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:	**2025/62/93528/E**
Site Address:	80, Marsh Lane, Shepley, Huddersfield, HD8 8AS
Description:	Demolition of existing dwelling and annex and erection of 3 detached dwellings with associated access and parking (for 3 self build/custom build dwellings)
Recommending Officer:	Danielle Cooper

DECISION – Refused

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 26-MAR-2026

Officer Report

Site Description

The application site relates to No. 80 Marsh Lane, Shepley. It comprises a detached brick-built chalet bungalow, a generous garden, and a detached annex. The boundaries are defined by hedges, fencing, and mature trees. The site sits within a wholly residential area characterised by detached properties set within spacious plots. The surrounding dwellings vary in form, design, and materials.

The rear boundary abuts the Green Belt.

Description of Proposal

The application seeks planning permission for the demolition of the existing dwelling and annex and erection of 3 detached dwellings with associated access and parking (for 3 self build/custom build dwellings).

The proposal seeks the construction of three large detached dwellings arranged in a linear formation across the site.

Plot 1 would accommodate a five-bedroom, two-storey dwelling positioned toward the rear of the site, incorporating an integral garage.

Plots 2 and 3 (4 bed) would be located toward the central and eastern parts of the site. Both are two storeys in height and are orientated so that their principal elevations face west, with their side elevations fronting Marsh Lane.

All dwellings are proposed to be constructed in stone with slate roof tiles.

Each property would benefit from private amenity space and a front driveway providing on-site parking.

A new access point and shared driveway is proposed along the western boundary, serving the development.

History of negotiations/amendments received

The case officer raised concerns with the agent regarding the siting and layout of the three proposed dwellings and requested amendments to the scheme. These revisions were suggested to ensure that the visual amenity of both the site and the wider streetscape would be protected. The agent

confirmed that his client did not wish to amend the proposal and requested that it be determined as submitted.

Relevant Planning History

The most relevant planning history relates to the following:

2019/90737 - Erection of single storey link extension and alterations to detached garage to create dwelling forming annex accommodation associated with 80, Marsh Lane, Shepley, Huddersfield, HD8 8AS – Approved

Representations

Site Notice – Expired 17th February 2026.

One letter of objection has been received. The comments have been summarised below:

- Concern of construction and long-term use of the proposed driveway will encroach upon the Root Protection Areas (RPAs) of existing trees.

- The potential loss of mature boundary trees would result in disproportionate impact on neighbouring residential amenity and loss of privacy.

Kirkburton Parish Council – No comment.

Councillor Discussion

Councillor Hannah McKerchar contacted the case officer to raise concerns from the applicant in regards to the concerns the officer had with the application. These matters were provided to the Councillor and it was outlined that due to the fact the applicant was utilising the services of an agent, negotiations and discussion had occurred through them. A meeting was requested by the applicant through the Councillor however it was determined that due to the fact the agent was aware of the issues, this would not be appropriate nor constructive.

No further action was taken by the Councillor in terms of the Council's Scheme of Delegation and any associated request for a Committee deferral.

Consultation Responses

KC Highways – No comment received.

KC Ecology – No objection subject to conditions.
KC Trees – Objection

The response of consultees is taken into account and addressed in full within the 'Assessment' section of this report.

Planning 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 unallocated within the Kirklees Local Plan.

Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality

Supplementary Planning Guidance/Documents:
• Nationally Described Space Standards
• Housebuilders Design Guide SPD (2021)
• National Design Guide
• Kirklees Highways Design Guide (2019)
•Kirklees Waste Management Design Guide for New Developments (2020)
•Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
•Kirklees Climate Change Guidance for Planning Applications (2021)

National Planning Polices and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017

ASSESSMENT

1 – Principle of Development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

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 judgement in this case is set out in the officers assessment.’

Chapter 5 of the National Planning Policy Framework clearly identifies that Local Authorities should seek to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 69 of the NPPF recognises that: “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should… support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

The site is considered to be located within a sustainable location and is within close proximity to the adopted highway with good transport links. The site is also located within a predominantly residential area and given the small-scale nature of the proposal, it would not exceed the capacity of local infrastructure.

In respect of the above, the quantum of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby paragraph 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".*

Paragraph 135 of the NPPF is also of relevance, in particular the following parts:-

'b) Planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

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, heritage assets and landscape…"

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.
• Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."

Regarding the layout and siting of the proposed dwellings, Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street.

In addition, Principle 6 of the Housebuilders Design Guide SPD highlights that *'the space between buildings can help maximise residential amenity in terms of maintaining privacy, reducing overlooking and ensuring natural light is able to penetrate the buildings…normally new build development should seek appropriate separation distances for servicing, accommodating future adaptions and creating attractive street scenes. These should be in keeping with the character and context of the site and proportionate to the scale of the dwellings'.*

The application seeks planning permission for the demolition of the existing dwelling and the erection of three large detached dwellings in a linear formation across the entire length of the application site.

The proposed siting and layout of the proposed dwellings are considered unacceptable as the scheme does not sufficiently respond to the established spatial character, urban grain, or functional relationships within the surrounding area. As a result, the development appears incongruous within its context.

The prevailing character along Marsh Lane is defined by dwellings that present their principal elevation to the street, following a consistent building line set back from the street, and sit within generous plots with spacious garden areas. While the existing dwelling sits marginally behind the established building line, it nonetheless broadly respects this pattern of development. In addition, it is important to note that although there are examples of backland residential development approximately 100m to the north-east and immediately to the south and south-west of the site on the other side of Marsh Lane, the immediate street scene, particularly the dwellings on the northern side of Marsh Lane and those on either side elevations, continues to reflect the established and prevailing character described above.

The introduction of backland development in this location is therefore not a characteristic of, nor prevalent pattern within, the immediate area and would appear incongruous. As noted earlier, while backland development exists to the south and 100m to the north-east, these schemes are more spacious and do not reflect the tighter relationship proposed under this application. The application site and the dwellings to either side do not exhibit a backland pattern, and such development is not a common feature to this side of Marsh Lane and its immediate context. As such, the proposed arrangement of three large detached dwellings in a linear formation across the site is not considered to respond appropriately to the established spatial character. This is due to the fact that Plot 1 would project significantly beyond the established building line, representing a clear departure from the prevailing urban grain causing a harmful impact to the character and appearance of the area.

Plot 3 is also considered to project forward of the established building line along Marsh Lane, particularly when viewed in relation to the dwellings to the south-west. As a result, it would appear unduly prominent within the street scene, particularly when passing the site south to north. While it is acknowledged that the adjacent property to the north includes a single-storey garage that sits forward of the main building line, the principal elevations of dwellings along this section do not, and therefore this feature is afforded limited weight in justifying the proposed encroachment.

As previously outlined, the prevailing character along Marsh Lane is defined by dwellings that present their principal elevation to the street. In contrast, Plot 3 would not front Marsh Lane, with its side elevation addressing the street. This arrangement disrupts the established pattern of principal elevations facing the highway and fails to respect the existing urban grain. To have a side wall facing onto the street would act to diminish the established street pattern and character of the area, further adding to the adverse affect of the development on the character of the area.

The proposal to accommodate three large detached dwellings across the width of the site is considered to result in a cramped and overly intensive form of development. Policy LP7 of the Kirklees Local Plan sets a target density of thirty-five dwellings per hectare, and on that basis the site could theoretically support a higher number of units. However, the immediate context along the northern side of Marsh Lane is characterised by single dwellings set within generous plots, giving the area a distinctly spacious and low-density character. Furthermore, Paragraph 7.19 of Principle 6 of the Housebuilders Design Guide SPD states that for dwellings of two storeys or more, a minimum separation of 2m should normally be maintained between the side elevation and the shared boundary. The proposed dwellings generally do not achieve this distance. When combined with their scale, massing, and siting,

the result is an overdeveloped appearance that conflicts with the established character of the area.

In addition, the extent of hardstanding proposed along the southern boundary is considered excessive. It would appear visually dominant within the street scene and in turn significantly limit opportunities for meaningful soft landscaping, further contributing to the perception of overdevelopment.

It is also noted that significant tree felling has occurred between August 2025 to present day and as such the proposed dwellings will be highly visible within the streetscape.

To conclude, the proposed development fails to respect the established character, urban grain, and spatial pattern along Marsh Lane and its immediate context. The siting, scale and layout of the dwellings would create an incongruous form of development that appears cramped, out of character and represents overdevelopment of the site. In addition, the extent of hardstanding proposed along the southern boundary is considered excessive. It would appear visually dominant within the street scene and in turn significantly limit opportunities for meaningful soft landscaping, further contributing to the adverse impact on the character of the area and perception of overdevelopment. As a result, the proposal is considered unacceptable and contrary to Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5 and 6 of the Housebuilders Design Guide SPD, and the design objectives set out in Chapter 12 of the National Planning Policy Framework.

3 - Impact on Residential Amenity:

Sections B & C of the Kirklees Local Plan Policy LP24 which 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 occupiers.

Principle 6 of the House Builders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on No. 82 Marsh Lane

This neighbouring property is located south of the application site. Plots 2 and 3 retain a distance of approx. 12.5m to the side elevation of No. 82. Given this

separation distance, there are no concerns to potential overbearing or overshadowing impacts.

Plot 1 is positioned approximately 1.5 m from the shared boundary with No. 82 and sits adjacent to the end of No. 82's rear garden. As the proposed dwelling is located only at the far end of the garden, and No. 82 retains a substantial amount of usable private amenity space that is well separated from the new buildings, the development is not considered to result in an overbearing impact. Furthermore, due to the relative orientation between Plot 1 and No. 82, any overshadowing would be limited to the early morning and would be minor in nature, resulting in no unacceptable loss of light.

Plot 2 includes front-facing fenestrations that looks toward the rear garden of No. 82, with a separation distance of 12.3 m. While a degree of perceived overlooking may arise, this relationship is consistent with other properties in the surrounding area, and the separation distance remains acceptable. On balance, the level of overlooking is considered acceptable and would not result in a significant harmful loss of privacy to No. 82 sufficient to justify refusal.

A driveway is proposed along the southern side of the site, adjacent to No. 82. It is acknowledged that the increased vehicle movements associated with the development will result in some additional noise. While this change is noted, the introduction of only two additional dwellings is not considered to give rise to a level of noise that would be harmful or unacceptable. On balance, the anticipated noise impact is not regarded as detrimental.

Impact on No. 78 Marsh Lane

This neighbouring property is located north of the application site.

The proposed dwellings will retain a minimum separation distance of 10.5m to the side boundary of No. 78. Given the considerable separation distances in place, along with the existing road acting as a buffer, there are no concerns to potential overbearing or overshadowing impacts.

Plot 2 includes rear-facing fenestrations that looks toward the rear garden of No. 78, with a separation distance of 10.5 m. While a degree of perceived overlooking may arise, this relationship is consistent with other properties in the surrounding area, and the separation distance remains generous. On balance, the level of overlooking is considered acceptable and would not result in a harmful loss of privacy to No. 78 sufficient to justify refusal.

Given the considerable separation distances in place, there are no other concerns from the proposed development that may impact on residential amenity of neighbouring properties.

Amenity of future occupiers of the proposed dwellings

Consideration must also be given to the amenity of future residents of the proposed dwelling. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwellings would have a GIA that would comfortably exceed the minimum space

standards set out in the Nationally Described Space Standards (NDSS); therefore officers are content that the proposed dwellings would provide an adequate standard of amenity for future occupiers. In addition, every habitable room does benefit from a window and therefore it is considered that future occupiers would have access to a suitable amount of outlook and natural light. Finally, in terms of Principle 17 of the Housebuilders Design Guide proposals should provide adequate access to private outdoor space that is both functional and proportionate to the size of the dwelling and the character/context of the area. In this instance Officers consider the amount of private amenity spaces to be adequate given the size of the dwellings and the context of the area.

In conclusion, taking the above into account, it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with principles 6, 16 and 17 of the Housebuilders Design Guide SPD.

4 - Impact on Highway Safety:

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking.

The proposed access arrangements and associated sightlines are deemed satisfactory. Any boundary treatment along the frontage would need to be no taller than 1m in height to ensure visibility splay are met. This would be conditioned if planning permission was to be approved.

The proposed new access will require a new dropped kerb which will require a section 278 agreement. It is recommended that an informative be attached to that effect if planning permission were to be granted.

The existing lamppost and bus stop to the front of the site will be retained and the proposed new sightlines and access are considered acceptable.

The existing post box is proposed to be repositioned as a result of the new access. This is a private civil matter and the applicant should contact the relevant party to secure and regularise its reposition.

Each dwelling would have 4 on-site parking spaces within the proposed garages and driveways in front which are considered acceptable.

The proposed bin storage and collection point which is located next to the access point is considered acceptable.

Whilst no trip generation details have been provided with the application, the proposals are not expected to generate sufficient vehicle trips as to have a significant impact on the operation of the local highway network.

Furthermore, surfacing of the remaining access areas is recommended to be a requirement of any grant of permission, by condition, to ensure a suitable access surface for all areas to be used by vehicles is achieved.

It is therefore concluded that, subject to conditions, the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 of the National Planning Policy Framework.

5 - Other Matters:

Contaminated Land & Drainage

With regard to land quality, Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan are relevant and seek to ensure land quality is maintained as part of new development.

The site of the proposed development is not shown to be on potentially contaminated land. It is therefore recommended that a condition in relation to unexpected contamination be imposed, should planning permission be granted. This is considered to be sufficient to mitigate land contamination.

Provision of an adequate system of foul water drainage is a requirement of the Building Regulations and the applicant should contact their Building Control Provider for further information.

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.

In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change given the requirements in relation to building regulations as well as materials being sourced locally. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form and proposal description outlines that the application falls under the self-build and custom-built exemption. Therefore, BNG is not required under this application.

A Preliminary Ecological Assessment has been submitted and has been reviewed by KC Ecology who deem the assessment reasonable and acceptable.

Trees and hedgerows on the site boundaries provide nesting opportunities and some foraging value. Buildings and trees within the site were subject to a preliminary bat roost assessment. Both buildings were classified as negligible roost suitability and no trees with suitability to support roosting bats were identified.

Invasive species variegated yellow archangel (Lamiastrum galeobdolon subsp. argentatum) was identified on the front boundary of the site and therefore a full invasive species survey and management plan will be required to be submitted. In the event that planning permission were to be approved, a condition is recommended to be attached.
KC Ecology have also requested that further conditions be attached for the submission of a Construction Environmental Management Plan (CEMP), ecological enhancements, and an artificial lighting strategy to ensure existing habitats surrounding the site are protected. It is recommended that should planning permission be approved, frther conditions are attached to address these matters.
A condition is also recommended to be imposed to ensure protective fencing is erected around mature trees to ensure the root protection areas are protected from the development.
In conclusion, the submitted information is considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

<u>Trees</u>

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.
A combined tree survey and Arboricultural Impact Assessment (AIA) report (ref. TSC LTD 007 AIA) has been submitted in support of the proposal.
KC Trees have reviewed the report and have noted from a desk-based study using aerial imagery it appears that most of the trees and other established vegetation were removed prior to the tree survey being conducted, representing a significant loss of canopy cover within the site, as well as a loss of environmental, ecological and amenity value. The removal of

vegetation has also changed the private, leafy character of the site from the street.

The proposed site plan ref 2574-D-20-003, dated August 2025, proposes three small trees, to be planted within the modest front gardens, with no further details regarding species or size. Considering the number of trees which have been removed, this proposed tree planting is insufficient.

KC Trees have also noted that there has been damage to the roots of existing trees. It is noted that there is limited space between Plot 1 and trees T1 and T2. The Arboricultural Impact Assessment Plan, dated 20/12/2025, also shows no working space available between Plot 1 and the tree protection fencing (TPF) surrounding T1 and T2. This is likely impracticable and could result in the TPF being removed during construction. This would create a foreseeable opportunity for accidental damage to occur to T1 and T2.

KC Trees have therefore objected and have stated that any proposed buildings should be adequately set back from retained trees to avoid foreseeable issues from developing in the future.

The case officer acknowledges the comments provided by KC Trees. However, as there are no protected trees within or immediately surrounding the site, any harm to visual amenity resulting from their removal, should permission be granted, can be appropriately mitigated for through suitably worded conditions. This can be achieved through the provision of suitable replacement tree planting across the site, alongside the implementation of a comprehensive landscaping scheme to maintain and enhance visual amenity which would be secured by condition should permission be granted.

It is also considered necessary that tree protection measures are secured by condition during construction to safeguard the retained trees were planning permission to be approved.

Overall, it is concluded that appropriate mitigation in relation to ecology and biodiversity can be achieved through the imposition of suitably worded conditions as outlined above.

On balance, the proposal is considered to meet the requirements of policies LP24(i) and LP33 of the Kirklees Local Plan or Chapter 15 of the National Planning Policy Framework in this regard.

6. – Representations

One letter of objection has been received. The comments have been summarised and addressed below:

- Concern of construction and long-term use of the proposed driveway will encroach upon the Root Protection Areas (RPAs) of existing trees.

Officer comment: *This comment is noted and has been addressed within part 5 'Other Matters' of the Assessment section of this officer report.*

- The potential loss of mature boundary trees would result in disproportionate impact on neighbouring residential amenity and loss of privacy.

Officer comment: *This comment is noted and has been addressed within the 'Impact on Residential Amenity' section of the Assessment section of this officer report.*

Kirkburton Parish Council – No comment.

Officer comment: *Noted.*

7. – Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation: Refused

Decision Authorisation: Delegated Powers
Application Number: 2025/93528
Officer Recommendation: Refuse

Reason(s) for Refusal:

1. The proposed development fails to respect the established character, urban grain, and spatial pattern along Marsh Lane and its immediate context. The siting, scale and layout of the dwellings would create an incongruous form of development that appears cramped, out of character and represents overdevelopment of the site. In addition, the extent of hardstanding proposed along the southern boundary is considered excessive. It would appear visually dominant within the

street scene and in turn significantly limit opportunities for meaningful soft landscaping, further contributing to the adverse impact on the character of the area and perception of overdevelopment. As a result, the proposal is considered unacceptable and contrary to Policies LP1, LP2 and LP24 of the Kirklees Local Plan, Principles 2, 5 and 6 of the Housebuilders Design Guide SPD, and the design objectives set out in Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedules: -

Plan Type	**Reference**	**Revision**	**Date Received**
Location Plan	2574-D-20-001		06/01/2026
Proposed Site Plan	2574-D-20-003		06/01/2026
Proposed Drainage Layout	2574-D-20-004		06/01/2026
Proposed Boundary Treatments & Ecology Enhancement	2574-D-20-005		06/01/2026
House Type 01 GA Plans and Elevations	2574-D-20-020		06/01/2026
House Type 02 GA Plans and Elevations	2574-D-20-021	B	06/01/2026
Access Statement	2452		06/01/2026
Planning & Design and Access	25/1210		05/02/2026
Preliminary Ecological Appraisal	322_01	00	06/01/2026
Arboricultural Impact Assessment	TSC LTD 007 AIA		06/01/2026
Climate Change Statement			06/01/2026

Tree response			15/02/2026

Pursuant to article 35(2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. The case officer raised concerns with the agent regarding the siting and layout of the three proposed dwellings and requested amendments to the scheme. These revisions were suggested to ensure that the visual amenity of both the site and the wider streetscape would be protected. The agent confirmed that his client did not wish to amend the proposal and requested that it be determined as submitted.

Report Dated: 18/03/2026