

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:	2026/62/90049/E
Site Address:	Woodman Inn, Thunder Bridge Lane, Kirkburton, Huddersfield, HD8 0PX
Description:	Demolition of existing marquee building and erection of extensions to form new events building with ancillary drinks bar, WC's, storage and reception area (within a Conservation Area)
Recommending Officer:	Danielle Cooper

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: 1-APR-2026

Site description

The Woodman Inn at Thunder bridge currently comprises: a public house; a number of ancillary holiday cottages; gardens; two car parks; and a timber / fabric wedding marquee in the grounds.

The site relates to the marquee structure, erected for the purposes of holding various functions and events, mainly weddings by the previous pub owners.

The site is located on a lower land level to that of the adjacent road.

A dyke runs west of the site.

A protected tree area is also located amongst the site, reference 01/77/a4.

The car park to the east of the site serves the development.

The site is located within Thunderbridge Conservation area and is identified as grey belt land.

The site is located close to a Grade II listed buildings.

Description of proposal

The application seeks planning permission for the demolition of the existing marquee building and erection of extensions to form new events building with ancillary drinks bar, WC's, storage and reception area (within a Conservation Area).

The proposal involves the following works:

The application seeks permission to remove the existing marquee, and construct a permanent venue building on the same footprint as the marquee and outdoor seating area. The new structure would adjoin the existing orangery.

The proposed building would measure 279 sqm and feature an oak frame with a stone rear elevation and extensive glazing to the front and north sides. It would have a pitched, stepped roof finished in artificial stone slates with rooflights, along with an oak-framed entrance porch and an open veranda. The building will also include solar panels.

The existing stone and oak building would be repurposed from a bar/servery into a breakout lounge, WC facilities, and a link to the existing kitchen, which would continue to serve the venue.

Although the new venue would maintain the current capacity of 120 guests, it would incorporate on-site male, female and accessible WCs, a storage room, and a formal entrance lobby. The bar would be relocated from the orangery into the new building, improving internal connectivity.

History of Negotiations / Amendments Received

None.

Relevant Planning History

2024/93150 – Certificate of lawfulness for existing erection of marquee building – Granted

In the determination of the certificate of lawfulness it was concluded that based on the information provided and on the balance of probabilities, it has been demonstrated that the marquee building at Woodman Inn, Thunder Bridge Lane, Kirkburton, Huddersfield, HD8 0PX, was constructed in breach of planning control, but has been substantially completed for more than 4 years. Under the provisions of section 171B of the Town and Country Planning Act 1990 (as amended), the marquee building is now considered to be lawful for the purposes of planning control.

This decision is considered relevant in the determination of this case given it establishes the quantum of built form that has been undertaken at the site.

2016/91686 – Change of use of lower ground floor to commercial catering kitchen, erection of orangery and boiler room and alterations (within a conservation area) - Approved

2015/93316 – Change of use from dwellinghouse to additional accommodation for the Woodman Inn (within a conservation area) - Approved

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised by site notice and within the press. The expiry date of the publicity period was the 20th February 2026.

One representation has been received, from Kirkburton Parish Council - They state that they express concern regarding the proposal, having regard to potential noise impacts, parking provision, foul and surface water drainage,

the site's position within the wildlife habitat network, and the appropriateness of developing former residential garden land.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways – No objections subject to conditions.

KC Highway Structures – No objection subject to conditions.

KC Environmental Health – No objection subject to conditions

KC Lead Local Flood Authority – No objection

KC Trees – No objection

KC Ecology – No objection subject to conditions

West Yorkshire Police – No objections subject to a condition.

Environment Agency – No comment

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The application site is located within Thunderbridge Conservation area.

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).

Kirklees Local Plan (2019):

The site is not allocated within the Kirklees Local Plan.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP10** – Supporting the Rural Economy
- **LP21** – Highways and access
- **LP22** – Parking

- **LP24** – Design
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP35** – Heritage
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP57** – The extension, alteration or replacement of existing buildings

Supplementary Planning Guidance / Documents:

- Biodiversity Net Gain Technical Advice Note
- Highways Design Guide SPD
- Crime and Disorder Act 1998

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, 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 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 13 – Protecting Green Belt land
- Chapter 16 – Conserving and enhancing the historic 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.

Main issues

Principle of Development

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The site is located within the green belt and as such the following policies are relevant:

Section 13 ('Protecting Green Belt Land') of the National Planning Policy Framework is relevant and in particular the following paragraphs: -

Paragraph 142 of the NPPF: 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'

Paragraph 143 specifies the five purposes of including land within the Green Belt, which are:-

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

Paragraph 153 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 153 of the NPPF goes on to note that '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.

Paragraph 154 states “*development in the Green Belt is inappropriate unless one of the following exceptions applies:*

- a) buildings for agriculture and forestry;*
- a) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- c) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d) limited infilling in villages;*
- e) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- f) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- g) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - ii. engineering operations;*

Policy LP57 of the Kirklees Local Plan is also relevant and relates to the extension, alteration or replacement of existing buildings, specifically stating the following: -

‘Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- a. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building;*
- b. in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing;*

- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*
- d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting'*

The existing marquee was granted permission under the following application ref: 2024/93150, and as such the building is considered an existing building for green belt purposes. As such exception 154 (d) of the NPPF and Kirklees Local Plan Policy LP57 is of relevance.

The scale of the building will be larger than the current building, resulting in disproportionate additions, contrary to exception 154 (d) of the NPPF and Kirklees Local Plan Policy LP57.

Given the above, a Planning Statement has been submitted setting out the very special circumstances that justify the proposal:

- Economic - The owners' commitment to significant investment in the business, with the development projected to create between five and eight additional jobs and generate approximately 180 extra labour hours per week in the year following completion. The scheme would also deliver meaningful rural economic and tourism benefits, supporting the continued success and long-term viability of the Woodman Inn.
- The Permitted Development (PD) fall-back position - The recently granted Certificate of Lawfulness confirming the existing marquee as a permanent building establishes a clear and legitimate fallback position. This demonstrates that, under planning law, a permanent structure on this site is already acceptable in principle, thereby supporting the applicant's proposal for a purpose-built replacement building in the same location.
- Visual amenity – The proposals for a high-quality oak-framed and natural stone building, incorporating a traditional roof form and pitch, present a clear opportunity to deliver substantial visual enhancements to the Green Belt. When compared with the existing fabric-based marquee, the new structure would also offer notable heritage benefits for the wider Conservation Area and the setting of the nearby Grade II listed buildings.
- Residential amenity benefits - The existing marquee, being a lightweight fabric structure, provides minimal acoustic protection. In contrast, a permanent building constructed to modern standards would substantially

reduce noise emissions, an important consideration given the low ambient sound levels in this rural location. A noise assessment accompanies this application.

- Energy efficiency – The proposal would be considerably more energy efficient in terms of heating requirements and insulation in comparison to the existing structure, reducing carbon emissions.
- Discounting use of existing accommodation – Much of the existing accommodation comprises guestrooms for overnight stays (with one cottage used for overnight staff). As detailed above, it is considered very important as part of the overall events offer for there to be sufficient overnight accommodation to serve as many of the wedding party as possible - and in particular, the core family members and friends of the bride and groom. Building H (the existing WC's for the marquee) will be converted to much needed storage space in connection with functions (tables, chairs etc) as well as additional fridges and freezers (because the applicants struggle operationally with food storage due to the number of events) and for additional dry food storage, again to cater for events. As such there is no further space to provide the proposal.

The following Kirklees Local Plan Policy is also considered to be of relevance: Policy LP10 (Supporting the rural economy) states that *“the economic performance of the rural economy will be improved by:*

- b. supporting the needs of small and medium sized enterprises;*
- c. increasing local employment opportunities;*
- d. supporting and increasing tourism related development, including encouraging new facilities and accommodation for tourists”*

In this case there are a number of factors present which are afforded weight in favour of the development. In particular the established lawful undertaking for the structure at site. This is considered to be a factor which weighs heavily in favour of the development proposal. The tourist offer and wider economic benefits of the existing operations which would facilitate a continued operation of are also noted and weigh in favour of the scheme. The appearance of the proposed building is considered to be improved from that as stands at site currently through use of more in keeping materials of construction and would improve the operation of the building in terms of noise breakout. Again, these are factors which weigh in favour of the proposal.

As discussed in subsequent sections of this report, the development would be acceptable in terms of impact upon highway safety, ecology / trees and biodiversity and would also be acceptable in terms of climate change, flood

risk, land quality, bats, security. These matters are afforded neutral weight insofar as being acceptable with these elements does not in itself outweigh the identified harm.

The proposal, being inappropriate development within the Green Belt is by definition harmful and leads to a level of encroachment and impact upon openness. This weighs against the development.

In weighing up if very special circumstances exist to clearly outweigh the harm which includes all identified harm, in this case consideration must be given as to whether the harm by definition, as a result of encroachment and impact upon openness must be considered.

A critical factor in favour of the development is the established lawfulness of the existing structure, this impacts upon openness and leads to encroachment however it can be in place in any event. In addition, the existing development of the site, which is established as lawful, leads to harm by definition.

The proposed development would lead to a small scale improvement in terms of material palette and would contribute to the established operations being undertaken, with a small scale economic / tourist benefit.

It is considered that in this case there are a combination of factors as set out in this section of the report which cumulatively clearly outweigh the harm by definition and the further identified harm of the development in terms of leading to encroachment and the impact upon the openness of the development.

Taking into account the very special circumstances outlined above, and having regard to Policy LP10 of the Kirklees Local Plan, which supports the growth and diversification of rural businesses, the Local Planning Authority considers that the circumstances submitted can be concluded to be sufficient to clearly outweigh the identified harm to the Green Belt arising from the development. The proposal is therefore considered to comply with Policy LP10 of the Kirklees Local Plan and policies within chapter 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

Impact on visual amenity, the conservation area and heritage assets

The site is located within Thunderbridge Conservation Area and is located close grade II listed buildings.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Paragraph 212 of the NPPF states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”*.

This is further supported by paragraphs 213 – 215 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

Furthermore, LP35 states “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”. Whether harm exists, and whether it is substantial or less than substantial, will be assessed and discussed later in the report.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district.

The proposed building would be single-storey in height and constructed with an oak frame, incorporating a stone rear elevation and extensive glazing to the front and north-facing elevations. It would feature a pitched, stepped roof finished in artificial stone slates with rooflights, together with an oak-framed entrance porch and an open veranda. The existing stone-and-oak structure on site would be repurposed from its current bar/servery use into a breakout lounge with WC facilities and a link to the existing kitchen, which would continue to serve the venue.

The siting, scale and overall design of the new building are considered visually appropriate. The proposed materials, including Yorkstone, natural stone slate roof tiles, and horizontal timber boarding as detailed on page 11 of the submitted Design and Access Statement are regarded as sympathetic to the local built environment and the character of the conservation area.

Glazing along the western elevation would provide natural light to the interior and is considered acceptable in this context. A condition is recommended to be applied to ensure the materials as set out within the design and access statement are used in the construction of the development to protect visual amenity.

The replacement building would occupy the same position as the existing marquee, which is to be demolished. Due to the lower ground level of the site relative to the street, much of the building's massing would remain screened from public view. While the proposed structure would be taller than the existing building, resulting in the roof becoming visible within the street scene, the use of roof tiles which are common within the area ensures that its appearance remains in keeping with the conservation area and surrounding buildings. The increased height is therefore considered acceptable.

To ensure artificial lighting has an acceptable impact upon visual amenity / the wider Conservation Area, a condition is recommended to be included to ensure a scheme is first submitted to the Local Planning Authority (LPA) for written approval should any lighting be installed.

Having regard to the existing structure which would be replaced by the proposed development it is considered the development would have an improved material palette and in this case it is considered that the impact the development would have would not lead to harm in the context of the existing development which would be removed as a result of the proposal.

Part of the proposal includes the installation of solar panels integrated into the roofscape of the new building. These panels will be partially visible within the street scene, as illustrated on the submitted street scene elevation plan. However, as the panels are limited to the northern section of the roof and do not extend across the full length of the building, their visual impact is considered minimal. The proposal is not expected to result in detrimental harm to the character or appearance of the site or the wider conservation area, and the effect on visual amenity is therefore regarded as acceptable.

An air source heat pump is proposed on the building's eastern elevation. Owing to the difference in land levels, the unit will not be visible from the street and will therefore have no adverse effect on the character or appearance of the streetscape and is therefore considered visually acceptable.

Overall, the proposal is assessed as causing less than substantial harm to the conservation area. It would support a rural business while maintaining an acceptable visual relationship with the application site, the conservation area,

and nearby listed buildings. The development is considered to comply with Local Plan Policies LP24 and LP35, as well as the aims of Chapters 12 and 16 of the NPPF.

Impact on residential amenity

Policy LP24 of the Kirklees Local Plan requires of developments, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

LP52 of the Kirklees Local Plan states that: *“Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.”*

The proposal will replace an existing marquee building that currently contains limited noise insulation. The proposal will incorporate a higher quality of noise insulation to protect nearby residents.

The agent has stated that the hours of use would be 9am to 12am Monday to Sunday which is considered acceptable and will be conditioned as such.

An air source heat pump is proposed on the building's eastern elevation. Given the considerable distance between the location of the air source heat pump and the nearest residential properties, the installation is not expected to result in any perceptible increase in noise beyond the existing baseline.

A Noise Impact Assessment by ENS dated 16 December 2025 Ref NIA-12065-25-12403-v3-The_Woodman_(Final).docx has been submitted and reviewed by KC Environmental Health.

KC Environmental Health have provided the following comments: The submitted noise impact assessment describes the proposal and identifies the nearest noise sensitive receptors (NSRs) as the residential dwellings on Thunder Bridge Lane to the south (NSR1) and the residential dwellings at Timberwood to the west (NSR2).

The report states the venue has recently invested in a new in-house PA system and limiter which features a greater number of smaller speakers positioned closer to patrons which allows music to be played at lower overall volumes while still delivering a satisfying sense of loudness to guests. The system has been designed to limit levels to 92dB(A) within the event space and it has been confirmed by the developer that all live acts performing amplified music must use the in-house PA system and that external PA systems are not permitted. This enables the venue operator to maintain full control over music noise levels on site. The event space will be air-conditioned, allowing windows and doors to remain closed during amplified music events (except for access) and that the proposals do not include the installation of any new external plant.

A baseline noise survey was undertaken on Friday the 27th of June through to Monday the 30th of June 2025 from a monitoring position (MP1) as shown in Appendix 2. A summary of the findings is given in table 3.1 with comment made that the ambient and background noise levels in the vicinity of the site were characterised by distant road traffic noise, bird song in the early mornings and existing permitted events taking place within marquee on the Friday and Saturday evening.

Library data from the author has been used to compare it against the existing and proposed limited level of 92dB(A) and found to be typical of disco/live band levels. Based upon this level and using the details for construction, table 4.3 shows the resultant levels indicate a low impact to the identified NSRs.

Environmental Health consider the findings of the report to be acceptable. A condition is recommended to ensure a noise mitigation plan is submitted to ensure the reinstallation of the existing PA system and limiter is set to the proposed 92dB(A) limit and written evidence is submitted to show that it does not exceed this level. A further condition will also be recommended to ensure all live acts performing amplified music must use the in-house PA system and that external PA systems are not permitted. A condition will also be recommended to ensure all doors and windows within the new events building closed except for access/egress and in cases of emergency. To ensure artificial lighting has an acceptable impact for amenity of neighbouring occupier a condition shall be included to ensure a scheme is first submitted to the LPA for written approval should any lighting be installed.

Due to the location of the building being isolated from nearby residential properties, there are no concerns to potential overbearing, overshadowing or overlooking impacts.

Subject to conditions the development is considered to be acceptable in this regard and therefore accords with Kirklees Local Plan policy LP24 and LP52.

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 also seeks to ensure acceptable levels of off-street parking are retained and are also considered to be of relevance.

KC Highway Development Management (DM) have reviewed the proposal and have raised no concern in principle to the proposal.

As the proposal would replace an existing building, accommodating the same number of customers, KC Highways DM do not consider that the proposals would generate a sufficient change in trips as to have a severe impact on the operation or efficiency of the local highway network.

The car park opposite the site is identified as parking for the development and included within the red line boundary and the design and access statement indicated that the car park will be refurbished and re-marked as part of the development works, however no further details have been provided. The changes to the car parking and formalised layout of parking will therefore need to be clearly indicated on a drawing and submitted to the Local Planning Authority. This will be conditioned as such.

Refuse and recycling is to be carried out by a commercial service provider and is expected to continue as with the existing marquee building which is considered acceptable.

Finally, KC Highways Structures have been consulted as part of the application and have requested conditions be attached to the decision notice in the case of an approval.

These include:

- A scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/building retaining walls adjacent the highway
- A full dilapidation survey of the existing retaining wall supporting Thunder Bridge Lane.

KC Highways Structures requested that a minimum 3 metre easement strip be maintained between the proposed building and the existing retaining wall supporting Thunderbridge Lane to allow for future maintenance. The Local Planning Authority does not consider such a requirement to be reasonable or necessary. Imposing a 3 metre buffer would fundamentally alter the layout, and in this case sufficient space already exists between the retaining wall and the proposed extension to enable maintenance access. A requirement for a 3-metre easement is therefore not considered to be reasonable in this case given the existing situation and extent to which access can be achieved. Furthermore, separate conditions will be applied to ensure the ongoing structural stability of the retaining wall.

As such, it is concluded that the scheme would not represent any significant impact in terms of highway safety subject to the aforementioned conditions, complying with Policies LP21 and LP22 of the Kirklees Local Plan.

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.

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

In this case, it is considered that the proposed scheme would have an acceptable impact on Climate Change given the information provided within the energy statement submitted and the proposal is therefore concluded to be acceptable in this regard.

Bats / Ecology

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimis exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

A Preliminary Ecological Assessment has been submitted and has been reviewed by KC ecology who confirm that they deem the assessment reasonable and acceptable. The report states that the structure to be demolished was observed to have no features suitable for roosting bats and nesting birds. As the site is located within the Kirklees Wildlife Habitat Network, and is next to trees and hedges, a Construction Environmental Management Plan condition is recommended to ensure biodiversity is protected.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will also be imposed to ensure the installation of any external lighting is acceptable with regard to biodiversity.

The submitted information is therefore 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

Trees

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. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.

KC Trees have been formally consulted as part of this application, raising no objection to the proposal and accept the submitted Arboricultural Impact Assessment and Preliminary Method Statement ref 82-643, dated 04/12/2025.

A condition is recommended to be attached to ensure the development is carried out in accordance with the submitted method statement laid out in section 7 of the Arboricultural Method Statement and the Tree Protection Plan.

Subject to the aforementioned condition, the proposed development is therefore considered to accord with policy LP33 of the Kirklees Local Plan.

Safety and Security

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to '*do all that it reasonably can to prevent crime and disorder in its area*'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 96 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

The proposal has the potential to lead to a level of crime / anti-social behaviour. West Yorkshire Police have reviewed the proposal and consider it necessary to recommend that the proposed development does not commence until a scheme has been submitted which details installation of CCTV and other security measures. Subject to condition the proposal is considered to be acceptable in this regard.

Land Quality / Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

A Phase One Desk Study by RGS dated September 2025 Ref: C5127/25/E/7817_Rev1 has been submitted and reviewed by KC Environmental Health.

A site walkover was completed on the 20th of May 2025 and no visible contamination of site was observed. The historical land use of the site has been presented and reviewed since 1854. The conceptual site model identifies potential pollution linkages, which necessitate further investigation. It is concluded that an intrusive investigation is necessary to confirm the potential source-pathway-receptor linkages identified.

It is therefore recommended that a Phase 2 intrusive site investigation report is conditioned to the submitted to the LPA.

The application site falls within the defined Development Low Risk Area in relation to land stability as a result of former mining activity and as such raises no concern in this regard.

As such, subject to the inclusion of aforementioned conditions the proposal complies with LP53 of the Kirklees Local Plan.

Flood Risk

Policy LP28 & LP27 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of consideration of the development in relation to flood risk and foul / surface water drainage.

Part of the site is within or borders Flood Zones 2 & 3, however the proposed building is located within flood zone 1. KC Lead Local Flood Authority and the Environment Agency have reviewed the proposal and consider the proposal acceptable and have noted that there is a safe means of escape in case of flooding to higher ground. There is a small increase in drained area, however this is considered insignificant and therefore there is no increase in flood risk.

Details of the proposed surface water run-off from new roof areas are not provided, however it is expected that the new buildings will drain surface water into the existing drainage system.

As such, the proposal complies with the aforementioned policies.

Representations

No third party representations have been received.

Kirkburton Parish Council raised concerns regarding potential noise impacts, parking provision, foul and surface water drainage, the site's position within the wildlife habitat network, and the appropriateness of developing former residential garden land.

Officer comment: *These concerns have been considered in full and are addressed in the earlier sections of this report.*

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 subject to conditions.

Recommendation: Approve

Decision Authorisation – Delegated Powers

Application Number: 2026/90049

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP10, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan and policies within Chapters 2, 8, 9, 12, 13 and 16 of the National Planning Policy Framework.

3. The development hereby approved shall not be in operation outside the hours of:

- 09:00am to 12:00am Monday to Sunday

Reason: To ensure that the proposed development does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

4. The materials used in the development hereby approved shall be carried out in accordance with those as set out on page 11 of the

submitted Design and Access Statement, received 13/01/2026 and thereafter retained.

Reason: In the interests of visual amenity and to ensure the proposal has an acceptable impact upon the setting of the Conservation Area to accord with Policies LP24 and LP35 of the Kirklees Local Plan, and policies contained within Chapters 12 and Chapter 16 of the National Planning Policy Framework.

5. The development shall not be brought into use until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents. Amongst any others, the plan needs to consider noise from, but not limited to:

- music and other amplified sound at the premises
- loud voices from customers at the premises including those at outside smoking areas and those leaving the premises
- disposal of glass bottles
- deliveries of supplies to the premises and removal for waste from the premises

The approved Noise Management Plan shall be implemented prior to the development being brought into use and retained thereafter.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

6. All doors and other openings within the new events building shall be kept closed except for access/egress and in cases of emergency.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with policies LP24 and LP52 of the Kirklees Local Plan and policies within chapters 12 and 15 of the National Planning Policy Framework.
7. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and 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. 189 and 197 of the National Planning Policy Framework. This is a pre commencement condition required to ensure land quality is suitably addressed prior to construction of the development.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework. This is a pre commencement condition required to ensure land quality is suitably addressed prior to construction of the development.

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 197 of the National Planning Policy Framework

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in

accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and 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. 189 and 197 of the National Planning Policy Framework

11. Notwithstanding the details shown on the approved plan, the development shall not be brought into use until a scheme detailing arrangements and specification for the layout of parking has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. The approved scheme shall be retained thereafter with all areas identified for vehicular parking used for vehicular parking only.

Reason: To ensure a suitable access and layout in relation to vehicular parking in the interests of highway safety to accord with policies LP21 and LP22 of the Kirklees Local Plan.

12. Development shall not commence until a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing highway including any modifications to the existing retaining wall supporting Thunder bridge Lane has been submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the development being brought into use and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of retaining structures are agreed and ensured before their construction.

13. Before the development commences, a scheme detailing a full structural dilapidation survey of the existing retaining wall supporting Thunder bridge Lane which has been undertaken by a suitably qualified and experienced structural engineer shall be submitted to, and approved in writing by, the Local Planning Authority. A further structural dilapidation survey of the retaining wall shall be undertaken following the completion of the works and submission of this further

survey and a scheme detailing any defects arising in the highway retaining walls due to the works associated with the proposed development and how these shall be made good shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the scheme approved by this condition has been completed.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

14. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Summary of potentially damaging activities
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and policies within chapter 15 of the National Planning Policy Framework 2024.

15. The development shall not be brought into use until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the

development. The submitted scheme shall include details of the following measures:

- a) Provision of a video surveillance and/or Closed Circuit (CCTV) system
- b) Provision of intruder alarms which meet the requirements of BS EN 50131 (Intrusion and hold-up systems) and EN 50136 (Alarm transmission systems and equipment).
- c) Access control measures
- d) Door and glazing standards and certification rating

The approved scheme shall be implemented before the development is first occupied and retained thereafter.

Reason: to ensure that measures have been agreed in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 12 of the National Planning Policy Framework.

16. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Preliminary Method Statement, ref 82-643, received 08/01/2026.

Reason: To protect the vitality and viability of existing trees on the site, and in the interests of visual amenity, in accordance with Policies LP24 and LP33 of the Kirklees Local Plan.

17. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate conformance with established guidance document Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night. The submitted scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. No external artificial lighting shall be erected within the site other than that which has been approved by this condition which shall be retained thereafter.

Reason: In the interests of Visual Amenity, preserving the setting of the Conservation Area, Residential Amenity and Biodiversity and in accordance with Policies LP24, LP30 & LP35 of the Kirklees Local Plan and policies within Chapters 12, 15 and 16 of the National Planning Policy Framework.

NOTE: Pursuant to condition 13 The CEMP must also include the following specific plans / documents:

- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)
- Mitigation / precautionary measures for the Thunderbridge (Meadows) Local Wildlife Site (LWS), priority habitats, and the Kirklees Wildlife Habitat Network.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

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 contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	PL.2943.BAI-01		08/01/2026
Proposed Site Plan	PL.2943.BAI-05		08/01/2026
Proposed Floor Plan & Elevations	PL.2943.BAI-13		08/01/2026
Box gutter - pitch to pitch	BES-DET02	A	08/01/2026
Box gutter - pitch to pitch	BES-DET01	A	08/01/2026
Proposed Frame	PL.2943.BAI-07		08/01/2026
Proposed East Street Scene Elevation	PL.2943.BAI-14		19/02/2026
Design & Access Statement			13/01/2026
Planning and Heritage Statement			08/01/2026
Climate Change and Energy Statement			13/01/2026
Noise Impact Assessment			08/01/2026
Arboricultural Impact Assessment			08/01/2026
Tree Constraints Report			08/01/2026
Preliminary Ecological Appraisal and Biodiversity Net Gain Exemption Statement			08/01/2026

Plan Type	Reference	Version	Date Received
Phase 1 Environmental Desk Study Report			08/01/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were considered necessary as the application was acceptable as submitted.

Report Dated:

30/03/2026

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