z4718/Y/24/ 3351576 & APP/Z4718/Y/24/3351581).

Of note is paragraph 14 of the Inspectorates decision, whereby they state the following:

The extent of the new openings and rooflights would significantly disrupt the high solid to void ratio of the existing building, eroding the legibility of its former use and function and disrupting its architectural integrity, to the detriment of its special interest and significance. The extent of the works and development required to install the new openings would undoubtedly also result in a notable loss of fabric and the high levels of craftsmanship embodied within it, particularly when also taking into account the extent of rebuilding proposed to address structural concerns. This would adversely affect the integrity and authenticity of the listed building, eroding its special interest and significance.

At paragraphs 30 and 35 of their decision, the Inspectorate concludes the development would be acceptable in terms of impact upon living conditions and as a result of parking arrangements.

In concluding their decision, they set out the following at paragraph 39

Whilst I have found that the proposal would not result in harm to living conditions or to highway safety, a lack of harm is neutral in the balance. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons given, I conclude that Appeal A should be dismissed.

The reasons given being in reference to those set out in paragraphs 7 – 24 of their decision where they set out the impact upon the listed building and weigh up whether public benefits are considered to be present to outweigh the harm they identify.

Whether the proposed amended scheme overcomes the previous reasons for refusal will be discussed within this report.

Representations.

We are currently undertaking 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 and within the newspaper, collectively expiring on 20th December 2024.

In response to publicity, one representation has been received which raises the following concerns:

- Access and highway safety
- Right of access maintained during construction
- Increased parking pressures during construction
- Working hours on site causing disruption including as a result of noise
- Loss of privacy due to development
- Resurfacing of access not being demonstrated on plans

Consultation Responses.

KC Ecology: no objections subject to conditions.

KC Highways Development Management (informal 28/01/2026) – requested further details relating to parking

KC Conservation & Design (informal 6/02/2026) – The Conservation & Design Team has considered the revised scheme acceptable to secure the optimum use of a vacant listed building.

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 property is Grade II Listed.

The application site is in a low risk coal area.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- LP 7 – Efficient and effective use of land and buildings
- LP21 – Highway Safety & Access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity & Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP35 – Historic Environment
- LP52 – Protection and improvement of environmental quality

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

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 2025, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

- Chapter 16 – Conserving and Enhancing the Historic Environment

Legislation:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Building & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment.

1) Principle of Development

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement

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

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

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal.

The application would result in 2 dwellings occupying a site of 440sqm. This would be the equivalent of 45 per hectare. Policy LP7 recommends achieving a minimum of 35 dwellings per hectare. It is considered that the achieved residential density would be appropriate having regard to this aim and the high prevailing residential densities in the surrounding area, and is considered to be an efficient use of land.

The principle of converting the building into dwellings in this location may be acceptable, meeting the requirements of Policies LP1 of the Local Plan and Chapters 2 & 5 of the NPPF. However, this is subject to the benefits of the scheme being balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers' assessment below.

2) Impact on Visual Amenity and Historic Environment

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 states that all proposals should promote good design by ensuring the following:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”*

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act (1990) states that, for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 of the Kirklees Local Plan states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The submitted Design & Access Statement and supporting plans sets out the scope of the works to the building.

The external alterations to the building consist of:

- Small element of re building on south and western elevation
- New doors into front elevation
- Introduction of glazing into southern elevation to replace barn doors
- Replacement timber doors
- One conservation roof light into southern elevation
- Two conservation style roof lights to north
- Four windows at first floor level on northern elevation
- Two doors at ground floor level on northern elevation
- Extraction points into eastern and western elevation

As part of the assessment and determination of this planning application, an informal consultation was undertaken with KC Conservation & Design. Officers reviewed the submitted details and confirmed the works were within the scope of what had been discussed at pre-application and that appropriate alterations had been made in line with officer comments.

Officers consider that as the proposal would have some alterations to the external appearance of the Listed Building and would impact the internal fabric of the listed building it would impact the architectural merit of the building.

Officers consider that the harm caused to the significance of the listed building would be less than substantial. As a result, in the event of any approval public benefits would need to be present for the works to be undertaken.

The building has been vacant for an extended period of time and without a viable use being secured for the building will likely fall into disrepair. The

proposed change of use of the property to dwellings would re-instate a use for the building and some of the works would preserve the building to prevent it falling into disrepair. Officers consider that a residential use for the building would improve the buildings contribution to the character of the street scene and prevailing area and would secure the optimum use for the building. In addition there would be a public benefit arising from the provision of additional housing.

It is considered that as the proposal would have limited external alterations but those requested would improve the external perception of the building, the public benefits would outweigh the less than substantial harm to the architectural merits of the building.

As the proposal would be making alterations to the fabric of the building to facilitate the use, it is considered that conditions are necessary to preserve the details where applicable and limit the harm to the building. Officers recommend the following details to be conditioned:

- window and door details to be submitted to ensure those proposed are appropriate to the character of the building
- Demolition methodology relating to the removal of original internal walls
- Re-use of external facing materials in re-build
- All external materials to be re-used
- The re plastering in the building to be lime plaster on external walls to improve the buildings breathability and prevent degradation of building fabric.

Therefore, for the reasons set out above and subject to conditions, the proposal is considered to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

It is concluded that reason no.2 of application 2023/90718 in this case as a result of the revisions to the scheme from that of the previously refused scheme. Notably the proposal has been revised to have an improved elevational treatment with a reduction of openings and creation of more harmonious additions where they are being created. In this case the level of harm, whilst still less than substantial, is reduced from the degree of harm of refusal 2023/90718 and when weighed against the identified public benefits, and considering the scheme in light of the inspectorate decision to the appeal to 2023/90718 it is concluded that on balance reason for refusal no.2 has been overcome.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should: “...maintain appropriate distances between buildings” and “...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

8 Longwood Road: adjoins the application site to the south.

Overlooking: The proposal would have one window in-line with no.8. It is considered that the window would be high level and would not raise any significant issues regarding overlooking.

Overshadowing/loss of light: The proposal would not alter the footprint of the building and therefore no issues regarding overshadowing/loss of light would be raised.

4-6 Longwood Road: adjoins the application site to the south-east.

Overlooking: The proposal would introduce side facing windows; however, these would not have a direct relationship with the rear of no. 4-6 and therefore no significant issues would be raised regarding overlooking.

Overshadowing/loss of light: The proposal would not alter the footprint of the building and therefore no issues regarding overshadowing/loss of light would be raised.

10 Longwood Road: adjoins the application site to the south-west.

Overlooking: The proposal would have one high level window in the front elevation which would not have any direct relationships with the dwelling of no.10 and two ground floor windows which would largely be in-line with an outbuilding belonging to no.10 and therefore largely screened from view.

Therefore, the proposal would not raise any significant concerns regarding overlooking.

Overshadowing/loss of light: The proposal would not alter the footprint of the building and therefore no issues regarding overshadowing/loss of light would be raised.

15-17 Victory Avenue: adjoins the application site to the north with a separation distance of approximately 15m.

Overlooking: The proposal would introduce four rear facing windows to the building (two for each property). As previously discussed, this application is the re-submission of a previous scheme following the application being dismissed at appeal. Officers previously raised concerns with the separation distance between the properties and its potential impact on the amenity space and rear of the aforementioned dwellings. The inspectors report made the following comments:

'The Council is concerned that this would result in an unacceptable overlooking relationship arising from the unit to the west side of the building. Its first floor windows comprise of a very small square window serving the kitchen and a tall window to the left of this, serving the dining area. In addition, the upper section of the arched doorway opening would be glazed and serve the first floor bedroom. However, the kitchen and bedroom windows are close to floor level which is likely to limit potential for overlooking. Overlooking is also limited by the small size of the kitchen window. Owing to its position on the building, the dining room window would face towards the eastern windows

of No 15, however both of these windows are obscure glazed. Additionally, the appellant is proposing to angle the reveals to the windows, which would further limit the potential for overlooking. 33. Having regard to the nature of the windows proposed, their position in the building, and the existing relationship between the appeal building and No 15, including the change in levels, I am satisfied that the proposal would not significantly reduce existing privacy levels.

Whilst the distances between the two residential units would be below the privacy distances referenced in the Council's Housebuilders Design Guide Supplementary Planning Document, I would note that this does not specifically relate to residential conversions and nonetheless is guidance and cannot envisage every scenario. 35. For the above reasons I therefore conclude that the proposal would preserve the living conditions of the occupiers of 15 Victory Avenue with particular regard to privacy. The proposal would therefore comply with Policy LP24 of the LP in that regard which seeks to ensure new development preserves living conditions. For the same reasons the proposal would comply with paragraph 135 of the Framework which requires planning decisions to ensure new development provides a high standard of amenity for existing and future users'.

It is considered by officers that the first floor windows in the building have been further reduced in scale since the previous submission and retain the angled design so that they would not have a direct relationship with the rear of no.15-17 Victory Avenue. As such it is concluded that no significant issues would be raised regarding residential amenity of neighbouring occupiers. It is therefore concluded that having cognisance of the inspectorates decision letter in relation to application 2023/90718 the proposal would be acceptable and there is a material change in circumstances present in the determination in this case to concluded that reason no.3 has been satisfactorily overcome.

It is considered that the proposal would have an acceptable impact on the residential amenity of neighbouring occupiers and would be compliant with the aforementioned policies.

Future 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."*

National space standards require the following gross internal floor areas:

2Bedroom 3-person dwelling set over 2 storeys- 70 square metres.

2Bedroom, 4-person dwelling set over 3storeys- 79 square metres.

The proposed dwellings would have two bedrooms and is therefore required to have a minimum space of 70m². The dwellings would exceed this requirement.

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.

The properties would not have access to large amounts of amenity space; however, there are other examples of properties within the area within the area which do not have amenity space and it is therefore not considered out of keeping in this instance.

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 or future occupants complying with the aforementioned policies.

4) Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan 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 is also considered to be of relevance.

As part of the assessment and determination of this application, an informal consultation was undertaken with KC Highways Development Management where it was requested to provide details of the parking provision on site.

Officers have reviewed the previous application and note the previous reason for refusal and inspectorate decision. The planning inspector assessed the proposals impact on the highway network and its parking provision as follows:

'The appeal proposal would involve the provision of two car parking spaces (one per unit) in the area to the rear of the building. Vehicles would access this area via the arched opening and the access road linking to Longwood Road, a classified 'C' road. Whilst there are double yellow lines on the southern side of Longwood Road there are no parking restrictions on the northern side including the area in the vicinity of the access to the appeal site. On the site visit, there were several vehicles parked along this length of the road. Vehicles parked closer to the road junction along this section, reduce the width of the carriageway, causing vehicles to drive over the central hatching. Further west in front of the terraced dwellings adjacent to 32 Longwood Road, there are designated parking bays positioned parallel with the

road and hatching to the adjacent bend. At the time of my site visit, whilst a snapshot in time, I saw that there were several available spaces to park here.

The appeal site lies close to Paddock Local Centre which provides a range of facilities including convenience stores. A bus close to the access road junction provides a regular (more than hourly) service to Huddersfield Town Centre. The appeal site is thus relatively accessible and future occupants would not be reliant on a private car for all of their daily or weekly needs.

There is a dispute between the parties as to whether the scheme comprises apartments or semi-detached dwellings. However, given the accessibility of the location, the availability of on-street parking and the nature of the units, being relatively small with little outdoor space, I am satisfied that the proposed provision of one parking space per unit would not lead to a significant increase in demand for on-street parking along Longwood Road. Notwithstanding the disagreement between the parties over the precise nature of the accommodation, I note that no objections have been received from the Highway Authority in this regard.

Whilst there is a dispute as to whether or not the proposed parking provision complies with the Kirklees Highway Design Guide (2019), I would note that this document does not include specific parking standards, and the figures provided are 'an initial point of reference' only. Furthermore, the document indicates that these figures could be subject to change based on evidence including accessibility, the type and mix of development, and the availability of public transport. Given my above findings, I am not convinced that the proposal would conflict with this guidance.

For the above reasons I consider that the proposed parking provision would be acceptable with regard to highway safety. The proposal would therefore comply with Policies LP21 and LP22 of the Local Plan'.

The site layout would be identical to that of the previously dismissed scheme where no concerns were raised by the planning inspector and therefore officers must consider that a material change in circumstance is present in the consideration of this application. The inspectorate decision is a material consideration which must be afforded weight in the determination of this case and the proposal is considered to appropriately accord with Chapter 9 of the NPPF and Policies LP21 and LP22 of the Kirklees Local Plan in this case in light of this change in circumstance since the previous refusal. Reason no.1 of the previous refusal (2023/90718) is therefore concluded to have been overcome.

Conditions requiring surfacing to be appropriately drained in relation to surface water and that an acceptable scheme of bin storage / presentation are

recommended to ensure the development has an acceptable impact in relation to highway safety.

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 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

Considering the small-scale of the proposed development, a change of use of an existing building, it is considered that it would not have an impact on climate change that needs significant mitigation to address the climate change emergency.

Ecology:

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 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 193 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. This is echoed in Policy LP30 of the Kirklees Local Plan.

The application site lies within the bat alert layer on the Council's GIS system and as a result, the application has been supported by a Bat Survey which has been reviewed by KC Ecology.

It has been requested by the Ecology Team that a condition for a CEMP (Biodiversity) is included should the proposal receive planning permission and ecological enhancement measures. As the bat survey confirms there were no bats present, officers do not consider it reasonable to add a CEMP as there

are no protected species on site. Given the building is listed it is not considered appropriate to require provision of bat boxes within the building in this case.

In addition to the above, there have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, unless the development falls within one of several exemptions.

It is considered that as the proposal would be for the conversion of an existing building it would therefore meet the requirements of the de minimis exemption..

Officers consider, that subject to the inclusion of the previously mentioned conditions, the proposal would accord with LP30 of the Kirklees Local Plan and chapter 15 of the NPPF.

Officers also consider it appropriate to add a note to the decision notice regarding the presence of bats.

Contaminated land/Coal Mining Legacy:

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

Officers have reviewed comments provided by KC Environmental Health under the previous application which stated that conditions relating to the discovery of unexpected contaminated would be required on to ensure the proposal would accord with LP53 of the Kirklees Local Plan. This is recommended to be included upon any approval.

Noise

Officers are aware of potential concerns for the future occupiers of the site arising from the presence of the electricity sub-station which is located to the north of the site. This was considered in the previously refused application, and it was concluded that a condition be included which detailed mitigation measures to address noise.

It is considered that taking account of the Environmental Health Teams' response to the previously refused scheme and to ensure the development is undertaken in-line with the requirements of LP52 of the Kirklees Local Plan a condition is included which require the submission of a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (e.g. the electricity sub-station).

Whilst some measures have the potential to conflict with other considerations (such as the fact the building is grade II listed) it is considered that given the window specifications would be controlled separately by condition, and having regard to the fact a degree of noise mitigation measures can be undertaken it is concluded reasonable and necessary in this case for inclusion of the recommended condition requiring identifying the noise climate and what measures would be undertaken to ensure noise is acceptable.

On the basis of inclusion of the recommended condition the proposal is considered to be acceptable in this regard.

Drainage

The site has not been identified as being at risk of flooding. The proposed method of surface water disposal is by mains sewer. Since the proposal does not involve new build it is considered that it would not be appropriate to apply the drainage hierarchy principle, notwithstanding the wording of LP28. A condition relating to surfacing and requiring it to be permeable or appropriately drained in relation to surface water is recommended.

Representations:

One representation was received in response to the site publicity which raised the following concerns:

- Access and highway safety / Right of access maintained during construction

Officer response: It is considered that the proposal would be for the conversion of an existing building using a private access. As such, any obstructions caused during the construction phase would be a civil matter and would not warrant reason for refusal in this instance. Access and highway safety in relation to the proposed use and development following construction is set out in section 4 of this report.

- Increased parking pressures

Officer response: The application would provide a commensurate amount of parking as that set out within the previously refused scheme 2023/62/90718/W which the inspector concluded would not have an unacceptable impact on parking in the area. Therefore, it is considered refusal on these grounds could not be substantiated in this instance.

- Working hours on site causing disruption

Officer response: This would be a civil matter and would not warrant reason for refusal in this instance; however, a note will be added to remind the applicant of acceptable working hours and separate powers available to the Council in relation to noise.

- Loss of privacy due to development

Officer response: The proposals impact on adjoining neighbours has been assessed in section 3 of this report. It is considered that there are no unacceptable impacts on the residential amenity of neighbouring residents.

- Resurfacing of access not being demonstrated on plans

Officer response: As only five dwellings would be required to take their main access from the private road, officers are unable to impose conditions requiring the access to be made to an adoptable standard given the access of 5 from a private drive accords with the Council's adopted policy / Highways Design Guide.

6) 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: 2025/93444
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, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, principles within the Housebuilders Design Guide SPD and policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the insertion of any new windows and external doors, details shall be submitted to and approved in writing by the Local Planning Authority. These shall include product specifications, 1:5 sections and 1:20 elevations showing their appearance including materials, finish, colour, design details of the external reveals, heads, cills and jambs. All new window frames shall be timber, set back within the reveal by 100–125 mm and shall not be fitted flush with the external wall. Any obscured glazing shall be plain frosted and not patterned. All double-glazed units shall be slim-profile, comprising 4 mm glass with an 8 mm gap and black spacer bars and no visible trickle vents are to be used. The approved scheme shall be completed in accordance with the approved details and retained.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policies LP24 and LP35 of the Kirklees Local Plan, as well as policies within Chapter 16 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 Agencies '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. Prior to the development being brought into use details of bin presentation points and access for collection of wastes from the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interest of visual amenity and highway safety, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan.

6. Notwithstanding the submitted details any repairs or repointing to the historic fabric of the building shall be undertaken using lime mortar only and no strap pointing shall be used.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework.

7. Notwithstanding the submitted details any plastering / replastering works to the walls forming the historic fabric of the building shall be undertaken using lime plaster only.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework

8. Notwithstanding the submitted details there shall be no use of filler or expandable foams or silicone sealants in any part of the works which would intersect or touch the historic fabric.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as policies within chapter 16 of the National Planning Policy Framework

9. All stone removed from the listed building walling fabric shall be used as part of the re-build works and no additional walling materials shall be used unless and until a scheme has first been submitted to, and approved in writing by, the Local Planning Authority which details any additional stone to be used. The stone used in the re build works shall only be stone which is approved by this condition.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework

10. All roof finishing materials removed from the listed building during the construction shall be used as part of the re-build works and no additional roofing materials shall be used unless and until a scheme has first been submitted to, and approved in writing by, the Local Planning Authority which details any additional roofing materials to be used. The roofing materials used in the re build works shall only be those which are approved by this condition.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework

11. Details of any proposed external lighting, fixings, CCTV cameras and external equipment fixed to the building and curtilage structures, along with the locations and fixing methods, shall be submitted for approval in writing by the Local Planning Authority prior to installation. Fixings shall be into mortar joints and not into the stonework. The approved scheme shall be implemented thereafter.

Reason: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

12. In the event that contamination not previously identified by the developer is encountered during the development, 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.

Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority.

Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

13. The development shall not be brought into use until a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development (e.g. the electricity sub-station) has been submitted to, and approved in writing by, the Local Planning Authority. The report shall:

- a. Determine the existing noise climate;
- b. Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time) and other habitable rooms of the development; and
- c. Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within chapters 12 and 15 of the National Planning Policy Framework.

NOTE: This Decision Notice should be read in conjunction with Decision for the associated Listed Building Consent application reference: 2025/93445

NOTE: Any paints used shall ensure they are permeable, and none plasticised to ensure the movement of moisture.

NOTE: In order to avoid damage to the Listed Building, care should be taken in the choice of materials to avoid thermal bridging or other issues that may affect the breathability of the Building.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

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.

NOTE: All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The

exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Proposed plans and layouts		02D	9/02/2026
Existing plans and layouts		01A	15/12/2025
Planning Statement and Heritage Impact Assessment			15/12/2025
Application form			15/12/2025
Design and Access Statement			15/12/2025
Climate Change Statement			15/12/2025

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 2015 and otherwise actively engaged with the applicant in dealing with the application. Alterations were requested to align the proposed windows in the side elevation of the dwellings.

