

**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:	2026/62/90613/E
Site Address:	Cross Lane Farm, 1, Common Lane, Emley, Huddersfield, HD8 9TB
Description:	Use of land for siting of shepherds hut for holiday let
Recommending Officer:	Danielle Cooper

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 8-JUL-2026

Officer Report

2026/90613 - Cross Lane Farm, 1, Common Lane, Emley, Huddersfield, HD8 9TB

Site Description

The site relates to a contained grass field measuring approx. 323sqm. The site is enclosed by existing walls, fencing and mature vegetation.

The site is accessed off of Common Lane.

The site forms part of an established cluster of buildings associated with Cross Lane Farm and surrounding residential properties to the north-east. Residential properties are also located to the east.

Description of Proposal

The application is seeking planning permission for use of land for siting of 1 shepherds hut to be used as a holiday let.

The proposed shepherd's hut would be located within the north-west corner of the site. The hut would measure 5.1m in length and 3.1m 2.47m in width and have a height of 3.1m.

The hut would include internal living accommodation (bed, kitchen/dining area and a shower room. The structure will be lifted 750mm off from ground level and will be on moveable wheels.

The shepherd hut is constructed from timber.

One car parking space would be provided in the existing hardstanding area at Cross Lane Farm.

Waste will be transferred to the existing Cross Lane Farm collection facilities adjacent the site.

A noise management plan has also been submitted detailing measures to mitigate potential noise disturbance.

History of Negotiations

The agent was informed that the proposed development did not meet of the exceptions within paragraph 154 of the NPPF and as such was considered to

be inappropriate development within the green belt. The agent provided evidence of very special circumstances (VSC), which explained how the farm use of the site needs to diversify for longevity of farming activities. The VSC documentation was reviewed by the case officer and the information provided considered to be valid and as such outweighs the harm the proposed development will have on the green belt.

Officers requested further information regarding the alternative parking options, and where waste will be stored. The agent submitted a revised block plan and waste management plan and was considered acceptable. A noise management plan was also submitted. This will be discussed within the assessment of the report.

Relevant Planning History

98/91209 - Use of land for storage of 5 caravans – Refused

Representations

The application was advertised by site notice. Final publicity expired on 13th April 2026.

No representations were received.

Denby Dale Parish Council – No objections.

Consultations

None.

Policy

The site is unallocated within the Kirklees Local Plan (adopted 2019). The site is also located within Green Belt land.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP6 Safeguarded land

LP7 Efficient and effective use of land and buildings
LP10 Supporting the Rural Economy
LP21 Highway and Access
LP24 Design
LP30 Biodiversity and Geodiversity
LP32 Landscape
LP33 Trees
LP52 Protection and Improvement of Environmental Quality
LP56 Facilities for outdoor sport, outdoor recreation and cemeteries

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.

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter2	Achieving sustainable development
Chapter6	Building a strong, competitive economy
Chapter11	Making effective use of land
Chapter12	Achieving well-designed places
Chapter13	Protecting Green Belt land
Chapter14	Meeting the challenge of climate change, flooding and coastal change
Chapter15	Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).

The Planning and Compulsory Purchase Act 2004.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1. Principle of Development and Visual Amenity

The site is allocated as Green Belt on the KLP and, therefore, consideration needs to be given to Chapter 13 of the NPPF.

Paragraph 142 of the NPPF: '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; the essential characteristics of Green Belts are their openness and their permanence.'

Paragraph 143 specifies the five purposes of including land within the Green Belt, which are:-

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

Paragraph 153 of the NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 153 of the NPPF goes on to note that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 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.”*

The proposal is to erect 1 no. shepherds hut to be used as a holiday let. The proposal will be located within a grass field that is boarded by a low stone wall, timber fencing and hedging. The grass field in front of the shepherd hut will be used for amenity.

It has since been established that buildings for holiday or visitor accommodation do not fall within the definition of “appropriate facilities for outdoor recreation” nor any of the other categories listed in paragraphs 154-155 of the National Planning Policy Framework (NPPF). As such, the proposed development is inappropriate in principle within the Green Belt.

However, the agent has provided evidence for very special circumstances, which explained how the farm use of the site needs to diversify for longevity of farming activities, helping provide maintenance of the agricultural fields and paddocks associated with Cross Lane Farm, fencing and boundary repairs, utilities and ongoing operational costs associated with the rural use of the site, upkeep and maintenance of the existing stables, and feed and equestrian related costs.

It is also important to note the following relevant policies:

Chapter 6 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Planning decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. Policy LP10 of the Local Plan sets out how the economic performance of the rural economy will be improved. This includes through supporting and increasing tourism related development, including encouraging new facilities and accommodation for tourists.

It is therefore considered that the very special circumstances submitted are valid, and provide justification for farm diversification to support the rural economy. As such, the LPA consider the very special circumstances to outweigh the harm the proposed development will have on the character and appearance of the green belt, justifying the appropriateness of the use. It is also important to note that the development is relevantly modest, proposing only 1 no. Shepards hut for short-term tourist accommodation and the hut will be easily removeable from site. In addition to this, no hardstanding will be laid to facilitate the development, with customer parking provided within the existing courtyard of Cross Lane Farm.

However, in order to ensure that the development does not cause any further harm to the Green Belt and to be appropriately controlled, in the event that planning permission be approved, conditions are recommended to be attached in respect of short term occupancy and association with the farm diversity very special circumstances.

In this case, the principle of development is therefore considered acceptable, and in accordance with the aims of Policies LP24 and LP56 of the Kirklees Local Plan, and Chapters 6, 12 and 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.

2. Impact on Residential Amenity

Policy LP24 sets out that proposal need to ensure a good standard of amenity is maintained for all neighbouring dwellings.

The proposal is positioned approximately 13.6m from Nos. 3, 5 and 7 Common Lane to the north, and around 27m from Nos. 4 and 4a Common Lane to the east. Given these generous separation distances, there are no concerns regarding potential overbearing or overshadowing effects. Furthermore, the site benefits from screening along the northern and eastern boundaries, meaning the development is not considered to result in any material loss of privacy for neighbouring occupiers.

It is acknowledged that the proposed use may give rise to some increase in noise. To address this, the agent has submitted a Noise Management Plan outlining measures to ensure the small scale holiday let is appropriately controlled and operated to minimise any potential disturbance. In the event that planning permission be approved, condition is recommended to be imposed to secure compliance with the Noise Management Plan.

As the accommodation under assessment is being sought for use as a holiday let it is considered appropriate to restrict the use of the building to a maximum

stay of 28 days. This limitation ensures the property is used for short-term lets that contribute to the local tourist offering, while also protecting the amenity of occupants of the building. Furthermore, it is considered appropriate to include a condition to ensure the use of the holiday let is in conjunction with the dwelling at site and not disaggregated given the proposed use would require the shared use of a number of areas such as parking, amenity space and also utilising waste storage / collection facilities.

Subject to the aforementioned condition, the proposal is considered to comply with policy LP24 and LP52 of the Kirklees Local Plan.

3. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Chapter 9 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 Highway Design Guide SPD is also relevant.

The site will be accessed from Common Lane and one car parking space is to be provided within the existing shared courtyard. The land in question is owned by no.1 Common Lane and is already surfaced. The proposed on site parking space is located within blue line boundary plan. Given the modest scale of the development, the proposed access and on site parking provided is considered acceptable, raising no concern to highway safety.

The agent has submitted a Waste Management Plan stating that 2 bins will be provided within the site. The waste will then be transferred to the existing refuse and recycling facilities of Cross Lane Farm for collection and disposal which is considered acceptable. The proposed waste management plan will be conditioned to be complied with.

To ensure the use operates in accordance with that as outlined, and in conjunction with the existing farm operations, a condition is recommended to be included to ensure this is the case. It is considered disaggregating the two uses would lead to separate waste collection / parking facilities being required which would need to be given further consideration. As such it is considered necessary to include a condition requiring the use to be in connection with the existing farm.

The proposed development is therefore considered to comply with policies LP21 and LP22 of the Kirklees Local Plan.

4. Other Matters

Drinking Water Supply

The agent has confirmed that the proposal will be supplied with water via a connection to the existing private supply serving Cross Lane Farm which is accepted.

Drainage and Sewage Treatment Plant

The agent has also confirmed that foul sewage produced from the proposal will discharge to the existing private foul sewer serving Cross Lane Farm via a new underground connection. This level of detail is considered acceptable, and the proposal is considered to comply with Policy LP52 of the Kirklees Local Plan.

Land contamination and coal

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 a high coal risk area. As no ground works will occur, there is no concern to potential land stability issues.

Carbon Budget

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 constructed from timber which is considered to be of an appropriate material to help promote carbon reduction. As such, no specific measures are required in terms of the planning application with

regards to carbon emissions. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Ecology

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. This is because the proposal would take up 12.6sqm of land and be situated on wheels. Therefore, the case officer accepts that 10% biodiversity is not required.

In addition, as the proposal will be moveable due to the hut being on wheels, and as no hedges or grass will be removed, it is not considered necessary for any additional biodiversity enhancement measures to be imposed.

As such, the proposal is considered to accord with the aims of policy LP30 of the KLP and chapter 15 of the NPPF.

5. Representations

Denby Dale Parish Council – No objections.

Officer comment: Comment noted.

6. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

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

Recommendation

Approve

Conditions and Reasons:

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP10, LP21, LP22, LP24, LP30 and LP56 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The approved shepherds hut shall operate in accordance with the submitted Noise Management Plan, received 24/06/2026. The development thereafter shall be carried out in complete accordance with the approved details.

Reason: To protect the amenities of the occupiers of the nearest unconnected residential properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

4. Prior to the first occupation of the shepherd hut, the new vehicle parking space shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas) published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. The approved shepherds hut shall operate in accordance with the submitted Waste Management Plan, received 24/06/2026. The development thereafter shall be carried out in complete accordance with the approved details.

Reason: To protect the amenities of the occupiers of the nearest unconnected residential properties, to ensure an adequate waste management plan is in place throughout the lifetime of the development in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. The development hereby permitted shall be occupied by, or let to, the same person for a continuous period of time not exceeding 28 days with a requirement to have a minimum of 14 days no return between bookings for the same person and shall not be occupied by any person(s) as their sole or main place of residence

Reason: For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers of the accommodation to accord with Policies LP22 and LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

7. The development hereby permitted shall be operated in connection with the building(s) outlined in blue upon the 1:1250 scale drawing titled 'Location Plan' received 04/03/2025 and shall not be disaggregated or operated separately / independently.

Reason: For the avoidance of doubt as to what is being permitted, in the interests of the amenity of the occupiers as the accommodation and to ensure acceptable parking arrangements are in place to accord with Policies LP22 and LP24 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Location Plan			04/03/2025
Proposed Site Plan	CLF_PBP_001	1	24/06/2026
Grouped Plans and Elevations	CLF_EL_001		04/03/2026
Proposed Floor Plans	CLF_FP_001		24/06/2026
Climate Change Statement			05/03/2026
Planning Statement			04/03/2026
Waste Management Plan			24/06/2026
Noise Management Plan			24/06/2026
Green Belt Statement			24/06/2026
Business Case & Financial Information			24/06/2026

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. Additional information and revised plans were submitted by the agent and considered acceptable.

Report date: 24/06/2026