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:	**2026/62/90305/W**
Site Address:	998, New Hey Road, Outlane, Huddersfield, HD3 3FJ
Description:	Demolition of existing garage and store and erection of new garage and store
Recommending Officer:	Nicole Helliwell

DECISION – FULL CONDITIONAL PERMISSION

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

Emma Thompson

AUTHORISED OFFICER

Date: 28-Apr-2026

Officer Report

Reference No. 2026/62/90305/E

Site Address: 998, New Hey Road, Outlane, Huddersfield, HD3 3FJ

Proposal: Demolition of existing garage and store and erection of new garage and store.

Site Description

The application relates to 998 New Hey Road, a two-storey semi-detached property situated in Outlane, Huddersfield. The dwelling is constructed in stone and incorporates a dual-pitched roof finished in slate. The site is located within a residential area and within the designated Green Belt on the Kirklees Local Plan. 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 application seeks planning permission for the erection of a new garage and store. The existing garage and store will be demolished to allow for the proposed works. The proposed works have been summarised below:

- The structure would have a maximum length of 10m and a maximum depth of approx. 6.8m.
- The building would be single storey in height and would have a maximum height of approx. 4m.
- Construction materials - natural stone for the external walls, natural stone or natural blue slates for the roof.

History of Negotiations/Amendments Received

No amendments have been sought or received during the course of the application.

Relevant Planning History

- **2025/90797:** Demolition of existing garage and store and erection of new garage and store. Planning application details | Kirklees Council – Refused (Appeal Dismissed)

- **2023/91389:** Demolition of existing garage and store and erection of replacement garage and store. Planning application details | Kirklees Council - Refused
- **2014/90677:** Demolition of existing conservatory and erection of extension to rear. Planning application details | Kirklees Council - Conditional Full Permission
- **2009/90606:** Change of use of land to domestic curtilage. Planning application details | Kirklees Council - Refused
- **2002/94505:** Re-use of existing barn and new extension to form one dwelling, alterations to outbuilding to form garage, erection of attached single garage, change of use of land to extend domestic curtilage and formation of new access. Planning application details | Kirklees Council – Conditional Full Permission

Representations
The application was publicised by site notice, which expired on 16th March 2026. As a result of the above publicity, no representations have been received.

Consultation Responses
Not Applicable.

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 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 57** - The Extension, Alteration or Replacement of Existing Buildings

Supplementary Planning Guidance/Documents:
Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. 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 this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

In this case, the following SPDs are applicable:
- House Extensions and Alterations SPD (adopted 29th June 2021)
- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 12** - Achieving Well-Designed Places
- **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.

Assessment

1. Principle of development

Impact on Green Belt

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF. The National Planning Policy Framework and the Kirklees Local Plan both support limited extensions to buildings within the Green Belt. For extensions within the Green Belt to be considered acceptable, it is essential that they should not impact on the open

character of the Green Belt nor be discordant in themselves or in relation to the host property.

Paragraph 2.12 of the House Extensions and Alterations SPD states that when considering any application, substantial weight will be given to any harm to the Green Belt and applications may be refused if it is considered that the development would result in the encroachment of urban character into a countryside setting.

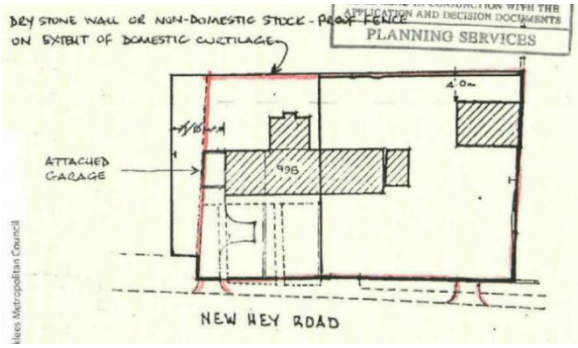
Paragraphs 153 and 154 of the National Planning Policy Framework states that certain forms of development are exceptions to 'inappropriate development'. One of these is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

Is the development inappropriate development in the Green Belt?
The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the NPPF also identifies five purposes of the Green Belt, the most relevant in this instance being to assist in the safeguarding the countryside from encroachment. Paragraph 153 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 154 and 155 of the NPPF.

It is important to note that the application has two elements for consideration. Firstly, whether or not the land in question where the building would be located is within domestic curtilage or not and secondly, the impact of the replacement building is acceptable in terms of its impact on the Green Belt.

The following assessment in relation to domestic curtilage was made under planning application reference no. 2025/90797:

Use of land to the side of the property
As part of the 2002/94505 planning application to convert the property, the red line boundary defined the curtilage of the property as follows:

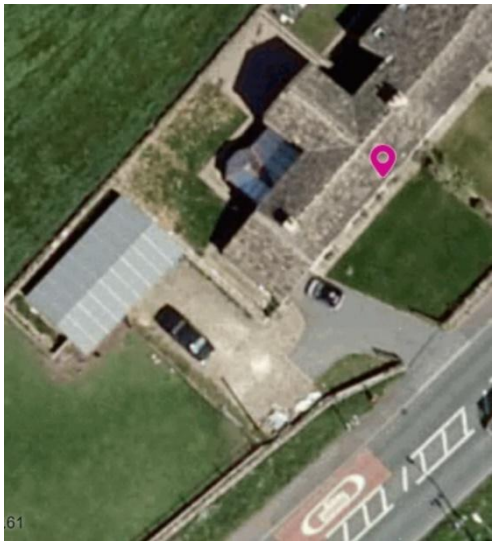


As part of the decision notice, Condition 13 removed permitted development rights for the construction of building or extensions in the area marked red on the approved plans. The reason for imposing this condition was that the site is within the Green Belt and development is not normally permitted for purposes other than those appropriate to the Green Belt.

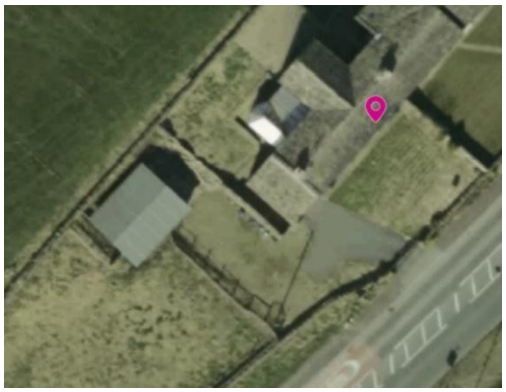
In 2006, it appears that works to the property were under construction as per the following image:



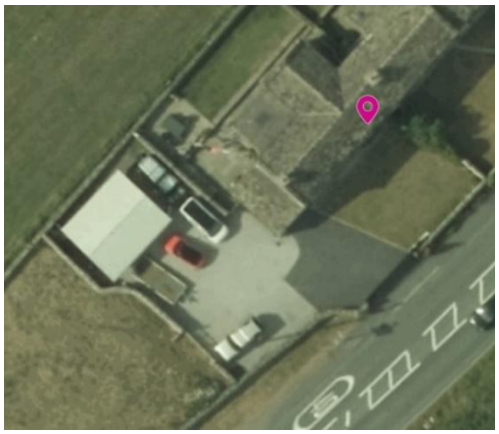
The 2009 imagery held by the Council's mapping system show that the curtilage of the property had been extended to the south-west and incorporates an outbuilding:



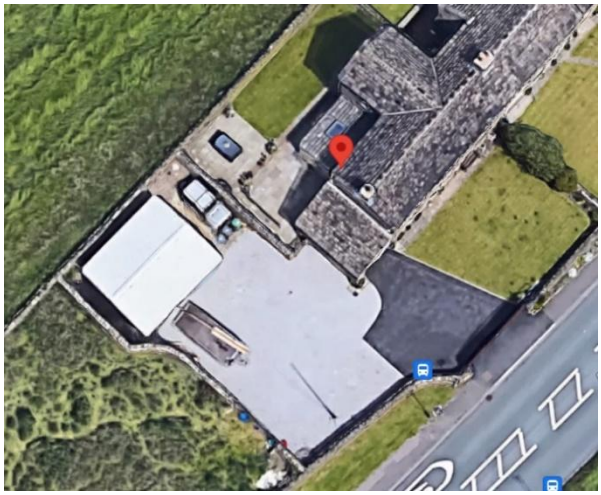
The 2012 imagery identifies the same boundary line with a smaller building in situ:



Imagery taken in 2018 demonstrates that the boundary line has changed and encroaches further to the south-west than previously established:



The latest imagery held by the Council demonstrates that the current boundary line is as above and this is also evident on Google Maps:



It is evident that the existing building has been in situ for more than 4 years and is therefore immune from enforcement action. However, it is considered that the

change to the domestic curtilage would be in breach of conditions relating to the plans approved under planning application reference no. 2002/94505, with the most recent changes to extend the curtilage having taken place between 2012 and 2018. Based on the information held by the Council, 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. As there is no clear and convincing evidence to pinpoint when this change of use occurred, the LPA cannot conclude with certainty that the change of use occurred 10 years or more prior to the date of the application.

The application is for household development, with no change of use application accompanying the application for the extension to the domestic curtilage of the property and the replacement building. As such, it is concluded that in the absence of clear and concise evidence to demonstrate that the works would be with defined domestic curtilage, the proposed building would not be a lawful household development. Therefore, 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.

It is also noted planning application reference no. 2009/90606 for the change of use of the land to the south-west to domestic curtilage was refused for the following reason:

'The change of use of land to domestic curtilage constitutes inappropriate development in the Green Belt as this would not maintain the character or openness of the Green Belt and would be detrimental to visual amenity. No very circumstances have been put forward which would outweigh the harm caused to the Green Belt by reason inappropriate. To approve the application would thus be contrary to advice within PPG2 (Green Belts).'

Whilst planning policy has changed since this refusal of permission with the introduction of the National Planning Policy Framework and the implementation of the Kirklees Local Plan, the fundamental aims of development within the Green Belt has remained unchanged and seeks to prevent urban sprawl and encroachment.

It is also noted that the area of land which has been encroached upon is identified as being separate to the host dwelling in terms of land registry.

Although there is questionable evidence in terms of the use of the land and the length of time the land has been used as curtilage, a full assessment of the proposed building shall be made for clarity.

Previously there was insufficient evidence to demonstrate that the works would be within defined domestic curtilage. Whilst the application is accompanied by a photograph which appears to show an extended residential curtilage, officers can only afford it limited weight as no lawful fall back position has been established through the submission of a certificate of lawful development. As such the extended curtilage is assessed in relation to LP57c of the Kirklees Local Plan. The erection of the garage is faciliated by extending the curtilage. Having reviewed appeal reference no. APP/Z4718/D/25/3367337, the inspector confirmed that the proposal would not result in a greater extent of hardstanding and accepted that the reduction in openness would be limited in scale which is material to the determination of the application. The current boundary is realigned which will contribue to mitigating impact of built form and transition into open land. As such, this part of the scheme can be supported and would accord with LP57c of the Kirklees Local Plan.

Detached Garage and Store

The detached garage and store proposed would replace the existing outbuilding already in situ. The structure would be located to the rear of the property within the upper corner of the site. The single storey building would measure approx. 10m in length, approx. 6.8m in depth and approx. 4m overall in height.

The building would be larger than the existing building and cumulatively with the existing enlargements would equate to a percentage increase in floor space by approximately 72% over the original house. Whilst it is acknowledged that this is a large increase, it is also noted that there is no formal definition of disproportionate additions and each application must be assessed on its own merits. Previous case law has demonstrated that the assessment of disproportionate additions cannot be made purely in a mathematical way by reference to size when measured in floor space, volume or mass, but that appearance and visual impact are an important part of a proper evaluation.

Under appeal reference no. APP/Z4718/D/25/3367337, the inspector acknowledged that whilst there would be an impact on openness this would be limited in scale given the size of the building and layout of the site. The submitted plans demonstrate that the structure has since been reduced by approximately 1.45m in length and approx. 0.5m in height since the previously refused application (2025/90797). As such, officers consider that this reduction in scale is sufficient in addressing the previous reasons for refusal.

It is noted that the boundary wall is to be realigned to facilitate an area of hardstanding is to be returned to ‘field’ as shown on the submitted plan reference 3672 (0-) 02 A. This is a welcomed inclusion within the application and is afforded weight in the process as the land would improve the transition

between new built form and rural area. Taking this into account and given the size of the host property and its redrawn curtilage, it is considered that the scale of development would not have any detrimental impact on the character or openness of the green belt. As established within the appeal decision, the proposal would also not result in a greater extent of hardstanding or changes to the access that form this particular area of the property in accordance with Policy LP57c of the Kirklees Local Plan.

A condition has been added to the decision notice removing Permitted Development Rights and a condition has also been imposed requiring the existing stone wall along the western boundary to be realigned and the adjacent parcel of land returned to field as set out in the description. On this basis, subject to the recommended conditions, it is considered that the proposed development would preserve openness and would constitute appropriate development in the Green Belt in accordance with Policy LP57 of the Kirklees Local Plan and the guidance contained within Chapter 13 of the NPPF.

2. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

Key Design Principle 1 of the House Extensions & Alterations Supplementary Planning Document (SPD) does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.

Part of Policy LP57 of the Kirklees Local Plan stipulates that *'the design and materials used (for extensions to buildings) in the Green Belt should be sensitive to the character of the Green Belt setting.'*

The detached garage and store would be single storey in height and would measure approximately 10m in length, approx. 6.8m in depth and approx. 4m overall in height. The structure would be constructed from natural stone for the external walls and natural stone or natural blue slates for the asymmetrical pitched roof which would be in keeping with the appearance of the host dwelling. Under appeal reference no. APP/Z4718/D/25/3367337, the inspector noted that the scale of the building and its form would be at odds with the form of the adjacent dwelling and that the proposal would be more apparent given

its increased height and size when approaching from the west. The structure has since been reduced by approximately 1.45m in length and 0.5m in height since the previously refused application (2025/90797). Officers consider that this reduction cumulatively with its design and set back of approximately 9.5m from the principal elevation and approx. 16.5m from the public footpath, as well as the increase in space to the west once the area shown is returned to 'field' would reduce its prominence from public vantage points along New Hey Road and enhance its subservience to the original build. For these reasons, the proposed development is not considered to have any significant visual impact on the character and appearance of the host property and surrounding area and therefore, would be acceptable in this regard.

Summary

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local, KDP 1 & 2 of the House Extensions and Alterations Supplementary Planning Document and the aims of Chapters 12 and 13 of the National Planning Policy Framework.

3. Impact on Residential Amenity of Neighbouring Residents

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light, Key Design Principle 6 on preventing overbearing impact and Key Principle 7 for outdoor space.

Impact on 998a New Hey Road

998a New Hey Road is the adjoining residential property sited north-east of the application site. The submitted plans confirm that the proposed outbuilding would occupy a position approximately 156m to the common boundary shared with no.998a. Given that the structure would be single storey in height and that the separation distance retained would be sufficient, it is considered that 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.

Summary

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 and Paragraph 135(f) of the National Planning Policy Framework.

4. 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 proposed development would not intensify the domestic use at the dwelling or affect the existing parking arrangements on site. The existing access and internal vehicle turning arrangements are unchanged by this proposal and sufficient space would be retained for off-street parking. As such, the proposed development would be acceptable in terms of highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF, Principles 15 and 16 of the Kirklees House Extensions and Alterations SPD and the Highways Design Guide SPD.

5. Other Matters

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

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.

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

6. **Representations**

No representations were received following the statutory publicity.

7. Conclusion

This application for the erection of a new garage and store at 998 New Hey Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions and Alterations SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered to be acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers
Application Number: 2026/90305
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 Policy LP1, LP2, LP21, LP22, LP24 LP30, LP52 and LP57 of the Kirklees Local Plan, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of the National Planning Policy Framework.

3. The detached garage hereby approved shall be faced in natural stone for the external walls with natural stone or natural blue slates 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, Key Design Principles 1 & 2 of the House Extensions and Alterations SPD and the aims of Chapter 12 and 13 of the National Planning Policy Framework.

4. Within 6 months of the erection of the garage hereby approved, the stone wall along the western boundary of the site shall be realigned and the adjacent parcel of land as identified on the plan titled ‘Proposed Drawings’ (reference no. 3672(0-)02 revision A, dated January 2026) shall be returned to field and retained thereafter.
Reason: To preserve the openness of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan and the guidance contained within the National Planning Policy Framework.

5. 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 within the red line boundary shown on the plan titled ‘Proposed Drawings’ (reference no. 3672(0-)02 revision A, dated January 2026) without prior written consent of the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and to accord with Policies LP24 and LP57 of the Kirklees Local Plan and the guidance contained within the National Planning Policy Framework.

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
Existing Drawings	3672 (0-) 01	-	03/02/2026
Proposed Drawings	3672 (0-) 02	A	03/02/2026
Planning Justification Statement	-	-	03/02/2026
Climate Change Statement	-	-	03/02/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local 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. In this case, the design of the original scheme has been found acceptable. No further amendments or details were sought thereafter.

Report Dated: 26/03/2026