

**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:	<b>2026/62/90782/E</b>
Site Address:	Unit 1, Walkley Lane, Heckmondwike, WF16 0PG
Description:	External and internal alterations to unit
Recommending Officer:	Nicole Helliwell

**DECISION – Conditional Full 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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 29 May 2026**

## **Officer Report**

**Reference No.** 2026/64/90782/E

**Site Address:** Unit 1, Walkley Lane, Heckmondwike, WF16 0PG

**Proposal:** External and internal alterations to unit

## **Site Description**

The application relates to Unit 1, Walkley Lane, an industrial building located in Heckmondwike. The site is unallocated on the Kirklees Local Plan Proposals Map. The wider area is characterised by residential, and commercial properties of varying materials and architectural styles. The site is not within a conservation area, nor are there any listed buildings or public right of ways within close proximity.

## **Description of Proposal**

The applicant is seeking planning permission for external and internal alterations to the existing unit. The proposed external works are summarised below:

- Installation of 3 new windows to the south-western elevation of the building.
- Installation of 4 windows to the south-eastern elevation of the unit.
- Installation of new window within the north-western elevation of the building.

## **History of negotiations / amendments received**

No amendments were sought or received during the course of the application.

## **Relevant Planning History**

- **2014/90368:** Erection of single storey extension. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **2001/92672:** Erection of cement store. [Planning application details | Kirklees Council](#) – Conditional Full Permission
- **90/03164:** Erection of storage building. [Planning application details | Kirklees Council](#) – Conditional Full Permission

## **Representations**

The application was advertised by site notice, which expired on 26<sup>th</sup> May 2026. As a result of the above publicity, two representations have been received. The comments made have been summarised below:

- My objection relates specifically to the red line boundary submitted as part of the application, which incorrectly includes land that is not within the applicant's ownership or control.

- For the avoidance of doubt, I am the owner of the land forming part of the access to Walkley Lane, which has been incorporated within the red line boundary. This inclusion is inaccurate and misleading.
- Whilst I understand that the applicant may have been advised to extend the red line to the public highway, this does not override the requirement for the application plans to correctly reflect land ownership.
- The current plans therefore misrepresent the extent of land under the applicant's control, imply rights over land that are not held by the applicant and create potential confusion regarding access and ownership arrangements.
- I note the applicant's assertion that no works are proposed on my land. However, this does not resolve the fundamental issue that the submitted red line plan is incorrect and should not include land outside the applicant's ownership unless properly justified and clearly delineated.
- I formally request that the application is not validated or progressed further until the red line boundary is corrected; or the applicant is required to submit amended plans accurately reflecting their ownership and control; and the Council fully considers the implications of including third-party land within the application boundary.
- Our objection relates to the red line boundary submitted as part of the application, which includes land that is not within the applicant's ownership or control. This raises significant concerns from an operational and legal perspective.
- The inclusion of third-party land within the application boundary, misrepresents the extent of land under the applicant's control, implies access rights and use that are not formally agreed and creates uncertainty around site access, which is critical to the safe and efficient operation of our transport and logistics activities.
- As an active operator from the site, access arrangements are fundamental to our day-to-day operations, including vehicle movements, health and safety compliance, and general site functionality. Any ambiguity in land ownership or control presents a material risk to the continuity and safety of operations.
- While it is noted that no works are proposed on the affected land, this does not address the core issue that the red line boundary is inaccurate and does not correctly reflect ownership or control.

#### **Parish/Town Council Comments**

Not Applicable.

#### **Local Ward Members**

Not Applicable.

#### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology – No objection

### **Planning Policy Background**

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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highway Safety and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

### **In this case, the following SPDs are applicable:**

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16<sup>th</sup> 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.

### **1. Principle of Development**

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF.

In this case, the principle of development is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

### **1. Impact on Visual Amenity**

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

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

The submitted plans confirm that three new windows would be installed within the south-western elevation, four new windows would be installed within the south-eastern elevation and one new window would be installed within the north-western elevation of the unit. The application form states that the fenestration would be powder coated aluminium to match the appearance of the existing windows. Given that the alterations proposed would be in keeping with the style of the original build, it is considered that the proposed alterations would be acceptable with regard to visual amenity.

Having taken the above into account, the proposed development would not cause any significant harm to the visual amenity of the surrounding street

scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

## **2. Impact on Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The submitted plans confirm that no residential properties surrounding the application site that would be affected by the proposed works. Therefore, it is considered that the proposed development would not cause any undue harm to the neighbouring occupants with regards to overbearing, overshadowing or overlooking.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

## **3. Impact on Highway Safety**

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed development would not materially intensify the use or affect the existing highway access and parking arrangements on site. Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

## **4. Other Matters**

### Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy

includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

#### Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors. It is therefore necessary for a footnote to be imposed restricting the hours of operation for the site.

#### Biodiversity Net Gain

The application form states that the development, by being de minimis, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation. Therefore, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

#### Contaminated Land

The site is located on potentially contaminated land and within a hazardous material site. However, given the nature of the proposed works and that minimal groundworks are proposed, officers have recommended a condition relating to any unexpected land contamination.

#### Coal Mining Legacy

The application site is located within a high risk coal mining area. However, due to the nature of the works proposed, there would be minimal groundworks. As such, no formal consultation was undertaken with the Mining Remediation Authority.

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

## **5. Representations**

Two representations were received following the statutory publicity. The comments made have been summarised and addressed below:

- My objection relates specifically to the red line boundary submitted as part of the application, which incorrectly includes land that is not within the applicant's ownership or control.
- For the avoidance of doubt, I am the owner of the land forming part of the access to Walkley Lane, which has been incorporated within the red line boundary. This inclusion is inaccurate and misleading.
- Whilst I understand that the applicant may have been advised to extend the red line to the public highway, this does not override the requirement for the application plans to correctly reflect land ownership.
- The current plans therefore misrepresent the extent of land under the applicant's control, imply rights over land that are not held by the applicant and create potential confusion regarding access and ownership arrangements.
- I note the applicant's assertion that no works are proposed on my land. However, this does not resolve the fundamental issue that the submitted red line plan is incorrect and should not include land outside the applicant's ownership unless properly justified and clearly delineated.
- I formally request that the application is not validated or progressed further until the red line boundary is corrected; or the applicant is required to submit amended plans accurately reflecting their ownership and control; and the Council fully considers the implications of including third-party land within the application boundary.
- Our objection relates to the red line boundary submitted as part of the application, which includes land that is not within the applicant's ownership or control. This raises significant concerns from an operational and legal perspective.
- The inclusion of third-party land within the application boundary, misrepresents the extent of land under the applicant's control, implies access rights and use that are not formally agreed and creates uncertainty around site access, which is critical to the safe and efficient operation of our transport and logistics activities.
- As an active operator from the site, access arrangements are fundamental to our day-to-day operations, including vehicle movements, health and safety compliance, and general site functionality. Any ambiguity in land ownership or control presents a material risk to the continuity and safety of operations.

- While it is noted that no works are proposed on the affected land, this does not address the core issue that the red line boundary is inaccurate and does not correctly reflect ownership or control.

**Officer Response:** *Concerns were expressed regarding land ownership and the applicant's boundary not being shown correctly. The red line boundary was extended up to the adopted highway prior to validation and the correct ownership certificate was signed which is all that is required with respect to land ownership for the purposes of the planning application. Please note that any neighbour disputes regarding access would constitute a civil matter that should be handled privately.*

## **6. Conclusion**

This application for external and internal alterations to the unit at Unit 1, Walkley Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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

**Recommendation: Approve**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2026/90782

**Officer Recommendation:** Approve

**Conditions and Reasons**

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

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

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

**Reason:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. If contamination, the presence of coal and/or evidence of coal workings not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action

and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Survey Drawing	01	-	30/03/2026
Proposed Drawing	02	D	30/03/2026
Climate Change Statement	-	-	30/03/2026

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. The proposals were considered to be acceptable in their submitted form.

**Report Dated: 22/05/2026**