

**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:	2026/62/90252/W
Site Address:	adj, Marshlands House, Marsh Lane, Shepley, Huddersfield, HD8 8AY
Description:	Erection of detached dwelling and associated works
Recommending Officer:	Danielle Cooper

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: 09 April 2026

Site Description

The site relates to the rear residential curtilage of Marshland House. Marshland House is a two storey stone built property which has been extended to the side. A detached shed and green house is situated within the rear garden area.

The site is accessed off of Marsh Lane and features on street parking.

The site is bounded by trees and a stone wall.

The site is located within the Green Belt. The site is located within the Holme Valley Neighbourhood Development Plan – Settled Slopes of the Holme Valley.

Description of Proposal

The applicant is seeking permission for the erection of detached dwelling and associated works.

The dwelling would be erected within the residential curtilage of Marshlands House.

The proposed L shaped 4 bedroom dwelling will cover a floor area of 300sqm. The dwelling will be two storey in height with gable ends. The overall height of the building will be 7.4m and eaves of 5.3m. The dwelling will be constructed from natural stone with natural stone slate roof tiles. Upvc windows and composite/Powder Coated Aluminium doors will be inserted.

Solar panels are proposed to the south-east and south-west elevations. An air source heat pump is also proposed to the southwest elevation of the building. Swift nesting boxes and bat bricks are proposed as shown on the elevation drawings.

Garden areas will be situated to the side and rear. The existing access would be utilised and a new driveway and onsite parking is proposed in front of the dwelling.

Garden space for the existing dwelling is also shown.

Bin storage is proposed to the north-east elevation of the building and the bin collection point is situated at the access point.

The existing boundary wall is to be lowered, and the gates are to be set further back to ensure vehicles can enter and exit the site safely.

History of Negotiations

None.

Relevant Planning History

2025/20443 – Pre-application enquiry for the erection of a detached dwelling within the residential curtilage of Marshlands House – Advice provided.

2013/90477 - Erection of single and two storey extensions – Approved

Representations

The application has been advertised by site notice and on the web. The applicant was re-advertised by site notice due to the original site notice being removed. Final publicity expired on 7th April 2026. Two representations have been received. The comments have been summarised below:

- Proposal will result in encroachment within the green belt
- The proposal will destroy openness of the site
- The site is not appropriate development within the green belt
- No very special circumstances have been provided
- The proposal will result in the loss of green space, harming the character of the area.
- Loss of trees resulting in negative impacts to wildlife.
- Information provided within the planning statement is not true
- Properties nearby are not being sold
- The site notice was removed within two hours of being erected.
- The proposal will result in increased traffic to Marsh Lane, raising highway safety concern.
- The large scale of the proposal would detract from the surrounding properties unless appropriately traditional materials and style were incorporated.

Holme Valley Parish Council – Oppose the proposal. Reasons: Oppose - This application does not meet the special conditions for development in the green belt, there is no community benefit to this proposal.

Consultation Responses

KC Trees – no objections subject to conditions

KC Ecology – no objections subject to conditions

KC Environmental Health – No response.

The Coal Authority – No objection subject to conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 Green Belt as allocated within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP11 – Housing mix and affordable housing
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and geodiversity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land.
- LP59 – Brownfield sites in the Green Belt

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 3 Conserving and Enhancing Local Heritage Assets
- Policy 10 Protecting Local Green Space
- Policy 12 Promoting Sustainability
- Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1. Principle of development (including impact on the green Belt and visual amenity)
 1. Impact upon residential amenity
 2. Impact upon highway safety
 3. Climate Change
 4. Ecology
 5. Contaminated Land
 6. Trees
 7. Representations
 8. Conclusion

1 – Principle of Development (Including impact on the Green Belt and visual amenity):

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.

Policy 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”.

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 officer’s assessment.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

Green Belt

The site is located on Green Belt land. The NPPF states that ‘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 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.

Paragraph 154 of the NPPF 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.”*

Paragraph 155 of the NPPF is also relevant and outlines:

“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 undermine 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; and*
- b. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- c. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

The application is for a new dwelling and as such would not fall under exceptions a, b, c 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. It states that:

“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 application site lies on the outskirts of Shepley Village and, as such, exception (e) is applicable in this case. The proposal seeks permission for one new dwelling which is well contained within the site and as such complies with exception (e) of paragraph 154 of the National Planning Policy Framework

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:

- in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- 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”

The definition of previously developed land is contained within the NPPF (P. 77) 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.’*

The proposed dwelling would be located within the residential garden of Marshlands House. The residential curtilage of the site is well defined by the existing stone wall. In line with the above definition, the site therefore cannot be identified as previously developed land as it is within a residential garden.

Grey Belt Considerations

Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- a) The development would utilise Grey Belt land and would not fundamentally undermine 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.

Annex 2 of the NPPF defines Grey Belt as:

“For the purposes of plan-making and decision-making, ‘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”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Planning Practice Guidance published 27 February 2025 pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

Meeting Green Belt Purposes – Land (Paragraph 155a)

The PPG confirms that purpose (a) – to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and the villages should not be considered large built up areas for this purpose.

The application site is located on the outskirts of Shepley Village, with Huddersfield lying north-west, Holmfirth to the south west, and Penistone further to the south-east. These settlements are separated by substantial distances, and the site’s semi-rural position ensures it is both physically and visually detached from them. As a result, the proposed development would not contribute to the outward sprawl of nearby towns or villages, nor does the site form part of a settlement edge that could influence urban expansion. Accordingly, the land is considered to make only a weak contribution to Green Belt Purpose (a): checking the unrestricted sprawl of large built-up areas.

The application site relates to a residential curtilage, which consists of a detached two storey dwelling and has a rear garden area, which is well defined by the hard stone wall boundaries. As such, the site is considered capable of accommodating development without affecting the broader landscape buffers and open fields that maintain clear physical and visual separation between surrounding settlements. Consequently, it is assessed as making only a weak contribution to Green Belt Purpose (b). A sensitively designed redevelopment of the site in isolation would not materially diminish the visual or perceived separation between towns, nor would it give rise to any realistic sense of coalescence.

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

Meeting Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purpose (a), a weak contribution to Purpose (b), and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a wider area of Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

In respect of Purpose (c) (safeguarding the countryside from encroachment), as noted above, the site relates to a residential curtilage, which consists of a detached two storey dwelling and has a rear garden area, which is well defined by the hard stone wall boundaries. The proposed dwelling would be situated inside of the residential curtilage and is therefore not considered to encroach into the countryside. It is also noted that there is an established pattern of built form, whereby dwellings are sporadically sited behind existing dwellings along Marsh Lane. On this basis, although the development would result in some localised visual change, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area, The proposal therefore satisfies Paragraph 155(a) of the NPPF (2024).

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), 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.

This shortfall is a material consideration and supports the principle of development on Green Belt land. The proposed development would contribute to addressing housing need within Kirklees through the delivery of 1 new dwelling. While limited in overall scale to the housing stock, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b).

Sustainable Location (Paragraph 155c)

Paragraph 155(c) requires that the site is in or can be made a sustainable location.

The application site is situated within reasonable walking distance of Shepley Local Centre, including schools, shops, and public transport services.

It is acknowledged that future occupants of the proposed dwellings would be largely dependent on private vehicles for most day-to-day journeys. However, given the modest scale of the scheme, comprising only 1 dwelling, the level of trip generation is not considered to be significant. It is also relevant that the site is positioned amongst existing residential dwellings.

Taking into account the site's semi-rural character, its proximity to local facilities and services, and the limited scale of the proposal, the development is considered to occupy a reasonably accessible and sustainable location for the purposes of Paragraph 155(c) of the NPPF.

Principle of development – Conclusion

The site makes only a weak to moderate contribution to Green Belt purposes (a), (b) and (d), owing to its limited scale and the surrounding context described above. Although the introduction of residential development would inevitably introduce a more domestic character through built form and associated activity, the scheme would remain contained within the existing site boundaries. It is also noted that there is an established pattern of built form, whereby dwellings are sporadically sited behind existing dwellings along Marsh Lane. In addition, the layout ensures that parking and amenity areas are appropriately integrated. As a result, the development would be well enclosed and would not lead to encroachment into the wider countryside.

There is a clear and demonstrable unmet need for housing within the borough, arising from the absence of a five-year housing land supply. The site also occupies a reasonably sustainable location.

Taking these considerations together, the proposal is judged to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is therefore acceptable in principle. As the scheme comprises one dwelling, Paragraph 155(d) does not apply.

Notwithstanding the conclusions drawn, it is noted that the development would have potential to undertake substantial additions through utilisation of permitted development rights, which could lead to the conclusion the impact is

substantially harmful upon the openness of the green belt. As such it is therefore considered exceptional circumstances exist in this case which justify the inclusion of a condition by the LPA removing permitted development rights for development within Classes A, AA, B, C, E & F of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (As amended).

Visual Amenity

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

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

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

LP24 states that proposals should promote good design by ensuring:

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

Paragraph 134 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. Relevant to this is the Kirklees Housebuilders Design Guide SPD, 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.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 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.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Settled Slopes of the Holme Valley (LCA 8). Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

The proposal seeks permission for the construction of a new two-storey L-shaped dwelling. The building would be finished in natural stone with stone slate roof tiles, incorporating gable ends and full-height glazing across both the ground and first floors on the north-west and north-east elevations.

The overall design, scale and massing of the dwelling are considered acceptable. The proposed materials reflect the established palette of the surrounding rural area, which is characterised by natural stone and stone slate roofs. A condition will be imposed requiring samples of all external materials to be submitted to the Local Planning Authority prior to commencement of construction. The proposed fenestration arrangement is also deemed appropriate, with the introduction of full-height glazing on the front and side elevations appearing sympathetic to the dwelling's design, owing to a contemporary appearance which is considered acceptable within this semi-rural location. The solar panels proposed to the south-east and south-west elevations are considered visually acceptable and raise no concern to the overall character of the dwelling. An air source heat pump is also proposed to the southwest elevation of the building which raises no visual concern.

There is an established pattern of development along Marsh Lane, where dwellings are sporadically positioned behind existing properties. The siting of the proposed dwelling therefore aligns with this pattern and is not considered out of character within the wider streetscape. Furthermore, as the dwelling would be located approximately 19 metres behind the existing two-storey detached property, it is not expected to appear overly dominant. The development remains fully contained within the existing defined boundaries of the site.

The proposed driveway is proportionate to the scale of the development, and the inclusion of soft landscaping, both within the garden area and along the grassed strip adjacent to the driveway, will help soften the visual impact of the scheme. A condition will be applied requiring details of boundary treatments to

be submitted to the Local Planning Authority to ensure the protection of visual amenity.

The proposal represents conventional but good quality design that is considered both contextual and appropriate within its varied surroundings. The design and layout of the proposal is reflective of the surrounding area and is considered to be acceptable therefore complying with policy LP24 of the Kirklees Local Plan, Policy 1 and 2 of the Holme Valley Neighbourhood Development Plan, and principle 2 of the Housebuilders Design Guide.

2. Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 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 SPD also provides advised separation distances for two storey dwellings:

- 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.

The nearest residential dwelling is located to north-west of the site, Marshlands House. The distance between the proposed dwelling to the side elevation of the existing dwelling is 19m. Given this considerable separation distance, there are no concerns of potential overbearing or overshadowing impacts. It is noted that the proposed dwelling will be located next to the retained garden area of Marshlands House, retaining a gap of 1m.

While the proposal will result in some overshadowing of the amenity space associated with the existing dwelling on the site, this is expected to occur only around midday. Given the limited duration and extent of this impact, it is not considered that the proposed dwelling would give rise to unacceptable overshadowing or an overbearing effect on the garden area sufficient to warrant refusal.

The retained garden area for Marshlands House is considered to be an adequate size to serve the existing property.

The proposed ground floor window serving the garage will face onto the garden area of Marshlands House. However as this is a non habitable room and it is likely boundary treatment will act a screen, there are no concerns of overlooking impact. It is also noted that boundary treatments will be controlled by condition. The proposed ground and first floor front windows serving the master bedroom and kitchen and dining area will be high level which omits any concern of overlooking impact to the existing property at the site. The proposed side and rear fenestrations will overlook open fields and as such raises no concern to loss of privacy of other nearby residential properties.

Due to the isolated location of the proposal, set a significant distance from any other neighbouring properties, there are no other concerns to residential amenity of nearby residential properties.

It is noted that an air source heat pump (ASHP) is proposed. A condition will be implemented to ensure the ASHP is installed in line with the noise standards set out in the document 'MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises. This condition will ensure the noise of the ASHP is controlled and will not exceed existing background noise levels.

An informative will be attached to control the hours of construction to protect residential amenity of surrounding residential properties.

The amenity of the future occupiers must also be considered. Principle 16 of the Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is acknowledged that the existing trees may result in some overshadowing of the proposed dwelling's private amenity space. However, as these trees are not subject to protection, selective pruning or removal could be undertaken to improve light levels if required. On this basis, the impact is considered acceptable. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

3. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

Informal discussions were held with KC Highways at the pre-application stage, during which comments were provided regarding the suitability of the existing access. The proposed dwelling comprises four bedrooms and is therefore not considered to result in an intensification of vehicle movements to a level that would adversely affect highway safety. The existing access from Marsh Lane is deemed sufficiently wide to accommodate the additional dwelling. It is also noted and welcomed that the existing boundary wall, as shown on the submitted plans, will be reduced in height to improve visibility splays.

The proposed shared driveway serving both dwellings is considered acceptable, and the turning areas will ensure vehicles can enter and exit the site in a forward gear, maintaining safe operation. A condition will be imposed requiring the driveway to be appropriately surfaced and drained. The proposal to set back the existing gates is also supported, as this will further improve access arrangements.

Three on-site parking spaces are proposed for the new four-bedroom dwelling (two spaces in front of the garage and one within the garage), which meets the required standards and is considered acceptable. The two on-site parking spaces retained for the existing dwelling are also deemed appropriate.

The proposed bin storage and collection point is considered acceptable.

An informative will be attached to advise the applicant to install electric charging vehicle points should permission be granted.

As such, the proposed development is considered acceptable in regard to highway safety, complying with policy LP21 of the Kirklees Local Plan.

4. 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 has been accompanied by a climate change statement, which indicated locally sourced material would be used, installation of solar panels and an air source heat pump, which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

5. Ecology

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

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

Swift nesting boxes and bat bricks are proposed which is welcomed by the Local Planning Authority.

A Preliminary Ecological Assessment and Bat Survey reports have been submitted and has been reviewed by KC ecology and deem the assessment reasonable and acceptable. The PEA has confirmed that the site is considered to have low potential for foraging bats, on site reptiles. The trees and shrubs onsite also provide potential for nesting birds.

As such, to protect habitats, a construction environmental management plan will be conditioned.

It is noted that the proposal includes the installation of swift nesting boxes and bat bricks which is welcomed by the Local Planning Authority and are shown on the proposed elevation drawings.

An informative will also be imposed to ensure that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist.

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

6. Land contamination & Drainage

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.

The site is located within an historic landfill buffer and as such a Phase 1 contaminated land report will be required to be submitted prior to commencing development which will be conditioned.

The site is located within a High Risk Coal Area. As such, a coal mining risk assessment (CMRA) has been submitted and reviewed by the Coal Authority.

The Mining Remediation Authority has reviewed the submitted CMRA and raises no objection to the development, subject to the imposition of conditions securing intrusive investigations, any necessary remediation and the submission of a verification report. As such, in line with the CMRA's consultation response, the recommended conditions will be imposed to ensure that the site is, or can be, made safe and stable for its intended use.

Subject to conditions, the development is considered acceptable in relation to contaminated land risk and environmental protection and would comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

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

7. Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Given the proximity of the development to mature trees and vegetation on the boundaries of the site, an Arboricultural Impact Assessment has been submitted and reviewed by KC Trees.

KC Trees have provided the following response:

There are no protected trees within or adjacent the site and limited number of category A or B trees. The proposed developments looks well designed with regards to the tree present on site. All tree removals recommended are category C or U trees that are relatively small in stature as well as being on

the southwestern boundary meaning their removal will alleviate any shading issues.

All retained trees to the Northeastern boundary will maintain a nice screen from Marsh Lane.

The level of pruning to T11 and T12 should be tolerable by the early mature trees whilst alleviating any shading/overhang to the dwelling.

The outline Arboricultural Method Statement (AMS) provides an adequate level of protection for the trees to be retained on site. KC Trees requested submission of the full document; however, the agent has confirmed that the outline AMS represents the most up-to-date information available. The Local Planning Authority is satisfied that the protection measures set out within Appendix 3 of the report are appropriate. A condition will be imposed requiring full compliance with these measures to ensure the safeguarding of existing trees throughout the development.

As such, subject to the aforementioned condition, there are no objections from KC Trees and the proposal complies with policy LP33 of the Kirklees Local Plan.

8. Representations

Two representations have been received. The comments have been summarised below:

- Proposal will result in encroachment within the green belt
- The proposal will destroy openness of the site
- The site is not appropriate development within the green belt
- No very special circumstances have been provided

Officer comment: The above comments are noted have been addressed within the principle section of this report.

- The proposal will result in the loss of green space, harming the character of the area.

Officer comment: The above comment is noted and has been addressed within the principle and visual amenity section of this report.

- Loss of trees resulting in negative impacts to wildlife.

Officer comment: The impact on wildlife has been assessed within the ecology section of this report.

- Information provided within the planning statement is not true

Officer comment: The information provided is considered acceptable as submitted to ensure a full assessment can be undertaken.

- Properties nearby are not being sold

Officer comment: This comment is not a material planning consideration and therefore bears no weight to the assessment of this application.

- The site notice was removed within two hours of being erected.

Officer comment: This comment is noted. A further site notice was erected as a result of the removed site notice on the 13th March 2025.

- The proposal will result in increased traffic to Marsh Lane, raising highway safety concern.

Officer comment: This comment is noted and has been assessed within the highway safety section of this report.

- The large scale of the proposal would detract from the surrounding properties unless appropriately traditional materials and style were incorporated.

Officer comment: The above comment is noted and the use of natural stone and stone slate roof tiles will be used. A condition will also be imposed to ensure sample materials are submitted.

Holme Valley Parish Council – Oppose the proposal. Reasons: Oppose - This application does not meet the special conditions for development in the green belt, there is no community benefit to this proposal.

Officer comment: These comments are noted and have been assessed under the principle of development within the section of the officer 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 proposals does accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Approve

Decision Authorisation: Delegated Powers
Application Number: 2026/90252

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP21, LP22, LP24, LP28, LP30 and LP33 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have 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. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity and to protect the green belt setting to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 12 and Chapter 16 of the National Planning Policy Framework.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, AA, B, C, and E of Part 1 of Schedule 2 to that Order shall be carried out within the site without the prior written consent of the Local Planning Authority.

Reason: To ensure that no large, overly dominant extensions or outbuildings are provided which would have an adverse harmful impact on the character and appearance of the street scene, result in overdevelopment of the site or create amenity issues to adjacent neighbouring properties, this is to accord with Policies LP2, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Principles 2 and 6 of the Housebuilders Design Guide SPD.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on the Proposed Site Plan Drawing No. 5, received 30/01/2026, are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment

Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 12 of National Planning Policy Framework.

6. The Air Source Heat Pump annotated upon drawing ref: 03, received 30/01/2026, shall be installed in accordance with the noise standards set out in the document 'MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises' and retained as such thereafter.

Reason: To ensure the development has an acceptable impact as a result of noise emissions to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

7. The details contained within the submitted Arboricultural Impact Assessment, Appendix 3, ref: WC-437.1a, received 30/01/2026, shall be adhered to during the construction of the development.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan.

8. Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity of neighbouring occupiers, visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

9. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study 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. 196 and 197 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that ground conditions are investigated at an appropriate stage of the development process.

10. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (9) 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. 196 and 197 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that ground conditions are investigated at an appropriate stage of the development process.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (10) 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. 196 and 197 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that adequate remediation measures are agreed at an appropriate stage of the development process.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). 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 190 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that adequate remediation measures are agreed at an appropriate stage of the development process.

13. 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.

14. No above ground development shall commence until (excluding demolition of existing structures and site clearance);

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

15. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public safety and to ensure the stability of the land for development, in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

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: 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: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable

electrical requirements in force at the time of installation.

Approval of EVCPs under the Building Regulations may also be required, and the

applicant should contact their Building Control Provider for further information in

relation to Approved Document S.

NOTE: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

NOTE: Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for

foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from our website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental->

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	01		28/01/2026
Proposed Site Plan	04		28/01/2026
Proposed Block Plan	05		28/01/2026
General Arrangement as Proposed	03		28/01/2026
Proposed Visualisations	06		28/01/2026
Design and Access Statement			28/01/2026
Climate Change Statement			28/01/2026
Arboricultural Impact Assessment	WC-437.1a		28/01/2026
Preliminary Ecological Appraisal			28/01/2026
Coal Mining Risk Assessment, Desktop Study	5733-26		28/01/2026

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.

Report Dated: 07/04/2026

Coal – High