

# **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:         | <b>2025/62/93534/E</b>                                                     |
| Site Address:         | Jack's Barn, 22, Stringer House Lane, Emley Moor,<br>Huddersfield, HD8 9SU |
| Description:          | Engineering operations to provide a wildflower<br>meadow                   |
| Recommending Officer: | Elenya Jackson                                                             |

**DECISION – Full Conditional 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.**

Kirsty Nicholls

***AUTHORISED OFFICER***

**Date:** 15-APR-2026

## **Officer Report**

### **Site Description**

Jack's Barn, 22, Stringer House Lane, Emley Moor, Huddersfield, HD8 9SU

The application site relates to land to the rear of 'Jack's barn' at 22 Stringer House Lane.

The title property was converted into a dwelling under application 2021/93165.

The application site is to the rear of this property and is not part of the domestic curtilage of the dwelling.

### **Description of Proposal**

The application seeks planning permission for engineering operations to provide a wildflower meadow.

The works proposed are for engineering works to grade the land.

The Planning Statement associated with this application states that following the construction of the dwelling under planning permission 2021/93165, soil excavated from the site has been deposited in the land to the east of the site.

### **History of negotiations/amendments received**

An amended application form was required during the course of the application as the original address provided was incorrect.

### **Relevant Planning History**

2021/62/93165: Demolition of existing garage and erection of dwelling. Conditional full permission.

2019/93646 – Demolition of existing garage and erection of dwelling. Approved.

2019/90963 – Certificate of lawfulness for existing use of barn as garage and domestic storage. Granted.

2016/91430 – Erection of extension and alterations to existing stable to form dwelling. Approved.

2013/91464 – Alterations and conversion of existing stables/barn/ancillary building to form a dwelling – Approved.

2001/90621 – Change of use of granny flat from ancillary residential to separate dwelling. Refused.

2005/91030 – Change of use of stables to 1 dwelling. Refused and subsequent appeal dismissed.

2007/90594 – Erection of first floor extension. Refused.

2011/92632 – Erection of balcony to rear of property. Approved. 1999/92214 – Formation of riding area. Approved.

## **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, which had a final expiry date of 26/03/2026.

Nine representations received, eight in objection and one in support

### **Support**

- The wildflower meadow will provide additional opportunities for the wildlife population.

### **Objections**

- Flooding and drainage concerns
- Damage to neighbouring properties
- Breaches of previous planning permission drainage details
- Used to cover the disposal of building materials

## **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways: Informal. No comments.

KC Ecology: No comments.

## **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 27<sup>th</sup> February 2019).

The site is allocated as Green Belt development on the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- LP 1 - Presumption in favour of sustainable development
- LP 2 - Place shaping
- LP 21 - Highways and access
- LP 22 - Parking
- LP 24 - Design
- LP 28 - Drainage
- LP 52 - Protection and improvement of environmental quality
- LP 53 - Contaminated and unstable land

### **Supplementary Planning Guidance and other considerations**

- Highways Design Guide SPD

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 12 - Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land

- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

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

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology
- 5) Representations
- 6) Conclusion

### 1 – Principle of development:

The site is allocated as Green Belt in the Kirklees Local Plan.

The National Planning Policy Framework (NPPF) (December 2024) provides the national policy framework for planning decisions within the Green Belt

Paragraph 143 outlines the five purposes of the Green Belt, which are:

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

Paragraph 153 of the NPPF states that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by

reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

This is followed by paragraph 154 of the NPPF, which states that development in the Green Belt is inappropriate unless it falls under an exception, it is considered that the following exemptions may be relevant in this instance:

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it (engineering operations).

Officers consider that the proposal would be in-line with exemption H of paragraph 154 as it would consist of engineering operations and would not conflict with any of the five purposes of including land within the Green Belt. Therefore, very special circumstances would not be required to be demonstrated in this instance.

In terms of openness, this has been established to have both a visual and spatial aspect.

The regrading of the land has arisen due to excavation works to form a dwelling and the displaced soil has resulted in a change in land levels. Officers consider that this regrading would not appear unduly urbanising and would not visually appear as encroachment into the countryside. Furthermore, its end use as a wildflower meadow will further act to mitigate any perceived harm, providing an appropriate use within the landscape.

Given the above, Officers consider that the proposal would preserve the openness of the Green Belt and would not conflict with any of the other purposes of including land within Green Belts. It is therefore considered that the proposal would constitute appropriate development in the Green Belt, and is therefore in accordance with Chapter 13 of the NPPF. The principle of the development could therefore be acceptable, but this is subject to an assessment of the proposal against other material considerations which shall be discussed below

## 2 – Visual amenity:

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

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.*

*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

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

LP24 states that proposals should promote good design by ensuring:

*“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

As outlined in detail in the principle of development section of this report, this site is within the Green Belt and this characterises the surrounding landscape. The proposal would cause some harm to the visual character of the area as it would be amended from fields into a wildflower meadow.

The regrading of the land will not give rise to any significant harm in terms of visual amenity as the profile will not be excessive. Furthermore, the use as a wildflower meadow will further act to mitigate any harm and would not represent an unacceptable form of urbanisation as it would be a natural appearance. As such, the impact on visual amenity is considered acceptable on balance.

It is therefore considered that, the proposal would not cause significant harm to the visual amenity of the surrounding area. The proposal is therefore considered to be in accordance Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework

### 3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Chapter 15 of the NPPF, ‘Conserving and Enhancing the Natural Environment’ is also of relevance to residential amenity. Paragraph 180 I sets out that, planning policies and decisions should contribute to and enhance the natural and local environment by *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local*

*environmental conditions such as air and water quality, taking into account relevant information...”*

The proposed regrading would not be to such a degree as to create any significant means of overlooking any neighbouring properties or overshadowing. Furthermore, there would be no structures erected and therefore would not raise any concerns regarding overshadowing/loss of light or overbearing.

#### 4 – Impact on highway safety, including land instability:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 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 and Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

KC Highways were informally consulted and raised no objections to the scheme as it was sufficiently at a distance away from the highway to avoid impacts and the nature of the proposal would not intensify the use of the site.

The proposed development would not cause additional harm or obstruction to highway safety. This would comply with Policies LP21 and 22 of the Kirklees Local Plan, Key Design Principles 15 –16 of the House Extensions and Alterations SPD, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

#### 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.



Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

When determining planning applications, the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

#### *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.

Part of the application site is located in a High Risk Coal Area. As such, a Coal Mining Risk Assessment has been provided in support of the application. Officers have reviewed the details provided and note that the assessment provided relates to the barn and not the land to the rear. However, it is considered that the development would be exempt from requiring a consultation with The Mining Remediation Authority by the nature of the development as ground works would be considered minimal. However, in the event that planning permission be approved, a note is recommended to be attached to the decision notice advising the applicant about works within a High Risk Coal Area.

The supporting documents state that the increase in land levels is as a result of excavated material being deposited to the rear of the site and implies that all materials are inert.

The applicant is reminded that, in accordance with paragraph 197 of the National Planning Policy Framework (NPPF) "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

Officers recommend that this informative be attached to the decision notice to confirm to the applicant that the responsibility for ensuring a safety development lies with the developer and/or landowner to ensure they are not in breach of the Environmental Protection Act 1990.

Officers consider it necessary to add a condition which requires the reporting of unexpected, contaminated land.

Subject to the imposition of conditions, it is considered that the proposal would be acceptable in the context of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

#### *Biodiversity*

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

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

Officers have consulted KC Ecology on this application who have no comments to make. Therefore, the proposal would be considered to accord with LP30 of the Kirklees Local Plan.

#### 6 – Representations:

9 letters of representation have been received, 1 in support and 8 in objection.

##### Support

- The wildflower meadow will provide additional opportunities for the wildlife population.

***Officer response: Noted***

##### Objections

- Flooding and drainage concerns

**Officer response:** *The application site is not in an area known to be at risk of flooding. This matter would be out of the remit of planning and controlled by building control.*

- Damage to neighbouring properties

**Officer response:** *Damage that occurs as part of development would be a civil matter between the developer and associated parties.*

- Breaches of previous planning permission e.g drainage details

**Officer response:** *The purpose of this application is not to regularise other development works or make alterations to previous permissions within the vicinity which a separate planning consent would be required. Unauthorised development or development not built in accordance with the approved plans should be report to the Council's Planning Enforcement team.*

- Used to cover the disposal of building materials

**Officer response:** *The application has been assessed under its merits and as outlined it the description/supporting information. In terms of the issue of contamination, in accordance with paragraph 197 of the National Planning Policy Framework (NPPF), "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."*

## 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. Subject to recommended conditions including the completion of the driveway to submitted plan dimensions, it is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

**Decision Authorisation:** Delegated

**Application Number:** 2025/93534

**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 (as amended).

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 to accord with Policies LP01, LP02, LP21, LP22 and LP24 of the Kirklees Local Plan and Chapters 2, 9, 12 13 and 14 of the National Planning Policy Framework.

3. If contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person 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 Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 198 of the National Planning Policy Framework.

**FOOTNOTE:** Interference with the highway without permission, including vehicles parked but obstructing the highway, is an offence which could lead to prosecution.

**FOOTNOTE:** Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

**FOOTNOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that the works carried out is lawful.

Plans and specifications schedule:-

| Plan Type                                             | Reference | Version   | Date Received |
|-------------------------------------------------------|-----------|-----------|---------------|
| Location Plan.                                        | LOC.      | Unamended | 18/02/2026    |
| As Built Current<br>Proposed Current<br>(SPOT) Levels | 100 (13)  | Unamended | 18/02/2026    |
| As Proposed Fill Level                                | 100 (14)  |           | 18/02/2026    |
| Existing<br>Topographical Survey                      | 100 (12)  |           | 18/02/2026    |
| Existing<br>Topographical Survey                      | 100 (11)  |           | 18/02/2026    |
| Existing<br>Topographical Survey                      | 100 (10)  |           | 18/02/2026    |
| Planning Statement                                    | 2721      | -         | 18/02/2026    |
| Coal Mining Risk<br>Assessment                        | -         | -         | 18/02/2026    |

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 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. The case officer requested an updated application form.

