

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 59A

DELEGATED DECISION FOR APPLICATION FOR PERMISSION IN PRINCIPLE

Reference no.: 2026/59/90413/E

Site: land off, Enfield Drive, Carlinghow, Batley, WF17 8DR

Description: Permission in principle for erection of one dwelling

Case Office: Elenya Jackson

Decision Reference: Refuse Permission in Principle

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

Kirsty Nicholls

AUTHORISED OFFICER

Date 30-Mar-2026

Officer Report

Reference No. 2026/90413

Site Address: land off, Enfield Drive, Carlinghow, Batley, WF17 8DR

Proposal: Permission in principle for erection of one dwelling

Site Description

The application relates to a parcel of land located adjacent to the rear of 81 Enfield Drive and 79 Enfield Drive . The site is currently accessed via Public Right of Way (PROW) BAT/23/20. The site is not located within a conservation area or near any listed buildings. However, this parcel of land is allocated as Urban Green Space (UG282) in the Kirklees Local Plan.

Description of Proposal

The application is seeking permission in principle for the erection of one detached dwelling with garages. As this application relates to permission in principle, the information provided is limited to a location plan and an indicative block plan.

Negotiations

No amendments were sought or received during the course of the application process as the application is a matter of determining the principle of residential development on the site.

Relevant Planning History

- **2005/95106:** Outline application for erection of 2 no. dwellings. Refused.
- **2006/93967:** Outline application for erection of 2 no. dwellings. Refused.

Representations

The application was publicised by site notice and press advertisement, which expired on 25th March 2025. As a result of the above publicity, four representations in total were received with one property sending two separate letters, which raised the following concerns:

- Highway safety
- The site being within Urban Green Space
- Impact on wildlife
- Impact on residential amenity
- Impact on drainage
- Impact on PROW
- Visual impact of the development

Consultation Responses

Relevant consultations will be sought at Technical Details Stage.

KC Prow have submitted an objection against the application.

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 allocated as Urban Green Space on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 24** - Design
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 61** - Urban Green Space

Supplementary Planning Guidance/Documents:

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:

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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 8** – Promoting Healthy and Safe Communities
- **Chapter 11** - Making Effective Use of 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. Permission in Principle Purpose

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage

(Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

It is not possible for conditions to be attached to a grant of permission in principle, and its terms may only include the site location, the type of development and the amount of development. The LPA can inform the applicants what they expect to see at the technical details stage.

It is not possible to secure a planning obligation at the permission in principle stage.

The LPA may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this case the development is for 1 unit and the site has an area of less than 1 hectare. The resultant floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details Stage.

The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development.

Local Planning Authorities must not grant permission in principle for development which is likely to affect a Habitats Site (as defined within the NPPF). The site is not in an area classified under European habitat protection or those listed in the NPPF.

2. Principle of Residential Development

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

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 outof-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.”*

It is noted that this site is allocated as Urban Green Space. Irrespective of the Council's 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 Local Green Space. Although the Council is not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing Urban Green Space 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.

The application site constitutes part of a large strategic Urban Green Space allocation (ref. UG282) protected from development under Local Plan Policy LP61, unless specified exceptions can be met.

Paragraph 104 of the NPPF & LP61 of the Kirklees Local Plan seeks to protect green spaces. Paragraph 19.45 of the Kirklees Local Plan states, in order to safeguard urban green space and avoid further deficiencies in provision, it is important that existing areas of valuable green space are retained and protected from development. Local Plan Policy LP61 states that the loss of open space should not be considered if it makes a significant contribution to visual amenity, landscape, or biodiversity value.

Local Plan Policy LP61 (Urban Green Space) does not permit development that will result in the loss of green space, unless specific exceptions can be satisfied. The policy

states that: *“Development proposals which would result in the loss of urban green space (as identified on the Policies Map) will only be permitted where:*

- a. an assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or*
- a. replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or*
- b. the proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space. The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.”*

UG282 merited allocation as urban green space on the basis of its high and significant value as a strategically important open space within the urban area of Batley. The site is assessed as high value as it's a large area of agricultural grazing land that is attractive and contributes significantly to the appearance of the area and its rural character. It is valued for its recreational use with a number of footpaths over the site.

In relation to Policy LP61, it is evident that the proposal for a dwelling would result in the partial loss of urban green space taking account of the contribution it plays in providing a significant, beneficial, contribution to visual amenity and the landscape.

No justification has been provided to explain as to how the proposed development satisfies any of the criteria listed above in Policy LP61, and as such, would represent a departure from the Kirklees Local Plan. Furthermore, whilst one unit would make a small contribution to the Council's overall housing targets, the harm identified would be considered to be greater than the economic, social and environmental benefits provided by the erection of a dwelling.

For the reasons outlined above, the proposal would therefore be contrary to LP61 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

3. Quantum of Development

The proposed development is seeking permission in principle for one dwellings. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate a dwelling. One dwelling, which is considered appropriate given the density of development.

Accordingly, the proposed quantum and density of development is considered to be consistent with Policy LP7 of the Local Plan and Chapter 11 of the NPPF. When appropriately designed, the provision of two dwellings on this site would not result in overdevelopment. This is notwithstanding the assessment above regarding the principle of residential development on this site.

4. Other Matters

Biodiversity

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 applicant is required to provide details of BNG at the Technical Details Stage.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. This matter would be considered at the Technical Details Stage.

Coal Mining Legacy

The application site is located within a High Risk Coal Area. As such a Coal Mining Risk Assessment would be required. This matter would be dealt with at the Technical Details Stage.

Public Right of Way

It is important to note that the site is currently accessed by public right of way PROW BAT/23/20. The PROW must remain open and unaffected by the proposed development and on this matter KC Prow have submitted an objection as the site would therefore be inaccessible. This matter would be detail with at a Technical Details Stage.

All other matters would be dealt with at the Technical Details Stage.

5. Representations

Four representations were received in response to site publicity, which raised the following concerns:

- Highway safety
Officer response: *The current application is for permission in principle and technical details, such as highway safety, are not assessed at this stage.*
- The site being within Urban Green Space
Officer response: *The application has been assessed against the requirements of LP61 and is not considered acceptable in principle.*
- Impact on wildlife
Officer response: *The current application is for permission in principle and technical details, such as impact on ecology and biodiversity, are not assessed at this stage. The proposals impact on biodiversity would be assessed as part of a submission for technical details.*
- Impact on residential amenity
Officer response: *The current application is for permission in principle and technical details are not assessed at this stage.*
- Impact on drainage
Officer response: *The current application is for permission in principle and technical details are not assessed at this stage.*
- Impact on PROW
Officer response: *The current application is for permission in principle and matters relating to access would be a technical detail which is not assessed at this stage.*
- Visual impact of the development
Officer response: *The current application is for permission in principle and therefore the design of the development is assessed at this stage.*

6. Conclusion

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second

('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of this Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

The residential development would result in the loss of high value urban green space, which makes an important contribution in terms of visual amenity and landscape value. The proposal is therefore considered to be contrary to LP61 of the Kirklees Local Plan and Chapter 8 of the NPPF. It is therefore considered that the adverse impacts of granting permission, in this locality would significantly and demonstrably outweigh the limited benefits of the proposal in accordance with the National Planning Policy Framework.

Recommendation: Refuse Permission in Principle
Reason for Refusal

The proposed development would result in the loss of designated Urban Green Space, which makes an important contribution in terms of visual amenity and landscape value. The harm identified would be greater than the economic, social and environmental benefits provided by the erection of a dwelling. The proposal is therefore contrary to Policy LP61 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location plan and Existing Plan	100	A	24/02/2026
Proposed Site Plan	201	A	24/02/2026

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 has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No negotiations were required to be undertaken during the application process as the application is a matter of determining the principle of residential development on the site.

