

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:	2026/62/90179/E
Site Address:	Land Adjacent, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR
Description:	Erection of detached dwelling and garage with associated external alterations
Recommending Officer:	Nicole Helliwell

DECISION – Conditional Full Permission

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 11 June 2026

Officer Report

Reference No. 2026/62/90179/E

Site Address: Land Adjacent, 144a, Latham Lane, Gomersal, Cleckheaton, BD19 4AR

Proposal: Erection of detached dwelling and garage with associated external alterations

Site Description

The application site relates to a parcel of land located adjacent to 144a Latham Lane, Gomersal, Cleckheaton. The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map and is situated within a predominantly residential area. The surrounding dwellings are highly varied in age, size, style, and materials. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity.

Description of Proposal

The applicant is seeking planning permission for the erection of a detached dwelling and garage. The proposed dwelling would be faced in natural stone and would incorporate dual-pitched roof finished in artificial slate. The dwelling would be two-storeys in height and would have an overall width of approx. 14.9m, an overall depth of approx. 15.2m and an overall height of approx. 6.15m. The detached garage would have a length of approx. 6.6m, a depth of approx. 6.6m and an overall height of approx. 4m. Furthermore, a parking area is proposed to the front and an area of private outdoor amenity space is proposed to the rear of the property.

History of Negotiations/Amendments Received

Additional information was also received during the course of the application to address comments from KC Ecology which was considered acceptable.

Relevant Planning History

Not Applicable.

Representations

The application was publicised by site notice which expired on 2nd March 2026. As a result of the above publicity, five representations have been received. The comments made have been summarised below:

- The proposed development should be refused by virtue of its siting on the frontage of Latham Lane, and having particular regard to the proposed two-storey dwelling in a prominent location.

- It would result in a significant change to the openness of the existing land which is allocated as Green Belt in the Kirklees Local Plan.
- There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of development. If granted, the proposed development would represent an encroachment into the designated Green Belt area on Latham Lane, significantly affecting its openness and contrary to the aims of the NPPF of preventing urban sprawl.
- It would set a precedent for similar future proposed developments within Green Belt areas fronting Latham Lane.
- Note the refusal of application 2020/62/90932/E along similar grounds, approximately 250m from the proposed development
- I was unaware of this planning application even though I live near the proposed build.
- I am led to believe from neighbours that the planning notice was removed almost as soon as it had been put up. I guess this was supposed to stop people seeing it. Based on this I would still like to add my comments even though they are late.
- The Lane is narrow so large vehicles would block the road totally and prevent other cars getting in and out of homes - disruption! This would be of particular concern if access was required by emergency services.
- Parking for any workers would be a problem as there is nowhere on the road to park without causing issues for passing cars. This may lead to vehicles belonging to builders being abandoned outside neighbours houses and some of this land is actually private land.
- There is nowhere so far up the Lane for large vehicles delivering supplies to turn around without using a turning circle that is on private land.
- Planning conditions relating to this turning circle were for this to ONLY be for the use of Emergency Vehicles and Refuse vehicles in addition to use by the owners of the land.
- Heavy plant would cause further damage to an already very damaged road, therefore making driving conditions more difficult during the build and moving forward.
- Latham Lane is a quiet Lane, which has become busier over the last 10 years due to businesses operating from residential properties.
- A dog field brings lots of traffic already and the road is not fit for the amount of current traffic. A 5 bedroom house would generate more cars which equals more traffic, making it a very dangerous road.
- The proposed works are located on a singletrack section of the lane with no formal passing places and very limited visibility. Even normal traffic struggles to navigate this stretch without reversing long distances.
- Introducing construction vehicles, plant, or partial closures would make the road effectively impassable.

- The lane simply cannot accommodate works of this scale without causing major obstruction.
- This lane is heavily used by horses and riders, and lies close to a designated bridleway, meaning equestrian presence is frequent and expected. Horses cannot safely pass large vehicles, trenches, barriers, or machinery on a singletrack road with no refuge space.
- There is no alternative safe route for riders. The proposal therefore creates a foreseeable and unacceptable risk to vulnerable road users, contrary to national and local policy.
- The application does not explain how utilities would be installed without blocking the only access route.
- Any trenching, excavation, or service connection works would require either full closure or prolonged obstruction of the lane. On a singletrack road with no alternative access, this would cause severe disruption to residents and emergency access.
- Without a detailed utilities plan, the application is incomplete and fails to demonstrate that the works are feasible.
- My property contains livestock, including horses, and I must retain uninterrupted access for veterinary emergencies, horse transport, feed deliveries, and routine care. Any blockage of the lane would prevent essential vehicles from reaching or leaving the property.
- Livestock emergencies are often time critical, and any delay could have serious welfare consequences. The proposal does not safeguard this essential access.
- The lane already suffers from potholes and surface deterioration. Heavy construction traffic would significantly worsen its condition, increasing hazards for all users, particularly walkers, horses and cyclists. No mitigation, repair commitment, or preworks road survey has been provided.
- When considering the single lane nature of the road, the proximity to a bridleway, the high presence of equestrians, the lack of passing points, the absence of a utilities plan, and the essential need for uninterrupted access for livestock and emergencies, the cumulative impact of this proposal is severe and unacceptable. The location is simply not suitable for works of this nature.
- This section of Latham Lane is a dead-end semi-rural lane serving residential properties, equestrian properties, and community users. Any works or development access would risk blocking the only route in and out for residents near the dead end of the lane.
- The lane is far too narrow for vehicles to safely pass construction machinery, deliveries, or site-related traffic, and emergency vehicles would have no other route if access became obstructed.

- Latham Lane is a well-used, multi-purpose route, relied upon daily by a wide range of vulnerable users — many of whom would be forced to pass the proposed access point.
- This section of Latham Lane is a dead-end semi-rural lane and is wholly unsuitable for construction traffic or permanent development access.
- There are no pavements anywhere along the lane, meaning all pedestrians must walk directly on the carriageway.
- The lane is heavily used by walkers, dog walkers, families, and older residents.
- Groups of pupils frequently walk on or alongside the lane during school commute times.
- Staff and very young children from the nursery regularly use the lane for walking, regularly cited with pull along train style carts.
- Scout groups from Fan Woods use the lane.
- A public footpath from Oxford Road connects directly onto one of the more challenging, less safe parts of the lane near the Drub Lane junction.
- A bridleway at the end of the lane brings daily equestrian traffic onto Latham Lane. Horses and riders have no refuge space and rely on the calm, semi-rural character of the lane.
- The British Horse Society (BHS) advises that construction traffic should not be routed along single-track lanes forming bridleway approaches, as horses are classified as highly vulnerable road users.
- Given its width and layout, Latham Lane is highly unlikely to safely accommodate both riders and construction traffic.
- It would be appropriate for the Council to seek BHS input on the risks associated with routing construction vehicles along this lane.
- Given its width and layout, Latham Lane is highly unlikely to safely accommodate both riders and construction traffic.
- Latham Lane's quiet, semi-rural character is valued for walking, riding, and outdoor enjoyment. Introducing development access here would permanently undermine this character and reduce local amenity.
- Any stationary construction vehicle, delivery van, or road-opening work near the blind bend would force vehicles to slow abruptly or undertake unsafe manoeuvres. Drivers turning the corner would have little or no visibility of the obstruction, significantly increasing collision risks.
- The Council must fully consider the significant and predictable harm this proposal would cause.
- Residents cannot reasonably be expected to accept daily disruption, blocked access, unsafe manoeuvring conditions, increased accident risk for the sake of one additional home.
- Kirklees Council must take into account the proven obstruction during the No. 77 development, the single-access nature of the lane, the absence of

alternative routes, the high number of vulnerable users and the semi-rural character.

- This lane is not capable of functioning as a development access point under any circumstances.
- There is no clear evidence that additional housing in the area is required.
- The local market already shows a substantial supply of detached homes. Current data confirms there are 48 detached homes for sale across the BD19 postcode, indicating a high level of available stock locally.
- Detached properties on West Lane in Gomersal - high-value and newly built homes - also remain actively marketed, demonstrating slow turnover and an oversupply of this housing type in the immediate area.
- Crucially, there are also two detached homes currently for sale on that section of Latham Lane itself that remain unsold. This confirms that, even within the lane proposed for development access, there is already similar, available housing, which is not immediately selling, further undermining any suggestion that additional housing along Latham Lane is required.
- This section of Latham Lane cannot safely or reasonably support development access under any circumstances.
- The recent development at 77 Latham Lane demonstrated beyond any doubt that the lane cannot cope with construction activity. During that project the lane was frequently blocked for 20–30 minutes at a time while HGVs and delivery vehicles unloaded, residents were often unable to enter or exit the lane, large vehicles made the road effectively impassable due to the lack of passing space and Contractor parking further narrowed the lane, making safe navigation extremely difficult. These issues occurred during the construction of a single dwelling, which already had an established access point.
- In contrast, this application involves development at even narrower section of the lane and close to a blind bend. This will involve digging up the road for utilities, drainage, and service connections and parking pressures from site workers at an even narrower section of the lane
- Any need to open the road or trench for services will cause complete obstruction, as the lane has no spare width and no alternative route.
- During the recent works at 77 Latham Lane, I personally struggled to pass safely when towing my 8ft wide caravan, as the narrowed carriageway left no margin for error and risked damage to my vehicle and caravan. On occasions I needed to request vehicles belonging to construction workers be moved to allow my egress and ingress.
- My daughter had similar incidents with her horse trailer and frequently felt in danger when negotiating the lane past a variety of construction vehicles when riding out. Other residents and road users experienced similar issues with larger vehicles and horses.

Parish/Town Council Comments

Not Applicable.

Local Ward Members

Not Applicable.

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 Development Management – No objection subject to recommended conditions

KC Ecology – No objection subject to recommended conditions

National Grid – No comments received

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 51** - Protection and Improvement of Local Air Quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land
- **LP 59** – Brownfield Sites in the Green Belt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 5** - Delivering a Sufficient Supply of Homes
- **Chapter 9** - Promoting Sustainable Transport
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16th 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.

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Nationally Described Space Standards
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

Housing Land Supply

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals

should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
- i) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

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

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

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

and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

The proposal seeks planning permission for the erection of a detached dwelling within Gomersal, Cleckheaton and would assist in meeting the housing needs of the Council. This would be ‘in line’ with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 12 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

Impact on Greenbelt

The application site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan are relevant.

Paragraph 143 of the NPPF identifies five purposes of the Green Belt, these are as follows:

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

Paragraph 153 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 (footnote 55). 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."

Paragraph 154 of the NPPF states "a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- 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), including buildings, 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; Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.*
- 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.*

The application relates to residential development and as such would not fall under exceptions a, b, c, d or f.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages: "Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage."

The site is not located within a village and therefore does not fall under exception e of para 19.31 of the KLP.

Policy LP59 of the Kirklees Local Plan outlines:

“Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a) in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- a) in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- b) redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.”*

In the supporting text for LP59, Paragraph 19.33 of the Kirklees Local Plan states: *“The redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form”*

Annex 2 of the NPPF defines Previous Developed Land as:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

Based on the submitted information, the site cannot be classified as previously developed land, and therefore the proposal does not fall within the Green Belt exceptions for redevelopment under Paragraph 154(g) of the NPPF. However, the site could be identified as grey belt land.

Within the NPPF, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’

Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a) *The development would utilise Grey Belt land and would not fundamentally the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- a) *There is a demonstrable unmet need for the type of development proposed (footnote 56);*
- b) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and*
- c) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.*

With regard to Paragraph 155(a), the LPA do not consider the land to be previously developed, however, an assessment must be made in regard to whether the proposal would not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143 in order to be considered grey belt.

Paragraph 143 of the NPPF also identifies five purposes of the Green Belt, these are as follows:

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

Meeting Green Belt Purposes (Paragraph 155a)

The proposed dwelling would not strongly contribute to sprawl and is not considered that the development as submitted would fundamentally undermine the purposes of the Green Belt in accordance with Paragraph 155a.

Demonstrable Unmet Need (Paragraph 155b)

Paragraph 155(b) of the National Planning Policy Framework requires that '*there is a demonstrable unmet need for the type of development proposed*'. Kirklees currently has a 4.18 year housing land supply, which falls below the required five-year supply. As such, there is a demonstrable unmet need for housing within the Kirklees district.

Sustainable Development (Paragraph 155c)

The application site is located approximately 1.1 miles (5 minute drive) from Gomersal Local Centre which offers a range of local facilities and services.

The application site is considered to be within a sustainable location in terms of proximity to transport links, education facilities and services. Therefore, satisfying the requirements of Paragraph 155c of the NPPF.

Golden Rules (Paragraph 155d)

With regard to Paragraph 155 (d), the development would not constitute major development and therefore does not require justification to part d.

At present, officers do not consider the development of the land to result in any strong contributions of purposes (a), (b), or (d) and therefore, it can be considered 'grey belt' land and acceptable to be developed.

In relation to Paragraph 143(c) of the NPPF, it states that the Green Belt assists in safeguarding the countryside encroachment. It is important that new development does not result in encroachment of the countryside. The proposal would utilise Grey Belt land without undermining Green Belt purposes. Therefore, the proposed development is considered acceptable in principle, and it is likely that the proposal as whole would not conflict with any of the green belt purposes as outlined within Paragraph 143 of the NPPF.

The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

2. Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby Paragraph 131 provides a principal consideration concerning design which states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Kirklees Local Plan Policies LP1, LP2 and LP24 all 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. Policy 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..."*

Paragraph 133 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it

fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

“New residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be two storeys in height and would be of a contemporary design. The property would be constructed in natural stone for the external walls and would incorporate a dual-pitched roof finished in artificial slate which would be reflective of the materials used within the vicinity of the site. The arrangement of fenestration and openings would also be appropriate for this style. Therefore, it is considered that the dwelling would not appear discordant and would harmonise well into the surrounding townscape.

The proposed dwelling would not be overly dominating and would generally respect the existing building line along this section of Latham Lane. In terms of footprint and massing, the property would not be out of keeping with the neighbouring dwellings given that the surrounding area lacks coherent character and there is already a degree of variation with regard to scale and design. Therefore, the proposed dwelling would sit comfortably within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support one dwelling as proposed with a parking area to the front and a private outdoor amenity space to the rear. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst

the scale of the dwellings are acceptable, it is considered appropriate to include a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

It is therefore considered that, subject to conditions, the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework. Furthermore, the proposal would not cause any detrimental harm to the significance of the Skelmanthorpe Conservation Area and would comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

3. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state that alterations to existing buildings should: “...*maintain appropriate distances between buildings*’ and ‘...*minimise impact on residential amenity of future and neighbouring occupiers.*”

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “*Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.*”

The Housebuilders Design Guide SPD also provides advised separation distances for residential properties:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and

- For a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

There are no residential properties located to the east or south of the application site that would be affected by the proposed development.

Impact on 144a Latham Lane

144a Latham Lane is a detached bungalow located north of the application site. The submitted site plan demonstrates that the proposed dwelling would occupy a position approximately 17.6m from no.144a. However, given its offset positioning, it is considered that the properties would not have a direct relationship. Therefore, the proposed development would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Impact on 144 Latham Lane

144 Latham Lane is a detached bungalow located east of the application site. It is noted that the proposed dwelling would be sited approximately 14.6m from the side elevation of the neighbouring property. Whilst it is noted that the neighbouring property contains a ground floor window within its side elevation, the proposal would accord with the 12m advised within the Kirklees Housebuilders Design Guide and is not considered to result in any further harm with regard to residential amenity.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process. Therefore, should the application be approved, a footnote will be imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, KDP 6 & 16 of the Housebuilders Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework.

4. Impact on Residential Amenity of Future Occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

‘All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations’ and that ‘All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24’.

National described space standards require the following gross internal floor area for a two storey dwelling:

- 4 Bedroom, 5-person dwelling set over 2 storeys - 97 square metres
- 4 Bedroom, 6-person dwelling set over 2 storeys - 106 square metres
- 4 Bedroom, 7-person dwelling set over 2 storeys - 115 square metres
- 4 Bedroom, 8-person dwelling set over 2 storeys - 124 square metres

The proposed floor plans show that the dwelling would have four bed spaces and therefore is required to have a minimum internal floor space of 97m². The proposed dwelling is shown to have an internal floor space of 205.8m², which would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, off road parking would be located to the front and a private outdoor amenity space is proposed to the rear of the dwelling. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council’s Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework.

5. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is for the erection of a detached dwelling and garage at Land adjacent to 144a Latham Lane, Gomersal, Cleckheaton, BD19 4AR. As such, KC Highways Development Management have been consulted as part of the application.

Site Access

The proposal would utilise the existing access off Latham Lane. A condition has been recommended requiring the first 5m of the existing access to be surfaced or hard paved and not loose stone. Although the sight lines to the south-east appear to be less than the required 43m for a 30mph speed limit, it is concluded that approaching traffic would be driving slower due to the nature of the lane and therefore KC Highway Development Management have confirmed that they would not object to the scheme.

Internal Layout

The submitted site plan confirms that three off road parking spaces can be provided within the proposed driveway and detached garage, which would represent an acceptable provision for a four bedroomed dwellinghouse.

The approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Waste Storage And Collection

A bin store has been shown on the proposed site plan adjacent to the proposed driveway. Whilst a bin collection/presentation point has not been shown, this should be located adjacent to the public highway and must not obstruct the highway or the parking spaces.

KC Highways Development Management have confirmed that the proposal is acceptable subject to the recommended conditions.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principles 12 and 19 in the Council's Housebuilders Design Guide SPD, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

6. 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Contaminated Land

The proposed development is not shown as being potentially contaminated and is not located close to a historic landfill site that may have an adverse impact on the proposed development. Whilst the site is located within a low risk coal mining area, it is adjacent to probable workings where there is the potential for there to be combustible materials. Therefore, as the proposal would involve groundworks, with any future application, officers would add a condition relating to unexpected contamination.

Ecology

Habitats within the site include Modified Grassland, Bramble Scrub and Artificial Unvegetated Unsealed Surface. There are no buildings, trees, hedgerows, ponds, or waterbodies within the Site. The site offers some suitability for nesting birds, foraging GCN, and hedgehogs. As such, precautionary measures have been recommended, which will be added to a Construction Environment Management Plan. The species enhancement statement is noted, however, KC Ecology did confirm that a plan must also be provided, this has been conditioned.

Biodiversity Net Gain

Chapter 15 of the NPPF relates to conserving and enhancing the Natural Environment. Paragraph 192 of the NPPF outlines that decisions should promote the protection and recovery of priority species and identify and pursue opportunities for securing net gains for biodiversity. Paragraph 193 goes on to note that if significant harm to biodiversity resulting from

development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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.

There have been updates to Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021, which result in biodiversity net gain being a statutory requirement. Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021. In this case the applicant states that the development is exempt from this requirement as the development is to comprise a self-build/custom build dwelling.

There are no other matters considered relevant to the determination of this application.

7. Representations

Five representation were received during the course of the application. The comments made have been summarised, arranged into themes and addressed below:

Visual Amenity

- The proposed development should be refused by virtue of its siting on the frontage of Latham Lane, and having particular regard to the proposed two-storey dwelling in a prominent location.
- Latham Lane's quiet, semi-rural character is valued for walking, riding, and outdoor enjoyment. Introducing development access here would permanently undermine this character and reduce local amenity.

Officer Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

Green Belt & Principle of Development

- It would result in a significant change to the openness of the existing land which is allocated as Green Belt in the Kirklees Local Plan.
- There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of development. If granted, the proposed development would represent an encroachment into the designated Green

Belt area on Latham Lane, significantly affecting its openness and contrary to the aims of the NPPF of preventing urban sprawl.

- It would set a precedent for similar future proposed developments within Green Belt areas fronting Latham Lane.
- Note the refusal of application 2020/62/90932/E along similar grounds, approximately 250m from the proposed development

Officer Response: *The principle of development has been assessed, and it has been concluded the proposed development would constitute an acceptable form of development in the Green Belt and would comply with the Kirklees Local Plan and Government guidance contained within Chapter 13 of the NPPF. Since refusal of the 2020 application, there has been an update to national planning guidance which is a material consideration in the assessment of the current application.*

Publicity

- I was unaware of this planning application even though I live near the proposed build.
- I am led to believe from neighbours that the planning notice was removed almost as soon as it had been put up. I guess this was supposed to stop people seeing it. Based on this I would still like to add my comments even though they are late.

Officer Response: *The application was publicised by site notice in line with statutory requirements which expired on 2nd March 2026. Additional information was submitted during the course of the application. However, officers did not consider it necessary to readvertise the application given that only minor amendments were made to the scheme.*

Highway and Pedestrian Safety

- Introducing construction vehicles, plant, or partial closures would make the road effectively impassable.
- The Lane is narrow so large vehicles would block the road totally and prevent other cars getting in and out of homes - disruption! This would be of particular concern if access was required by emergency services.
- Parking for any workers would be a problem as there is nowhere on the road to park without causing issues for passing cars. This may lead to vehicles belonging to builders being abandoned outside neighbours houses and some of this land is actually private land.
- There is nowhere so far up the Lane for large vehicles delivering supplies to turn around without using a turning circle that is on private land.
- Planning conditions relating to this turning circle were for this to ONLY be for the use of Emergency Vehicles and Refuse vehicles in addition to use by the owners of the land.

- Heavy plant would cause further damage to an already very damaged road, therefore making driving conditions more difficult during the build and moving forward.
- There is no alternative safe route for riders. The proposal therefore creates a foreseeable and unacceptable risk to vulnerable road users, contrary to national and local policy.
- This lane is heavily used by horses and riders, and lies close to a designated bridleway, meaning equestrian presence is frequent and expected. Horses cannot safely pass large vehicles, trenches, barriers, or machinery on a singletrack road with no refuge space.
- My property contains livestock, including horses, and I must retain uninterrupted access for veterinary emergencies, horse transport, feed deliveries, and routine care. Any blockage of the lane would prevent essential vehicles from reaching or leaving the property.
- A dog field brings lots of traffic already and the road is not fit for the amount of current traffic. A 5 bedroom house would generate more cars which equals more traffic, making it a very dangerous road.
- The proposed works are located on a singletrack section of the lane with no formal passing places and very limited visibility. Even normal traffic struggles to navigate this stretch without reversing long distances.
- Livestock emergencies are often time critical, and any delay could have serious welfare consequences. The proposal does not safeguard this essential access.
- The recent development at 77 Latham Lane demonstrated beyond any doubt that the lane cannot cope with construction activity. During that project the lane was frequently blocked for 20–30 minutes at a time while HGVs and delivery vehicles unloaded, residents were often unable to enter or exit the lane, large vehicles made the road effectively impassable due to the lack of passing space and Contractor parking further narrowed the lane, making safe navigation extremely difficult. These issues occurred during the construction of a single dwelling, which already had an established access point.
- In contrast, this application involves development at even narrower section of the lane and close to a blind bend. This will involve digging up the road for utilities, drainage, and service connections and parking pressures from site workers at an even narrower section of the lane
- Any need to open the road or trench for services will cause complete obstruction, as the lane has no spare width and no alternative route.
- During the recent works at 77 Latham Lane, I personally struggled to pass safely when towing my 8ft wide caravan, as the narrowed carriageway left no margin for error and risked damage to my vehicle and caravan. On occasions I needed to request vehicles belonging to construction workers be moved to allow my egress and ingress.

- My daughter had similar incidents with her horse trailer and frequently felt in danger when negotiating the lane past a variety of construction vehicles when riding out. Other residents and road users experienced similar issues with larger vehicles and horses.
- The lane already suffers from potholes and surface deterioration. Heavy construction traffic would significantly worsen its condition, increasing hazards for all users, particularly walkers, horses and cyclists. No mitigation, repair commitment, or preworks road survey has been provided.
- When considering the single lane nature of the road, the proximity to a bridleway, the high presence of equestrians, the lack of passing points, the absence of a utilities plan, and the essential need for uninterrupted access for livestock and emergencies, the cumulative impact of this proposal is severe and unacceptable. The location is simply not suitable for works of this nature.
- This section of Latham Lane is a dead-end semi-rural lane serving residential properties, equestrian properties, and community users. Any works or development access would risk blocking the only route in and out for residents near the dead end of the lane.
- The lane is far too narrow for vehicles to safely pass construction machinery, deliveries, or site-related traffic, and emergency vehicles would have no other route if access became obstructed.
- Latham Lane is a well-used, multi-purpose route, relied upon daily by a wide range of vulnerable users — many of whom would be forced to pass the proposed access point.
- This section of Latham Lane is a dead-end semi-rural lane and is wholly unsuitable for construction traffic or permanent development access.
- There are no pavements anywhere along the lane, meaning all pedestrians must walk directly on the carriageway.
- The lane is heavily used by walkers, dog walkers, families, and older residents.
- Groups of pupils frequently walk on or alongside the lane during school commute times.
- Staff and very young children from the nursery regularly use the lane for walking, regularly cited with pull along train style carts.
- Scout groups from Fan Woods use the lane.
- A public footpath from Oxford Road connects directly onto one of the more challenging, less safe parts of the lane near the Drub Lane junction.
- A bridleway at the end of the lane brings daily equestrian traffic onto Latham Lane. Horses and riders have no refuge space and rely on the calm, semi-rural character of the lane.

- The British Horse Society (BHS) advises that construction traffic should not be routed along single-track lanes forming bridleway approaches, as horses are classified as highly vulnerable road users.
- Given its width and layout, Latham Lane is highly unlikely to safely accommodate both riders and construction traffic.
- It would be appropriate for the Council to seek BHS input on the risks associated with routing construction vehicles along this lane.
- Given its width and layout, Latham Lane is highly unlikely to safely accommodate both riders and construction traffic.
- Any stationary construction vehicle, delivery van, or road-opening work near the blind bend would force vehicles to slow abruptly or undertake unsafe manoeuvres. Drivers turning the corner would have little or no visibility of the obstruction, significantly increasing collision risks.
- The Council must fully consider the significant and predictable harm this proposal would cause.
- Kirklees Council must take into account the proven obstruction during the No. 77 development, the single-access nature of the lane, the absence of alternative routes, the high number of vulnerable users and the semi-rural character.
- This lane is not capable of functioning as a development access point under any circumstances.
- The lane simply cannot accommodate works of this scale without causing major obstruction.
- Residents cannot reasonably be expected to accept daily disruption, blocked access, unsafe manoeuvring conditions, increased accident risk for the sake of one additional home.

Officer Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report, however Officers consider it reasonable to impose a condition requiring submission of a construction management plan to address the matters raised above.*

Other Matters

- The application does not explain how utilities would be installed without blocking the only access route.
- Any trenching, excavation, or service connection works would require either full closure or prolonged obstruction of the lane. On a singletrack road with no alternative access, this would cause severe disruption to residents and emergency access.
- Without a detailed utilities plan, the application is incomplete and fails to demonstrate that the works are feasible.
- Latham Lane is a quiet Lane, which has become busier over the last 10 years due to businesses operating from residential properties.

- There is no clear evidence that additional housing in the area is required.
- The local market already shows a substantial supply of detached homes. Current data confirms there are 48 detached homes for sale across the BD19 postcode, indicating a high level of available stock locally.
- Detached properties on West Lane in Gomersal - high-value and newly built homes - also remain actively marketed, demonstrating slow turnover and an oversupply of this housing type in the immediate area.
- Crucially, there are also two detached homes currently for sale on that section of Latham Lane itself that remain unsold. This confirms that, even within the lane proposed for development access, there is already similar, available housing, which is not immediately selling, further undermining any suggestion that additional housing along Latham Lane is required.
- This section of Latham Lane cannot safely or reasonably support development access under any circumstances.

Officer Response: *These matters would not constitute material planning considerations.*

8. 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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2026/90179

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, LP11, LP20, LP21, LP22, LP24, LP30, LP51, LP52, LP53 and LP59 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Notwithstanding the submitted plans and details, the detached dwelling and detached garage hereby approved shall be faced in natural stone for the external walls and artificial slate for the roof. The materials of construction shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principle 13 of the Council's Housebuilders Design Guide SPD, and the aims of Chapter 12 of the National Planning Policy Framework.

4. Prior to development commencing on the superstructure of the dwelling and garage hereby approved, details of all the external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: This pre-commencement condition is in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

5. Notwithstanding the submitted plans and information, before development commences on the superstructure of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained.

Reason: This pre-commencement condition is in the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan, Principles of the Housebuilders Design Guide Supplementary Planning Document and Chapters 12 and 13 of the National Planning Policy Framework.

6. 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
- 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: This pre-commencement condition is necessary in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. No works shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a) Purpose and nature conservation objectives for the proposed works
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works. h. Details of initial aftercare and long-term maintenance.
- h) Details for monitoring and remedial measures.
- i) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

Reason: This pre-commencement condition is necessary in the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Before the development is brought into use, the first 5m of the proposed driveway shall be surfaced/hard paved in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The surfacing/hard paving approved shall thereafter be retained.

Reason: In the interests of highway safety and to ensure satisfactory layout in accordance with Policy LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

9. The development shall not be brought into use until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 2009 (ISBN as amended or any successor guidance. The parking spaces shall be so retained, free of obstructions and available for the use thereafter.

Reason: In the interests of highway safety and to ensure satisfactory surface water drainage of the site in accordance with Policy LP21 and LP28 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. If contamination, the presence of coal and/or evidence of coal workings 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 197 of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order (with or without modification)) no development included within Classes A through E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to avoid overdevelopment in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

12. Development shall not commence until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall contain the following details:

- a) Hours of construction work
- b) Hours of delivery of materials
- c) Location of site management offices
- d) Location of materials storage compound including loading/ unloading areas
- e) Car parking areas for construction workers
- f) Wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt on to the highway
- g) Temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

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.

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

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing

access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Proposed Layout and Location Plan	25-033-02	A	23/01/2026
Proposed Floor Plans and Elevations	25-003-01	-	23/01/2026
Double Garage - Floor Plans and Elevations	25-033-03	-	23/01/2026
Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment	1335	01	23/01/2026
Species Enhancement Statement	-	-	23/01/2026
Planning Statement	-	-	27/02/2026
Climate Change Statement	-	-	23/01/2026

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 Planning 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. The applicant's agent has confirmed their agreement to the pre-commencement conditions.

