

**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.: 2026/59/90715/W
Site: land off, Mountain Way, Kirkheaton, Huddersfield,
HD5 0EW
Description: Permission in principle for erection of 1 dwelling
Case Office: Nicole Helliwell

Decision Reference: APPROVE PERMISSION IN PRINCIPLE

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

Sarah Longbottom

AUTHORISED OFFICER

Date 15-May-2026

Officer Report

Reference No. 2026/59/93512/E

Site Address: Land off, Mountain Way, Kirkheaton, Huddersfield, HD5 0EW

Proposal: Permission in principle for erection of 1 dwelling

Site Description

The application relates to a vacant parcel of land located off Mountain Way in Kirkheaton, Huddersfield. The site is not located within a conservation area or near any listed buildings. However, this parcel of land is allocated as Green Belt on the Kirklees Local Plan Proposals Map and sits adjacent to public footpaths KIR/170/30 and KIR/8/10.

Description of Proposal

The application is seeking permission in principle for the erection of one dwelling. As this application relates to permission in principle, the information provided is limited to a location 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

- **2020/93365:** Outline application for erection of residential development. [Planning application details | Kirklees Council](#) – Refused (Appeal Dismissed)
- **2017/94195:** Outline application for residential development. [Planning application details | Kirklees Council](#) – Refused
- **2017/90367:** Outline application for erection of residential development. [Planning application details | Kirklees Council](#) – Refused

Representations

The application was publicised by site notice and press advertisement, which expired on 8th May 2026. As a result of the above publicity, eight representations have been received. The comments made have been summarised below:

- Similar proposals for the site have been turned down in the recent past, the proposed dwelling is totally out of keeping with the local area and there is no suitable access to the site.
- This corner is close to a great crested newt site, provides an excellent winter refuge area and should be retained as it is.

- The proposed boundaries look to have been exaggerated.
- The land is Green Belt land and building on it will impact upon the openness of the green belt.
- The site is small with a small private lane which could not accommodate roadside parking and room for bin collection and farm vehicles.
- The land had not had any sheds on it for at least sixty seven years, if ever: the field behind had a shed for rabbits in circa 1965 and the land should not be thus classified as brownfield.

- A previous appeal relating to this site was dismissed in 2021, and this objection is based on this dismissal, the ongoing Green Belt designation of the land, the established character of the area, and significant practical and planning harms that would arise from development of this constrained site.
- The application site lies within the designated Green Belt, where new residential development is strongly resisted.
- Paragraphs 148–150 of the National Planning Policy Framework (NPPF) confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No such circumstances have been demonstrated.
- The land remains open, undeveloped and visually connected to the surrounding countryside. Development would constitute encroachment into rural land, contrary to the fundamental aim of Green Belt policy set out in NPPF paragraph 138.
- The site does not fall within the exception for “limited infilling in villages” under NPPF paragraph 149. It does not form part of a continuously built up frontage and instead projects into open land. The proposal therefore conflicts with NPPF paragraph 149 and with Kirklees Local Plan Policy LP59, which strictly limits development within the Green Belt.
- Mountain Way is characterised by dwellings set within generous plots and, importantly, by consistent front garden setbacks from the lane. This setback is a defining feature that contributes to the area’s semi-rural character. The application site is extremely constrained and cannot accommodate a dwelling of appropriate scale, layout or appearance in keeping with nearby development.
- Any three storey dwelling would be wholly out of character and visually dominant. The lack of any meaningful front setback would result in a cramped and incongruous form of any meaningful front setback would result in a cramped and incongruous form of development, contrary to NPPF paragraph 130(a)–(c), which requires development to be sympathetic to local character and form.
- Access would be taken from Mountain Way, a narrow private lane with limited width and poor passing opportunities.

- The additional traffic generated by a new dwelling would raise concerns regarding highway safety, manoeuvrability, bin collection access and emergency access, contrary to NPPF paragraph 111.
- The submitted information also appears to rely on a private laneway subject to existing rights of way.
- I object to any use of this laneway for construction or residential access and seek clarification as to whether the proposed dwelling has lawful vehicular access rights and maintenance responsibilities.
- The constrained nature of the site severely limits the ability to provide adequate onsite parking and turning, likely resulting in reliance on the narrow lane to the detriment of safety, residential amenity and users of the lane.
- The proposal constitutes inappropriate Green Belt development, harms local character, raises serious access and highway concerns, and fails to comply with the NPPF and Kirklees Local Plan policies.
- My objections reflect the comments made when an appeal to the Planning Inspectorate for planning permission on this land was rejected on 14/10/21 (ref: APP/Z4718/W/21/3276643).
- The proposal is to build a dwelling in Green Belt. I have lived next door to the proposed development for over 20 years and it has always been an open space, undeveloped, adjoining fields and woodlands.
- Any dwelling on this site would result in a significant loss of openness and encroachment into the countryside.
- The site is narrow and tapers from its widest point adjacent to 2 Orchard Road, and the narrower section by a public right of way.
- Any dwelling on the site would be cramped and out of scale with its surroundings - particularly if a garage were to be incorporated.
- Dwellings in the surrounding area are positioned in spacious plots and set back behind front gardens and driveways. Larger, more private gardens tend to be located to the rear.
- Owing to its proximity to the road, any dwelling on this site would be at odds with the surrounding character.
- On-street parking for a vehicle would not be possible due to the narrowness of the road and would cause an obstruction not only on the highway, but also to pedestrians, particularly those wishing to access the public right of way adjacent to the site
- Planning application has previously been denied on two occasions and nothing has changed with regards to the lane and plot of land.
- The plot of land is on Green belt and building here will compromise the openness of the area.

- The lane is narrow and there is not sufficient room for refuse collection farm vehicles to pass any parked cars.
- The plans of the plot seem compromised and may need measuring again.
- There has been no sheds on the land, to my knowledge in the last sixty five years, in the field adjacent there was a shed for rabbits circa 1970. Therefore, it cannot be classified as Brownfield land.
- Great crested newts hibernate in the dry stone walls
- This application has been refused twice before. Nothing has changed since the last application.
- The land is now a habitat for Foxes, Owls and provides a varied diet for the Wildlife.
- Also, with Great Crested Newts which are protected and were part of a major ecological find less than 50m away.
- The Lane has no footpaths or parking provision for any vehicles.
- On looking at the location map it is including the actual Lane, of which there are a further three properties who require access notwithstanding the vast amount of walkers and horse riders who use this lane daily both morning and night.
- On a traffic impact this lane is very narrow to access from Stafford Hill Lane, thus resulting in reversing back and forth. There is no road signage stating traffic comes from the left of Mountain Way with priority, at the bottom of Orchard Road.
- There have been two previous applications for residential development in the land off (opposite to 8) Mountain Way since December 2017 (Applications 2017/94195 and 2020/93365). Both were refused by Kirklees Council.
- The 2020/93365 application refusal to grant planning by Kirklees Council was appealed to the Secretary of State (Appeal Reference APP/Z4718/W/21/3276643). The Inspector appointed by the Secretary of State dismissed the appeal in October 2021.
- The comments made by nearby residents and villagers submitted for previous applications (2017/94195 and 2020/93365) remain relevant and all should be taken into consideration for the current application (2026/90715). In particular the following:
 1. In one of the earlier comments the ownership of the land was questioned and should be investigated if is not clear.
 1. The planners have included measurements of the site, indicating the plot to be 12 meters wide x 28 meters long. These measurements not only appear to include a public footpath, but also record the width at its widest (and smallest) part of the plot. It is not consistently 12 meters wide, but tapers by at least 3 meters towards the area of the footpath.
 2. From other planning applications that were approved in 1992 it is shown that the road isn't a public road but is in fact a private driveway providing access to 2 Orchard Road, 8, 10 and 12 Mountain Way. This suggests there is no access to

the proposed site. As a single-track private drive maintained by the current residents it is imperative that cars are prevented from parking on the road to allow access for emergency services.

3. The location plan on the map includes the private road/driveway.
 4. The un-adopted section of Mountain Way has a public right of way (PRW). The site 5. The un-adopted section of Mountain Way has a public right of way (PRW). The site is next to the PRW and its boundary appears to encroach upon it. The un adopted/private road is next to the PRW and provides access as a driveway for the resident's cars. Comments made on one of the earlier applications in 2017 (2017 90367) by a consultee representing public rights of way (2017 90367_+Consultee+Responses_623794) queries whether the 2017 application is valid as it does not indicate access to the site from a public vehicular highway network. The same consideration should apply to the current application (2026/90715).
 5. The site is on Greenbelt land and is a gateway to the main expanse of Greenbelt. Entering from Orchard Road provides a beautiful vista northwards to Cockley Hill and to "The Mountain" more north easterly. The fields and ancient hedges have well used and popular walking routes which would be obscured by development on the site subject to the planning application.
 6. The application made is very similar to those made in 2017 and 2020 (2017-94195 and 2020-93365) and should be refused on the same grounds as it is Greenbelt land. The comments raised and the conclusions made in the Delegated report (2017 94195_Delegated+Report_674 227) are still valid and should be taken into consideration when assessing the latest planning application.
- The Inspector for the Secretary of State dismissal of the appeal (Appeal Reference APP/Z4718/W/21/3276643) summarised his findings - quoted below: "Planning Balance and Conclusion
- 15. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.*
- 16. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.*

17. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.” The Government National Planning Policy Framework 2024 as amended in 2025 has not changed the constraints for residential development on land on, or adjoining Greenbelt land. Finally, the Planning Notice was posted on a telegraph pole in Orchard Road and not on the telegraph post in Mountain Way located next to the site subject to the planning application. Therefore, it would not be seen by the many walkers that make use of the public rights of way each day. This will have severely restricted the number of people made aware of the planning application and limited the comments submitted.

Parish/Town Council Comments

Kirkburton Parish Council – No comment

Local Ward Members

Not Applicable.

Consultation Responses

Relevant consultations will be sought at Technical Details Stage.

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 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 11** - Housing Mix and Affordable Housing
- **LP 24** - Design
- **LP 33** - Trees
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 59** - Brownfield Sites in the Green Belt

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 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** – Protecting Green Belt Land
- **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 located within the designated Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at Paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission *“unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 at Paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are 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 on Green Belt land 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.

2. Location and Land Use – Green Belt

The application site is located within the designated Green Belt on the Kirklees Local Plan Proposals Map. As such, Green Belt policies contained within the National Planning Policy Framework (NPPF) and the Kirklees Local Plan are relevant.

Paragraph 143 of the NPPF identifies five purposes of the Green Belt, these are as follows:

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

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘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 of the NPPF states *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- 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), including buildings, 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; Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.*
- 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 application relates to residential development and as such would not fall under exceptions a, b, c, d or f.

With regard to sub-paragraph e), Paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages: *“Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.”*

The site is not located within a village and therefore does not fall under exception e.

Policy LP59 of the Kirklees Local Plan outlines:

“Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

- a) in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
- a) in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- b) redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.”*

In the supporting text for LP59, Paragraph 19.33 of the Kirklees Local Plan states: *“The redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form”*

Annex 2 of the NPPF defines Previously Developed Land as:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks,

recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

Based on the submitted information, the site cannot be classified as previously developed land, and therefore the proposal does not fall within the Green Belt exceptions for redevelopment under Paragraph 154(g) of the NPPF. However, the site could be identified as grey belt land.

Within the NPPF, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.’

Paragraph 155 of the NPPF states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a) *The development would utilise Grey Belt land and would not fundamentally the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- a) *There is a demonstrable unmet need for the type of development proposed (footnote 56);*
- b) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and*
- c) *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.*

With regard to Paragraph 155(a), the LPA do not consider the land to be previously developed, however, an assessment must be made in regard to whether the proposal would not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143 in order to be considered grey belt.

Paragraph 143 of the NPPF also identifies five purposes of the Green Belt, these are as follows:

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

Meeting Green Belt Purposes (Paragraph 155a)

The site would not strongly contribute to sprawl and it is not considered that the development as submitted would fundamentally undermine the purposes of the Green Belt in accordance with Paragraph 155a.

Demonstrable Unmet Need (Paragraph 155b)

Paragraph 155(b) of the National Planning Policy Framework requires that '*there is a demonstrable unmet need for the type of development proposed*'. Kirklees currently has a 4.18 year housing land supply, which falls below the required five-year supply. As such, there is a demonstrable unmet need for housing within the Kirklees district.

Sustainable Development (Paragraph 155c)

The application site is located approximately 0.4 miles (2 minute drive) from Kirkheaton Local Centre which offers a range of local facilities and services. The application site is considered to be within a sustainable location in terms of proximity to transport links, education facilities and services. Therefore, satisfying the requirements of Paragraph 155c of the NPPF.

Golden Rules (Paragraph 155d)

With regard to Paragraph 155 (d), the development would not constitute major development and therefore does not require justification to part d.

At present, officers do not consider the development of the land to result in any strong contributions of purposes (a), (b), or (d) and therefore, it can be considered 'grey belt' land and acceptable to be developed.

In relation to Paragraph 143(c) of the NPPF, it states that the Green Belt assists in safeguarding the countryside encroachment. It is important that new development does not result in encroachment of the countryside. The proposal would utilise Grey Belt land without undermining Green Belt purposes. Therefore, the proposed development is considered acceptable in principle, and it is likely that the proposal as whole would not conflict with any of the green belt purposes as outlined within Paragraph 143 of the NPPF.

Taking all of the above into consideration, it is considered that the proposed development would comply with Paragraph 155 of the NPPF and would therefore not be regarded as inappropriate development in the green belt and as such the principle of residential development on this site is acceptable.

3. Quantum of Development

The proposed development is seeking permission in principle for one dwelling. 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 one dwelling. One dwelling is proposed in this instance, 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 one dwelling on this site would not result in overdevelopment.

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. This would be dealt with at the Technical Details stage.

It is noted that there are records of Great Crested Newts at the site according to the Council's mapping system. Notwithstanding this, the Kirklees Mapping System does not identify the site as falling within a designated site as defined by the Habitats Regulations. On this basis, impacts on protected habitats are not considered to be a constraint at this stage, although ecological matters would need further consideration at the Technical Details Stage.

Contaminated Land

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

Public Right of Way

It is important to note that a public right of way KIR/170/30 runs along the southern boundary and KIR/8/10 runs along the eastern boundary of the site. The PROWs must remain open and unaffected by the proposed development. As such, this matter would be detail with at a Technical Details Stage.

Trees

It is noted that several trees are located within the site. As such, at any subsequent Technical Details Stage, a Tree survey would be required to be submitted.

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

5. Representations

Eight representations were received during the course of the application. As the application is for permission in principle, the matters that can be assessed at this stage are limited to location, land use and the amount of development. The comments made have been summarised and addressed below:

Visual Amenity

- Similar proposals for the site have been turned down in the recent past, the proposed dwelling is totally out of keeping with the local area,
- Any dwelling on the site would be cramped and out of scale with its surroundings - particularly if a garage were to be incorporated.
- Owing to its proximity to the road, any dwelling on this site would be at odds with the surrounding character.
- Mountain Way is characterised by dwellings set within generous plots and, importantly, by consistent front garden setbacks from the lane. This setback is a defining feature that contributes to the area's semi-rural character. The application site is extremely constrained and cannot accommodate a dwelling of appropriate scale, layout or appearance in keeping with nearby development.
- Any three storey dwelling would be wholly out of character and visually dominant. The lack of any meaningful front setback would result in a cramped and incongruous form of any meaningful front setback would result in a cramped and incongruous form of development, contrary to NPPF paragraph 130(a)–(c), which requires development to be sympathetic to local character and form.
- Dwellings in the surrounding area are positioned in spacious plots and set back behind front gardens and driveways. Larger, more private gardens tend to be located to the rear. This application has been refused twice before. Nothing has changed since the last application.

Officer Response: *Concerns relating to visual amenity cannot be taken into consideration for the assessment of a permission in principle application. These matters will be taken into consideration at the technical details stage.*

Highway Safety

- Access would be taken from Mountain Way, a narrow private lane with limited width and poor passing opportunities.
- The additional traffic generated by a new dwelling would raise concerns regarding highway safety, manoeuvrability, bin collection access and emergency access, contrary to NPPF paragraph 111.
- There is no suitable access to the site.
- The site is small with a small private lane which could not accommodate roadside parking and room for bin collection and farm vehicles.
- The site is narrow and tapers from its widest point adjacent to 2 Orchard Road, and the narrower section by a public right of way.
- The submitted information also appears to rely on a private laneway subject to existing rights of way
- The Lane has no footpaths or parking provision for any vehicles.
- The lane is narrow and there is not sufficient room for refuse collection farm vehicles to pass any parked cars.
- On-street parking for a vehicle would not be possible due to the narrowness of the road and would cause an obstruction not only on the highway, but also to pedestrians, particularly those wishing to access the public right of way adjacent to the site
- The constrained nature of the site severely limits the ability to provide adequate onsite parking and turning, likely resulting in reliance on the narrow lane to the detriment of safety, residential amenity and users of the lane.
- On a traffic impact this lane is very narrow to access from Stafford Hill Lane, thus resulting in reversing back and forth. There is no road signage stating traffic comes from the left of Mountain Way with priority, at the bottom of Orchard Road.
- On looking at the location map it is including the actual Lane, of which there are a further three properties who require access notwithstanding the vast amount of walkers and horse riders who use this lane daily both morning and night.

Officer Response: *Concern relating to highway safety, traffic and pedestrian safety cannot be taken into consideration in the assessment of a permission in principle application. These matters will be taken into consideration at the technical details stage.*

Ecology

- This corner is close to a great crested newt site, provides an excellent winter refuge area and should be retained as it is.
- The land is now a habitat for Foxes, Owls and provides a varied diet for the Wildlife. Also, with Great Crested Newts which are protected and were part of a major ecological find less than 50m away.

- Great crested newts hibernate in the dry stone walls

Officer Response: *Concern relating to ecology cannot be taken into consideration for the assessment of a permission in principle application. These matters will be taken into consideration at the technical details stage.*

Principle of Development

- The land is Green Belt land and building on it will impact upon the openness of the green belt.
- The land had not had any sheds on it for at least sixty seven years, if ever: the field behind had a shed for rabbits in circa 1965 and the land should not be thus classified as brownfield.
- There has been no sheds on the land, to my knowledge in the last sixty five years, in the field adjacent there was a shed for rabbits circa 1970. Therefore, it cannot be classified as Brownfield land.
- The proposal is to build a dwelling in Green Belt. I have lived next door to the proposed development for over 20 years and it has always been an open space, undeveloped, adjoining fields and woodlands.
- Any dwelling on this site would result in a significant loss of openness and encroachment into the countryside.
- The proposal constitutes inappropriate Green Belt development, harms local character, raises serious access and highway concerns, and fails to comply with the NPPF and Kirklees Local Plan policies.
- Planning application has previously been denied on two occasions and nothing has changed with regards to the lane and plot of land.
- The plot of land is on Green belt and building here will compromise the openness of the area.
- A previous appeal relating to this site was dismissed in 2021, and this objection is based on this dismissal, the ongoing Green Belt designation of the land, the established character of the area, and significant practical and planning harms that would arise from development of this constrained site.
- The application site lies within the designated Green Belt, where new residential development is strongly resisted.
- Paragraphs 148–150 of the National Planning Policy Framework (NPPF) confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No such circumstances have been demonstrated.
- The land remains open, undeveloped and visually connected to the surrounding countryside. Development would constitute encroachment into rural land, contrary to the fundamental aim of Green Belt policy set out in NPPF paragraph 138.

- The site does not fall within the exception for “limited infilling in villages” under NPPF paragraph 149. It does not form part of a continuously built up frontage and instead projects into open land. The proposal therefore conflicts with NPPF paragraph 149 and with Kirklees Local Plan Policy LP59, which strictly limits development within the Green Belt.

Officer Response: *The principle of development has been assessed within the report and is considered acceptable.*

Previous Applications

- There have been two previous applications for residential development in the land off (opposite to 8) Mountain Way since December 2017 (Applications 2017/94195 and 2020/93365). Both were refused by Kirklees Council.
- The 2020/93365 application refusal to grant planning by Kirklees Council was appealed to the Secretary of State (Appeal Reference APP/Z4718/W/21/3276643). The Inspector appointed by the Secretary of State dismissed the appeal in October 2021.
- The comments made by nearby residents and villagers submitted for previous applications (2017/94195 and 2020/93365) remain relevant and all should be taken into consideration for the current application (2026/90715). In particular the following:
 7. In one of the earlier comments the ownership of the land was questioned and should be investigated if is not clear.
 8. The planners have included measurements of the site, indicating the plot to be 12 meters wide x 28 meters long. These measurements not only appear to include a public footpath, but also record the width at its widest (and smallest) part of the plot. It is not consistently 12 meters wide, but tapers by at least 3 meters towards the area of the footpath.
 9. From other planning applications that were approved in 1992 it is shown that the road isn't a public road but is in fact a private driveway providing access to 2 Orchard Road, 8, 10 and 12 Mountain Way. This suggests there is no access to the proposed site. As a single-track private drive maintained by the current residents it is imperative that cars are prevented from parking on the road to allow access for emergency services.
 10. The location plan on the map includes the private road/driveway.
 11. The un-adopted section of Mountain Way has a public right of way (PRW). The site 5. The un-adopted section of Mountain Way has a public right of way (PRW). The site is next to the PRW and its boundary appears to encroach upon it. The un adopted/private road is next to the PRW and provides access as a driveway for the resident's cars. Comments made on one of the earlier applications in

2017 (2017 90367) by a consultee representing public rights of way (2017 90367_+Consultee+Responses_623794) queries whether the 2017 application is valid as it does not indicate access to the site from a public vehicular highway network. The same consideration should apply to the current application (2026/90715).

12. The site is on Greenbelt land and is a gateway to the main expanse of Greenbelt. Entering from Orchard Road provides a beautiful vista northwards to Cockley Hill and to “The Mountain” more north easterly. The fields and ancient hedges have well used and popular walking routes which would be obscured by development on the site subject to the planning application.

13. The application made is very similar to those made in 2017 and 2020 (2017-94195 and 2020-93365) and should be refused on the same grounds as it is Greenbelt land. The comments raised and the conclusions made in the Delegated report (2017 94195_Delegated+Report_674 227) are still valid and should be taken into consideration when assessing the latest planning application.

- The Inspector for the Secretary of State dismissal of the appeal (Appeal Reference APP/Z4718/W/21/3276643) summarised his findings - quoted below: “Planning Balance and Conclusion

15. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

16. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

17. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.” The Government National Planning Policy Framework 2024 as amended in 2025 has not changed the constraints for residential development on land on, or adjoining Greenbelt land. Finally, the Planning Notice was posted on a telegraph pole in Orchard Road and not on the telegraph post in Mountain Way located next to the site subject to the planning application. Therefore, it would not be seen by the many walkers that make use of the public rights of way each day. This will have severely restricted the number of people made aware of the planning application and limited the comments submitted.

Officer Response: *This application is submitted and assessed based on its own merits. Whilst the site's planning history would form a material planning consideration, changes to the policy context have occurred since that time.*

Other Matters

- I object to any use of this laneway for construction or residential access and seek clarification as to whether the proposed dwelling has lawful vehicular access rights and maintenance responsibilities.
- The plans of the plot seem compromised and may need measuring again.
- The proposed boundaries look to have been exaggerated.

Officer Response: *Concerns relating to access rights and maintenance are private matters which would not constitute material planning considerations. Furthermore, the location plan submitted is acceptable for the purposes of the application.*

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 location, land use and density of development is considered appropriate for the wider setting of the site. Given such, this permission in principle application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the permission in principle would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approval of Permission in Principle

Application: 2026/90715 - Land off, Mountain Way, Kirkheaton, Huddersfield, HD5 0EW

Proposal: Permission in principle for erection of 1 dwelling

1. Approval of all details of the proposal (hereinafter called “the technical details”) shall be obtained from the Local Planning Authority in writing before any development is commenced.
1. Application for approval of the technical details shall be made to the Local Planning Authority before the expiration of three years from the date of this permission in principle.
2. The development hereby permitted in principle shall be begun before the expiration of three years of the final approval of the technical details.

Kirklees Council hereby give notice that PERMISSION IN PRINCIPLE HAS BEEN GRANTED for the carrying out of the above development in accordance with the application plans and documents submitted or as may otherwise be amended following written approval by the Local Planning Authority. The Permission in Principle Approved is for the erection of one dwelling.

NOTE: You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	RH01	B	25/03/2026

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.

Report Dated: 12/05/2026