



Date: January 2026

## Planning Justification Statement

Project: Wholestone Farm, 998 New Hay Road, Outlane, HD3 3FJ

Job No. 3672

## 1. Introduction and Description of development

This Planning Justification Statement accompanies a householder planning application for the demolition of an existing garage and store and the erection of a replacement garage and store at 998 New Hey Road, Outlane, Huddersfield.

The site comprises a two-storey semi-detached dwelling with associated outbuildings and lies within Green Belt land. The application site has an established planning history, including planning permission granted in 2002 for the conversion and extension of the original barn building to form a dwelling and change of use of land to extend the domestic curtilage.

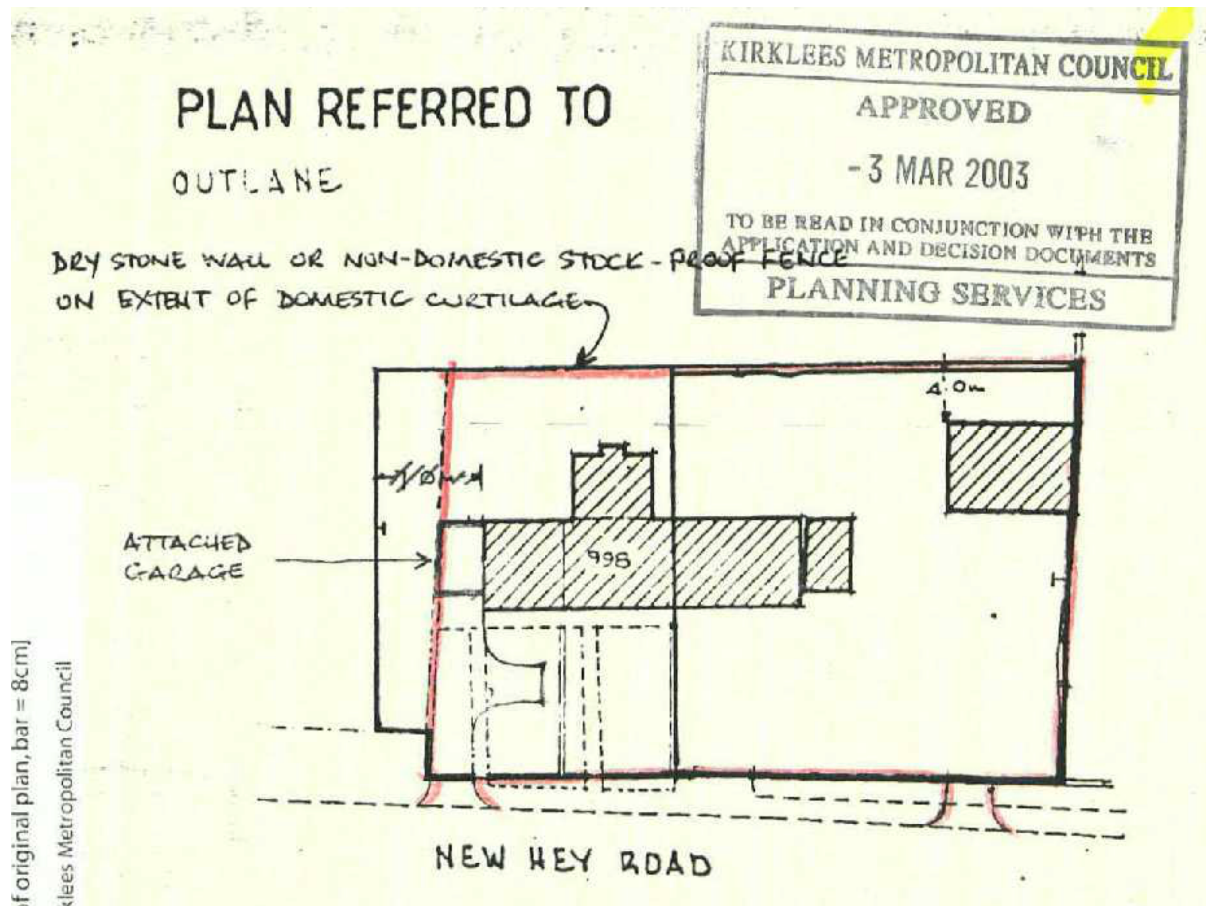


Figure 1: Application 2002/94505 - Approved

Planning permission was then refused in 2009 for further change of use of land and to extend the domestic curtilage.

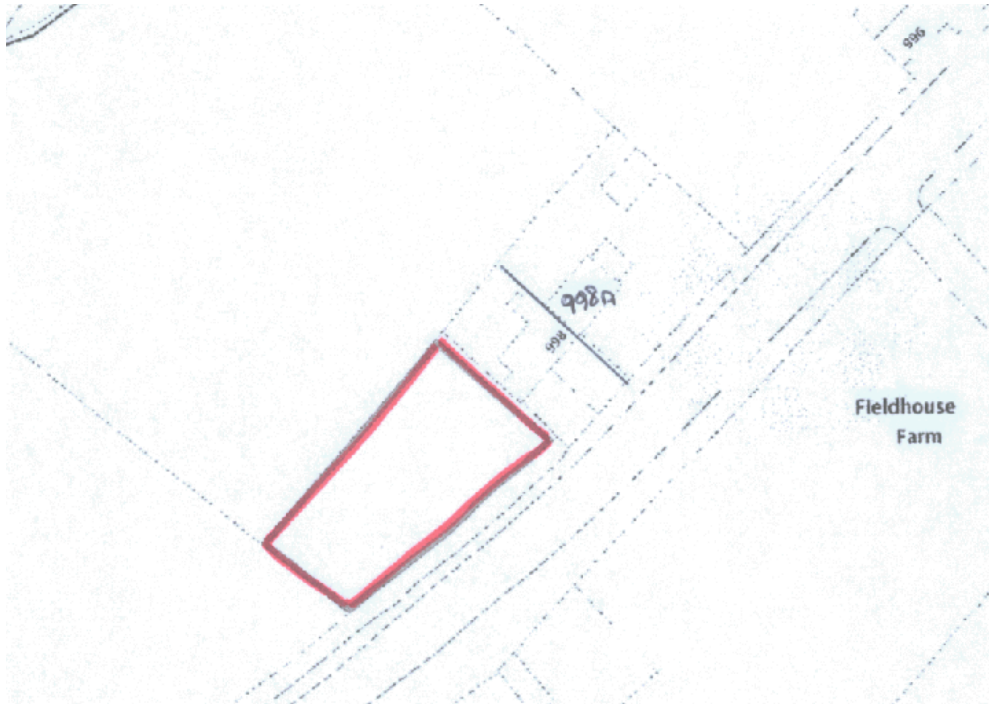


Figure 2: Application 2009/90606 - Refused

In 2014, permission was granted to erect an extension to the rear of the property.

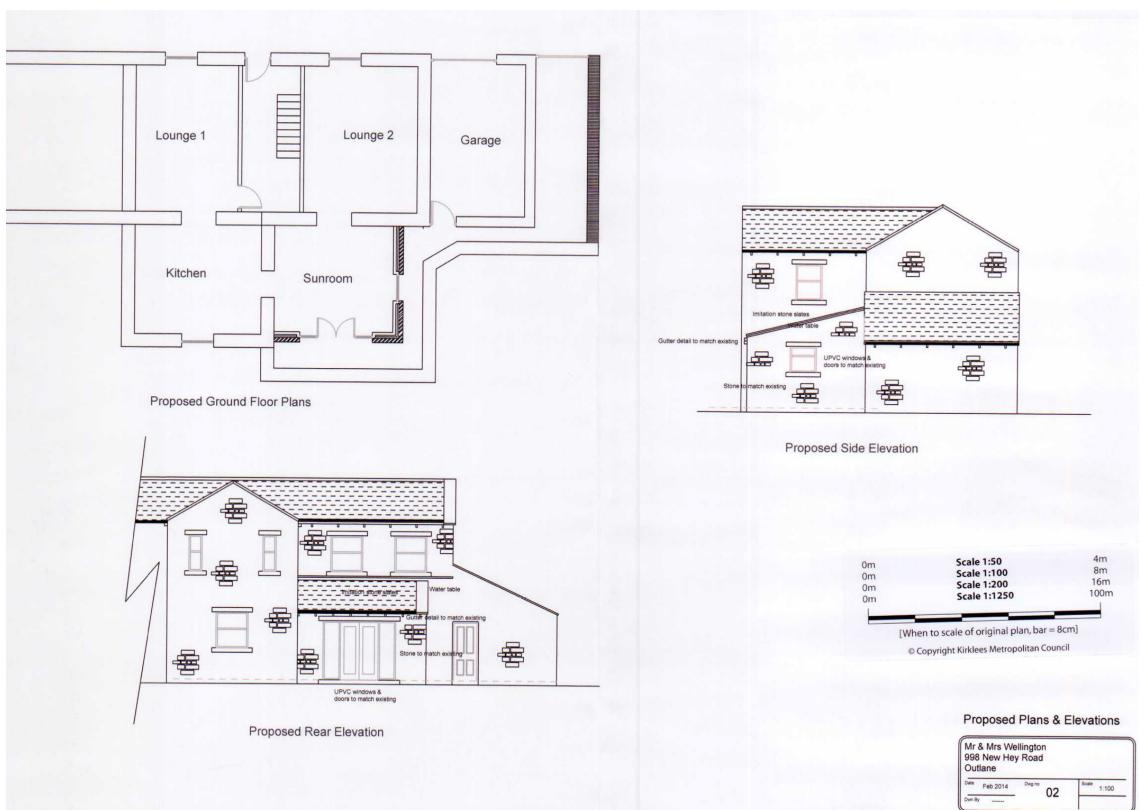


Figure 3: Application 2014/90677 - Approved

Planning permission for a replacement garage and store was refused in July 2024 (2023/62/91389/W) and again in May 2025 (2025/62/90797/W). The reasons for refusal related principally to the scale and positioning of the proposed building, its impact on the openness of the Green Belt, its relationship to the main dwelling, and the absence of clear evidence demonstrating that the land on which the structure was proposed formed part of the lawful domestic curtilage of the property.

This application seeks permission for a revised scheme, designed in line with the relevant policies of the Kirklees Local Plan, the National Planning Policy Framework and associated supplementary planning guidance and is supported by additional evidence.

## **2. Site Context and Existing Development**

The application site relates to 998 New Hey Road, which comprises of a two-storey semi-detached dwelling and detached garage on the northern side of New Hey Road. The dwelling is constructed in natural stone with a pitched slate roof and sits within a semi-rural setting characterised by scattered residential development and open fields.

The site lies within the designated Green Belt. While the surrounding area includes scattered residential properties, the wider setting expands into open fields, which is reflected in the planning history and the restrictions placed on development within the site.

The residential planning unit includes the main dwelling and associated domestic land to the rear and south west. The land surrounding the dwelling is enclosed and visually reads as part of the residential plot, separated from adjoining land by established boundary walls. The site slopes gently away from the dwelling and is largely screened from the public highway by boundary walls.

An existing single-storey garage and store building is located within the south-western part of the site. This structure has been in situ since at least 2012, according to satellite imagery of the site, which is accessed via an area of hardstanding within the residential plot. The existing building is constructed from lightweight materials, with a simple roof form. It is incidental to the main dwelling and is visually subordinate when viewed in the context of the overall site.

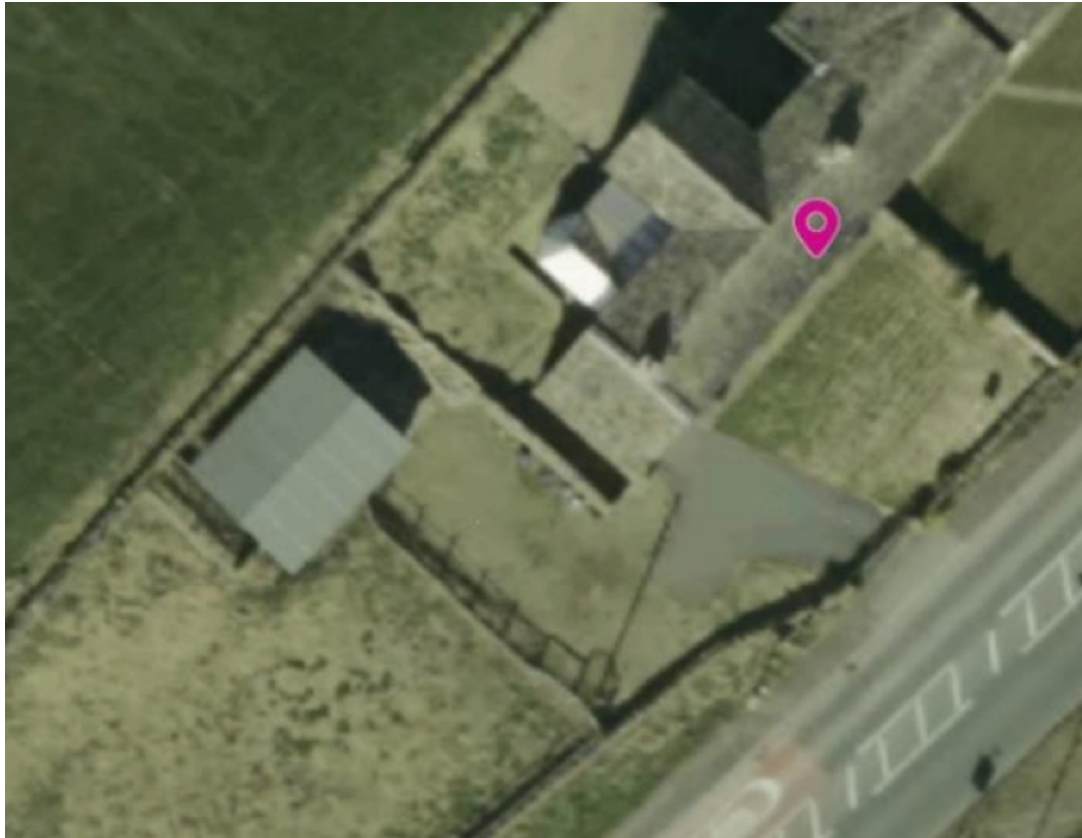


Figure 4: 2012 satellite imagery retrieved from the Officer's Report for application 2025/62/90797

The existing garage has footprint of 36.18m<sup>2</sup>, and is 3.3m in height at the ridge and 2.5m at the eaves.

### 3. Lawful Residential Curtilage

The application site has a complex planning history in relation to the extent of its lawful residential curtilage, which is acknowledged as a key consideration in the assessment of the current proposal.

As discussed, planning permission was granted in 2002 for the conversion of the original building to a dwelling established a residential planning unit with a clearly defined curtilage. As part of that permission, conditions were imposed removing permitted development rights for extensions and outbuildings in order to control the development within the Green Belt. A further application in 2009 seeking the change of use of land to the south west of the dwelling to domestic curtilage was refused on Green Belt grounds.

Despite this, it is evident that some land to the south west of the dwelling has been enclosed and used in association with the residential property for a substantial period of time. Historic

site photographs demonstrate that by October 2015 the land was physically enclosed and visually and functionally read as part of the domestic garden associated with 998 New Hey Road. The boundary treatments evident at that time reflect the current configuration of the site.

Previously listed for sale on Rightmove:

**October 2015**



PROPERTY TYPE  
🏠 **Semi-Detached**

BEDROOMS  
🛏 **4**

BATHROOMS  
🛀 **3**

Figure 5: Rightmove listing from October 2015

Since then, the land has been used continuously as part of the residential space, with no evidence of reversion to non-residential use.

On the basis of the available evidence, it is therefore reasonable to consider the use of the land to the south west of the dwelling as domestic curtilage as it has been in place for a period in excess of ten years prior to the submission of the current application, meaning it is in accordance with section 171B of the Town and Country Planning Act 1990, and therefore immune to enforcement action. In the Officer's report for the refusal of application 2025/62/90797/W it is stated that *'the change to the extent of curtilage would need to have taken place more than 10 years ago to be immune from enforcement action and therefore a lawful development'*.

#### 4. Relevant Planning Policy Framework

##### 4.1. NPPF

##### 4.2.

Paragraph 142 of the NPPF states that: *'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.'*

Paragraph 153 of the NPPF makes clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. However, Paragraph 154 sets out forms of development that are not considered inappropriate in the Green Belt. Paragraph 154(c) is particularly relevant to this application, which states that the following is not inappropriate development: *'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.'*

Paragraph 154(d) also confirms that: *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'* may be regarded as an exception to inappropriate development.

Paragraph 154(g) also states: *'redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt'* is also deemed an exception to inappropriate development.

##### 4.3. Kirklees Local Plan Policies

Policy LP57 states that proposals for the extension, alteration or replacement of existing buildings in the Green Belt will be acceptable provided that: *'in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing'* (LP57b) and where *'the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access'* (LP57c).

The policy further requires that: *‘while the essential characteristic of the Green Belt is its openness it follows that no harm to openness should be caused if a building that is already there is altered or replaced, provided that the new or altered building does not have a greater impact on openness than the one it is replacing’ (19.26).*

Policy LP24, Design, requires all development proposals to demonstrate high quality design. It states that development should: *‘respect and enhance the character of the... landscape’* and ensure that *‘extensions subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details’*.

#### 4.4. Supplementary Planning Guidance

Key Design Principle 1 of the Kirklees House Extensions and Alterations Supplementary Planning Document, advises that outbuildings should *‘be subservient in footprint and scale to the original building’* and *‘be set back behind the building line of the original building’*.

Paragraph 2.11 of the SPD also states that *‘any application for the extension of a building in the Green Belt must ... have regard to its Green Belt setting so care should be taken to ensure that the design is sympathetic to countryside character, both on the building itself and in the treatment of any outside space’*

In summary, the relevant planning policy establishes that development within the Green Belt must preserve openness and avoid encroachment into the countryside. Replacement buildings and extensions may be acceptable where they are proportionate in scale, and are sensitively designed and constructed to a high quality so as not to harm the character or openness of the Green Belt.

These policy requirements form the basis against which the proposed replacement garage and store has been designed.

## 5. Principle of Development in the Green Belt

The application site lies within the designated Green Belt and the proposed development must therefore be assessed against Chapter 13 of the National Planning Policy Framework and Policy LP57 of the Kirklees Local Plan.

As aforementioned, the NPPF identifies certain forms of development that are not regarded as inappropriate, such as 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, and the replacement of a building, provided the new building is in the same use does not impact the openness of the Green Belt. Policy LP57 of the Kirklees Local Plan also reflects the NPPF.

The proposal seeks permission for the demolition of an existing garage and store and the erection of a replacement garage and store in the same use. Based on the land on which the garage is built being regarded as part of the lawful planning unit, as set out in section 3, the proposal would be assessed as domestic replacement of a building within the Green Belt.

Although the proposed replacement garage and store would result in an increase in footprint (total proposed footprint = 64.9m<sup>2</sup>) and overall volume (total proposed volume = 204m<sup>3</sup>) when compared to the existing structure and the ridge height would increase by approximately 700mm, the eaves height on the elevation facing the adjoining Green Belt land would be reduced by approximately 700mm. As a result, the building would present a lower profile when viewed from the most sensitive and open aspect of the site.

This design approach seeks to manage the perception of scale and massing so that, despite an increase in footprint and volume, the development does not result in visual harm to the openness of the Green Belt. The proposed garage and store has been designed as a single-storey structure with a simple form. Its position within the site reduces the impact on the Green Belt, by reducing the span of the domestic area, and returning approximately 41m<sup>2</sup> of land to the adjacent Green Belt field.

## 6. Impact of Openness of the Green Belt

The NPPF and Kirklees Local Plan identify openness as an essential characteristic of the Green Belt and requires substantial weight to be given to any harm arising from development. Openness relates to both spatial and a visual openness, relating to scale, massing, position and how the development is perceived from sensitive viewpoints.

In spatial terms, the proposal would not extend development into previously undeveloped land, the replacement building would occupy an area that already contains an outbuilding and associated hardstanding and would not result in the outward spread of development further into the adjoining countryside.

In addition, the proposed replacement garage and store has been repositioned within the site when compared to the existing arrangement. This has allowed 41m<sup>2</sup> of land along the south west boundary to remain free from built development and be returned to the adjoining field.

The revised position reduces the proximity of built form to the open countryside and as a result, the perception of encroachment into the countryside is reduced and a clearer distinction is maintained between the residential plot and the open fields beyond.

The visual impact of the proposal has been a key consideration in the design of the replacement garage and store. The most sensitive viewpoint in Green Belt terms is from the land to the rear of the site, where the development is experienced against an open field rather than the backdrop of existing built form.

As aforementioned, the building would present a lower profile from the most open and visually sensitive aspect of the site, reducing the perceived bulk of the structure when viewed from the countryside. The increased setback and reduction of the south west boundary further assists in softening views from the adjoining field and reduces the apparent spread of built form.

## 7. Design, Scale and Appearance

Policy LP58 of the Kirklees Local plan states that development within the Green Belt must be '*appropriate to its setting and is of a high quality of materials and design*'.

The existing garage and store is utilitarian in appearance and has evolved incrementally over time, resulting in a building that lacks coherence and contributes little to the visual quality of the site.

The proposed replacement garage and store has been designed as a single, clearly articulated structure with a simple roof form and a restrained palette of natural materials that reflects the host dwelling. This approach reduces visual clutter within the plot and results in a more orderly and legible arrangement of built form.

## 8. Response to Previous Refusal Reasons

As aforementioned, the application site has an established planning history. The previous applications are stated below:

- 2025/62/90797: Demolition of existing garage and store and erection of new garage and store
  - Refused
- 2023/91389: Demolition of existing garage and store and erection of replacement garage and store
  - Refused
- 2014/90677: Demolition of existing conservatory and erection of extension to rear
  - Conditional Full Permission
- 2009/90606: Change of use of land to domestic curtilage
  - Refused
- 2002/94505: Re-use of existing barn and new extension to form one dwelling, alterations to outbuilding to form garage, erection of attached
  - Conditional Full Permission

The most relevant to this planning application is 2025/62/90797/W. The reasons for refusal are addressed in turn below:

- Reason: *'the proposed development would represent inappropriate development in the Green Belt due to its size, scale and siting whereby no 'very special circumstances' required by the NPPF have been submitted. The proposal would therefore fail to accord with Policy LP57 of the Kirklees Local Plan and Chapter 13 of the NPPF.'*
- Response: The revised proposal has been developed with specific regard to the Green Belt concerns identified in the previous officer's report. The scheme continues to propose replacement development with the same use, however, changes have been made to the siting, form and massing of the building in order to reduce its impact on the openness of the Green Belt.

The replacement garage and store remains as a single-storey structure and does not extend development into previously undeveloped land. It has also been repositioned within the site, increasing the separation distance to the adjoining Green Belt field and allowing a greater area of land along the south west boundary to remain free from built development and be returned back to the Green Belt.

The reduction of the eaves height results in a lower perceived profile when viewed from the open countryside and limits the apparent mass of the building from this sensitive viewpoint.

As set out in Sections 5 and 6 of this statement, the revised scheme has been designed with consideration of the relevant Green Belt sections of the National Planning Policy Framework (13) and the Kirklees Local Plan (LP57).

- Reason: *'the absence of clear and concise evidence to demonstrate that the works would be within defined domestic curtilage, the proposed structure would not be a lawful household development. On the balance of probabilities, it has not been demonstrated that the land to the south-west of the host dwelling has been incorporated into the adjacent residential planning unit known as 998 New Hey Road by the making of a material change of use from agriculture to Class C3 of the Use Classes Order.'*

- Response: Since the determination of the earlier application, additional evidence has been obtained and is submitted in support of the current proposal. This includes historic imagery dating from late 2015, which clearly shows the land to the south west of the dwelling enclosed within defined boundaries and visually and functionally associated with the residential use of 998 New Hey Road. The extent of enclosure and configuration evident at that time reflects the current arrangement on site.

There is no evidence of any subsequent reversion to agricultural or other non-residential use, and the use of the land has remained exclusive to the dwelling since that time.

The revised proposal has been developed in direct response to the reasons for refusal.