Planning Inspectorate

Appeal Decision

Site visit made on 24 July 2026

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2026

Appeal Ref: 6008310
80 Marsh Lane, Shepley, Huddersfield HD8 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr M Wright, Mr C Wright, and Miss E Wright against the decision of Kirklees Metropolitan Borough Council.
- The application reference is 2025/62/93528/E.
- The development proposed is the demolition of the existing dwelling and annexe and the erection of three self-build/custom-build detached dwellings with associated access and parking.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and annexe and the erection of three self-build/custom-build detached dwellings with associated access and parking at 80 Marsh Lane, Shepley, Huddersfield HD8 8AP in accordance with the terms of the application, reference 2025/62/93528/E, subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. The proposed development was described on the planning application form as "Demolition of Existing Dwelling & Annex and Erection of 3 Detached Dwellings with Associated Access and Parking". It was amended while the application was being determined to include a reference to the development being self- or custom-build (as it had been described elsewhere on the application form and in the submitted Design and Access Statement. I have used a version of that amended description in the banner heading and my formal decision above.

3. Notwithstanding that description, and the stated intention of the appellants (who are three members of the same family) that they would occupy it as such, there is no means before me (such as a planning obligation) by which the self- or custom-build status might be secured. It has therefore been necessary for me to determine the appeal on the basis that the proposed development could come forward as unrestricted market housing.

4. On 17 August 2026, while the appeal was being determined, the Government published a revised National Planning Policy Framework ("the Framework"). I therefore gave the main parties the opportunity to comment on whether they considered the changes to the Framework had any significant bearing on matters in this appeal. The Council chose not to respond, but I have taken into account the comments made by the appellant when reaching my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is a generous plot containing a detached chalet-style brick-built bungalow, with a detached two-storey annexe in similar style. It is on the western edge of Shepley, in a residential area extending along both sides of Marsh Lane from the village centre. Existing dwellings within the area are varied in form, design and materials; within a couple of hundred metres or so either way along Marsh Lane are traditional stone-built cottages and houses, semi-detached houses from (judging by their appearance) the inter-war period, and post-war houses and bungalows (detached, semi-detached or in short terraces) in a wide range of styles. There are also modern infill and backland developments of single dwellings or small groups of houses, including a scheme which was being built behind Nos 119 to 127, on the south side of the road a short way west of the appeal site) at the time I visited. The area has a pleasant and well-maintained residential character.

7. The proposed development is the demolition of the existing buildings on the site, and the erection in their place of three new two-storey dwellings with integral double garages (the property on Plot 3 would also have a small basement area). At the rear of the site facing towards Marsh Lane, on what is described as Plot 1, would be a five-bedroom house with an L-shaped footprint. Plots 2 and 3, along the right-hand side of the site when viewed from Marsh Lane, would each have a four-bedroom house; these would be perpendicular to the street frontage. A new shared accessway from Marsh Lane would be created, off which each house would have its own private driveway. Each house would also have private amenity space. The buildings would be of natural stone, with slate pitched roofs.

8. The Council's 2021 *Housebuilders' Design Guide* Supplementary Planning Document ("the SPD") provides a variety of guidance for new residential development. Among the matters set out in its advice are that development should take design cues from the locality (Principle 2), that there should be a coherent street-fronting building line (Principle 5), and that the spacing and separation between buildings (among other things) should maintain high standards of amenity in respect of privacy, outlook, and light (Principle 6).

9. Some parts of Marsh Lane have a strong building line – the houses on the north side of the street between the appeal site and the buildings of Marsh Farm a couple of minutes' walk to the west, for example, are set to an essentially consistent line, though the wide variety of styles of those buildings means that they do not present a uniform frontage to the street. East of the appeal site, buildings on the north side of the road are considerably more varied in their building line, with the single-storey garage at No 78 (the next property to the appeal site) particularly close to the street. Within the appeal scheme, the proposed house on Plot 3 would be set forward of the building line of the properties to the west. However, in view of the varied line to the east, as well as the distance by which it would still be set back from the street, and the wide array of designs and styles of housing, the proposed development would not be an unduly prominent or intrusive feature in views along Marsh Lane.

10. The proposed house on Plot 3 would be side-on to the street, with its principal elevation facing the shared accessway. For the most part, dwellings along Marsh Lane have their principal elevations facing the street. However, this is not universally the case; as well as examples of properties where the "front door" is on

a side elevation to which the appellant drew my attention (at Nos 7, 80, 102, 104, 110, 115, 117, and 130), I saw that some of the houses on infill developments (such as behind Nos 105/107 and 109/111) present a "side" elevation towards the street, at various distances from it. The appeal scheme would not therefore be unique in this respect; more importantly, given the wide variety of housing designs and layouts which I have described, this still relatively unusual layout would not undermine or otherwise harm the positive characteristics of the streetscape.

11. The three dwellings proposed for the site would be generously sized, though not unusually or excessively so given the housing mix in the vicinity. It appears from the submitted drawings that some separation distances between dwellings and the side boundaries of their plots would be below the 2m minimum sought by the SPD. This would be between the single-storey garage on Plot 1 and a two-storey (but reduced height) "wing" on the north side of the house on Plot 2, and between the side of the house on Plot 2 and a similar "wing" on the house on Plot 3. These relationships would not be widely seen in public views, and in the stepping down in heights between the adjacent dwellings would prevent them appearing harmfully or unacceptably cramped on their plots.

12. The development density would be below the target of 35 dwellings per hectare sought by Policy LP7 of the 2019 Kirklees Local Plan ("the KLP"), although the policy notes that this applies "where appropriate", and that "lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings" (among other reasons"); by the appellants' estimate, the density on the stretch of Marsh Lane 150m to 200m each way from the appeal site is just under 15.5 dwellings per hectare. Given the variety of housing types, sizes and ages in the nearby area, there is also a considerable variation in density on individual plots or groups of plots – some parts of that area have closely-spaced housing on narrow plots, on other plots the dwellings are more widely-spaced. The density of the appeal scheme would not be vastly different to that of the new development behind Nos 119 to 127, nor in this respect would it be significantly at odds with the varied character of the area more generally.

13. The development would, as I have already described, include a shared accessway, off which each dwelling would have a double-width driveway. The extent of hardstanding would not, to my mind, go beyond that which would be expected in a development of the type proposed. The submitted drawings suggest that the frontage would be less dominated by hard surfacing than several other properties nearby, including Nos 78 and 76 Marsh Lane immediately east of the appeal site. I entirely accept that excessive areas of hard surfacing can, and usually do, contribute to an unpleasant harshening of the streetscene, and that existing harm would not be a justification for allowing further unacceptable development. However, the appeal scheme would not be out of the ordinary in this respect; there would be sufficient space for a reasonable amount of soft landscaping, details of which could be secured by condition.

14. As I have identified, there are some aspects of the proposed development which would not comply with all of the guidance in the SPD, notably its advice that buildings should be designed to front onto the street and, to a lesser extent, the desired minimum side separation distances. However, for the reasons which I have set out above, I do not consider that these matters would cause unacceptable harm.

15. I therefore conclude that the development would not cause unacceptable harm to the character or appearance of the area. As such, there would be no significant conflict with Policies LP1, LP2 or LP24 of the KLP; together and among other things, these policies seek to ensure that development should be well-designed, respect and enhance the character of the townscape by being appropriate in form, scale, layout and details, and otherwise protect and enhance the positive qualities of the area.

Other Matters

16. Policy S3 of the Framework says that development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay. Policy S4 goes on to say that "development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in [the] Framework". I note that the Council currently does not have a five-year supply of deliverable housing land, and that its most recent Housing Delivery Test result is below 75%. However, as I have not found conflict with the relevant policies of the development plan, it has not been necessary for me to give these matters further consideration.

Conditions

17. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance, as well as the comments of the appellants (including that they had no objection to any appropriate conditions being imposed). Where necessary I have altered the suggested wording in the interests of clarity or effectiveness. In addition to the standard time limit condition (1) I have specified the approved plans and documents so as to provide certainty (2).

18. A condition requiring a Construction and Environmental Management Plan ("CEMP") is needed to protect the local environment and living conditions for residents close to the appeal site during the construction phase (3). It does not include all the elements suggested by the Council (for example in relation to the Upper and Lower Stones Wood Local Wildlife Site, which would not be necessary given the separation distance between that site and the appeal site), but does include other measures relating to safety and environmental protection which I consider necessary. A condition relating to the treatment or removal of invasive species (4) is necessary in the interests of biodiversity in accordance with Policy LP30 of the KLP, following the identification of variegated yellow archangel on-site in the Preliminary Ecological Appraisal. In order that the required protections can be secured effectively, both of these are necessarily pre-commencement conditions.

19. A condition requiring the approval of details of external materials (5) is necessary to protect the character and appearance of the area in accordance with Policy LP24 of the KLP. A condition relating to the laying out of access and parking areas (6) is necessary to protect the character and appearance of the area, to mitigate potential flood risk from surface water run-off and, by ensuring that adequate vehicle parking and movement space is provided in a timely manner and retained thereafter, in the interests of highway safety. This condition is in accordance with the provisions of Policies LP24 and LP28 of the KLP.

20. Conditions relating to tree and hedgerow protection (7) and to the approval and retention of a hard and soft landscaping scheme (8) are necessary to protect the character and appearance of the area in accordance with Policy LP24 of the KLP. A condition relating to landscaping on the front boundary (9) is necessary in the interests of highway safety and is in accordance with Policies LP20 and LP21 of the KLP. A condition relating to external lighting (10) is necessary in the interests of biodiversity, and is in accordance with Policy LP30 of the KLP.

21. I have not imposed the condition which the Council suggested relating to an ecological design strategy, as it was not adequately explained why that would be necessary in this case.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions I have imposed.

M Cryan

Inspector

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
   - Location Plan (Dwg: 2574 D 20 001, April 2025)
   - Existing Site Plan (Dwg: 2574 D 20 002, May 2025)
   - Proposed Site Plan (Dwg: 2574 D 20 003, August 2025)
   - Proposed Drainage Layout (Dwg: 2574 D 20 004, August 2025)
   - Proposed Boundary Treatments and Ecology Enhancements (Dwg: 2574 D 20 005, August 2025)
   - House Type 01 GA Plans and Elevations (Dwg: 2574 D 20 020, August 2025)
   - House Type 02 GA Plans and Elevations (Dwg: 2574 D 20 021, August 2025)
   - Access Statement (Paragon Highways, Project 2452, August 2025)
   - Preliminary Ecological Appraisal (Knight Sky Ecology, Ref: 322_01, November 2025)
   - Climate Change Statement (Paul Matthews Architectural, Job 25/1273, December 2025)
   - Arboricultural Impact Assessment (Treescapes Consultancy Ltd, Ref: TSC LTD 007 AIA, 20 December 2025)

3) No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan ("CEMP") has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:
   - the parking of vehicles of site operatives and visitors;
   - loading and unloading of plant and materials;
   - storage of plant and materials used in constructing the development;
   - the erection and maintenance of security hoarding;
   - wheel washing facilities or other measures to control the emission of dust and dirt during construction;
   - a scheme for recycling/disposing of waste resulting from demolition and construction works;
   - delivery, demolition and construction working hours.

   The approved CEMP shall be adhered to throughout the construction period for the development.

4) No works shall commence on-site prior to the completion of an invasive species survey, and appropriate removal or management plan agreed in writing with the council. Works shall be carried out in accordance with the agreed removal or management plan.

5) No development above slab level shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

6) The dwellings hereby approved shall not be occupied until all areas indicated in the approved drawings and documents to be private drives and parking

areas are laid out with a hardened and drained surface in accordance with *Guidance on the permeable surfacing of front gardens* published by Communities and Local Government and the Environment Agency on 13 May 2009 (or any subsequent amended version of or successor to that guidance). These areas shall be retained thereafter, free of obstructions and available for vehicular access and parking in accordance with the approved drawings and documents.

7) None of the trees or hedgerows identified to be retained in the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within five years from the date of the date of first occupation of the dwellings hereby permitted, other than in accordance with the approved plans and details.

8) The dwellings hereby approved shall not be occupied until a scheme setting out full details of hard and soft landscaping, including planting of additional trees and shrubs, has been submitted to and approved in writing by the local planning authority. The scheme shall detail the phasing of the landscaping and planting, and shall incorporate the planting of native trees and hedgerows in accordance with the approved drawings and documents. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing.

   The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the local planning authority gives its written consent to any variation. The areas indicated for use as soft landscaping in the approved scheme shall be retained as such for the lifetime of the development.

9) Notwithstanding the approved drawings and documents, boundary treatment along the front boundary shall be limited to a maximum height of 1 m to ensure that visibility splays are achieved.

10) Prior to the installation of external lighting, details of the lighting scheme (developed in accordance with the 2023 Bat Conservation Trust and Institute of Lighting Professionals *Bats and Artificial Lighting at Night*, or successor or equivalent guidance, and including information about the height, design, location, and intensity of lighting) shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.