

**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.: 2026/59/90772/W

Site: Land off, Jagger Lane, Kirkheaton, Huddersfield, HD5
0QY

Description: Permission in principle for erection of 2 dwellings

Case Office: Danielle Cooper

Decision Reference: PERMISSION IN PRINCIPLE APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date 22-Apr-2026

Officer Report

Application: 2026/ 90772 Land off, Jagger Lane, Kirkheaton, Huddersfield, HD5 0QY

Proposal: Permission in principle for erection of 2 dwellings

Site Description

The application site comprises a parcel of unsurfaced land situated to the north of Jagger Lane. The land has historically formed part of a railway, although that use has since ceased and the land infilled and has become soft landscaped open land since the cessation of use as part of a railway. Historic maps indicate the railway ran under Jagger Lane, as such there has been some level of infilling since the railways closure to create the land level at the same level as Jagger Lane. The stone walls either side of Jagger lane, one of which runs along the site frontage, appears to be a remnant of the bridge which would have been over the railway and has since been infilled.

The site is enclosed by a traditional stone wall along the site frontage, with mature shrubbery and trees defining the side boundaries. Commercial and industrial buildings are positioned to the east and west of the site. The adjoining plot to the east benefits from a recent planning permission for conversion to a residential dwelling, although no development has yet commenced. To the west, land beyond Dalton Bank Road is designated as a priority employment area. Residential properties are located to the south, while open countryside extends to the north.

The topography of the site varies, falling from east to west and rising towards the northern boundary.

The site lies within the Green Belt, as does the wider surrounding area.

Description of Proposal

The application is seeking permission in principle for the erection of two dwellings. As this is permission in principle stage, the information provided is limited to a location plan and an indicative block plan. The block plan shows two dwellings with a new access onto Jagger Lane, however these details cannot be taken into account due to the nature of the application, merely the type / quantum of development is being considered.

History of Negotiations

No amended plans were sought or provided.

Consultation Responses

Health and Safety Executive – No comment.

Public / Local Representations

The application was advertised by a site notice and on the Council's website. Final publicity expired on 19th April 2026. 1 letter of representation has been received. The comments are summarised below:

- I would be interested to know more about this planning application as I live on this road.

Kirkburton Parish Council – No comment

The comments will be addressed within the appraisal of this report.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 Green Belt within the Kirklees Local Plan.

The site falls within land identified as being potentially contaminated land due to former use(s) and also within an area with a known presence of bats. The site is within an area identified as being at lower risk of land instability as a result of former mining activity.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP24 – Design
- LP33 – Trees
- LP53 – Contaminated and unstable land

Supplementary Planning Documents (SPD):

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:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and 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.

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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

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 Local Planning Authority (LPA) can inform the applicants what they expect to see at the technical details stage. Furthermore, 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 1,000m² 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 2 units which could be accommodated with a floor space of less than 1000m² and the site has an area of less than 1 hectare (with the red line being approximately 1900m²). The 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 1/2 development of schedules 1 / 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This proposal would not constitute such 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. It is, however noted that a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) assessment will be required at the technical details stage.

2. Housing Land Supply

It is appropriate to consider the Local Planning Authority's overall housing position. 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 out-of-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.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.

It is noted that this site is within the 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 in the Green Belt 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.

3. Location and Land Use – Green Belt

The application site is within the Green Belt as allocated on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development.

The proposed dwellings would be located on a parcel of unsurfaced land located within the green belt and as such does not fall within any of the exceptions listed within paragraph 154 of the NPPF. It is now necessary to determine whether the land should be classified as grey belt.

Paragraph 155 of the NPPF states:

“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 undermine 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;
- b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

- c) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below"

The NPPF glossary defines grey belt as: "For the purposes of plan-making and decision-making, '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."

Regarding paragraph 155(a), the NPPF outlines the 5 purposes of including land within the Green Belt in paragraph 143:

- 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."

Contributing to Green Belt Purposes - Land

When considering the lands contribution to Green Belt purposes (a), (b) and (d) of Paragraph 143 of the NPPF, the assessment must focus solely on the land as it currently exists. The strength of this contribution should be evaluated objectively, regardless of any proposed redevelopment. Planning Practice Guidance published 27 February 2025 pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

The PPG confirms that purpose (a) – to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and that villages should not be considered large built up areas for this purpose.

The application site is located within a semi-rural location, the site is at the eastern edge of Huddersfield, with Kirkheaton being the nearest town to the east. The siting of the proposal in relation to neighbouring settlements is such that substantial distances between existing towns are considered to remain, and the site's semi-rural position ensures it is both physically and visually detached from them. In addition the proposal is sited amongst existing development adjacent to built form to the east and west of the site. As a result, the proposed development is not considered to lead to the outward sprawl of nearby towns or villages, nor does the site form part of a settlement edge that could influence urban expansion. Accordingly, the land is considered to make only a weak contribution to Green Belt Purpose (a): checking the unrestricted sprawl of large built-up areas.

The PPG confirms that purpose (b) - to prevent neighbouring towns from merging into one another, relates to the merging of towns not villages, and that the degree of contribution depends on whether development would erode visual separation between towns.

The site comprises a parcel of land that is adjacent to existing built form and is contained to the side and front boundaries. Its distance from the nearest town to the east, and fact it would see two dwellings amongst an existing cluster of built form at the edge of an existing settlement leads to the conclusion the proposal would not lead to neighbouring towns to merge into one another. It is noted that there is no physical rear boundary to contain the site, although the parcel of land is considered capable of accommodating development without affecting the broader landscape buffer and open fields that maintain clear physical and visual separation between surrounding settlements. Consequently, it is assessed as making only a weak contribution to Green Belt Purpose (b). A sensitively designed residential development of the site in isolation would not materially diminish the visual or perceived separation between towns, nor would it give rise to any realistic sense of coalescence.

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

Meeting Green Belt Purposes – Development (Paragraph 155a)

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purposes (a) & (b) and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a wider area of Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

The application site relates to an unsurfaced piece of land, which is well defined by a low stone wall, trees and shrubbery to the front and side boundaries. The red line boundary also contains the site, acting as the rear boundary. At a full planning application stage the extent of residential curtilage and any landscaped buffer and the associated boundary treatments will need to be clearly set out to ensure the impact of the development is mitigated to some extent in terms of the openness of the sites setting. In addition, the development is bounded to the side boundaries by commercial and industrial buildings. As such, although the development would result in some localised visual change, the proposal would not result in material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area. The proposal is therefore concluded to satisfy the requirements of Paragraph 155(a) of the NPPF (2024).

This application is for residential development and as explained in footnote 56 of the NPPF, the lack of a five-year supply of deliverable housing sites is considered a

demonstrable unmet need for housing. As detailed in section 2 of this report, the Council's inability to demonstrate a five-year supply of housing land means this development complies with paragraph 155(b).

Regarding paragraph 155(c), the application site benefits from a footpath to the site frontage. Whilst there is no footpath along Jagger Lane towards Kirkburton there is in the opposite direction towards Dalton Bank Road. The nearest bus route is approx. 0.7km (Long Lane) with some local amenities within this distance. The nearest local school is approx. 1km from the site. Whilst it is to some degree located in an area where reliance upon vehicular travel may be higher, there is scope for alternative modes of transport to be utilised given the footways in place. Potential to utilise alternative modes of transport such as cycling is a realistic possibility given the existing highway infrastructure in place. The site is in close proximity to a number of public rights of way which allow for access to the wider countryside to the east.

Taking into account the site's semi-rural character, its proximity to local facilities and services, and the limited scale of the proposal, the development is considered to occupy a reasonably accessible and sustainable location for the purposes of Paragraph 155(c) of the NPPF.

Paragraph 155(d) relates to major planning application and is therefore not applicable to this application.

Taking all of the above into careful consideration, it is considered on balance 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 for two dwellings, in its broadest form, on this site is acceptable.

4. Amount of Development

The proposed development is seeking permission in principle for two 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 6 dwellings. Two dwellings are proposed in this instance, which is considered appropriate given that the site is located within a semi-rural location close to existing residential properties and commercial/industrial units. For this reason, the amount of development proposed, is considered to accord with Local Plan policy LP7 and Chapter 11 of the NPPF.

5. Other Matters

Residential Amenity

The site is in proximity to commercial development. The submitted plans and size of the site are considered to be such that two dwellings could be accommodated such that

they are designed in a manner that has an acceptable impact upon existing neighbouring residential occupiers and also the future occupiers of the properties in terms of overlooking, overshadowing, floorspace provision of the new dwellings and that they are designed such that they are not unduly oppressive. The technical matters stage would require the scheme to be suitably designed to ensure the development demonstrates it would be acceptable in this regard.

Consideration will need to be given to noise at the technical matters stage and the impact of neighbouring sites and how the development could be suitably accommodated in this regard.

Highways

It is noted that new access points are shown on the proposed block plan submitted. However, this application is a permission in principle, and all highway matters are to be considered at the Technical Details Stage. Therefore, officers have not assessed this information at this stage. These details should however be submitted at Technical Details Stage so officers can consider the impact on the highway.

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 Technical Details Stage.

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

Land contamination

It is noted that the application site is identified as a hazardous material site, a landfill gas site 2005, and is within the outer layer of HP gas pipelines. As such, the Health and Safety Executive have been consulted with and have made no comment on the application. However, at a full details stage, the following information would be required to address any issues with historic land contamination:

- Phase I risk assessment
- Phase II site investigation report
- Remediation Strategy
- Requirement to undertake remediation (if identified as necessary)
- Validation report confirming the quality of the land is acceptable.

6. Representations

1 letter of representation has been received. The comments are summarised below:

- I would be interested to know more about this planning application as i live on this road.

Officer comment: This comment is noted and the information submitted as seen online is acceptable as submitted. Any future planning applications at the site would be advertised accordingly.

Kirkburton Parish Council – No comment

Officer comment: Comment noted.

7. 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

This application is considered to comply with paragraph 155 of the NPPF and would therefore not constitute inappropriate development in the Green Belt. The 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: 2026/90772

Proposal: Permission in principle for the erection of two dwellings.

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.
2. 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.
3. 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 Table:

Plan Type	Reference	Version	Date Received
Site & Location Plan	2026/43 01		19/03/2026
Planning Statement			19/03/2026

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 have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. As this application was considered acceptable, no amendments were sought or provided.