

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2026/62/90818/W
Site Address:	adj, Ash House, 240, Dunford Road, Holmfirth, HD9 2SJ
Description:	Erection of detached dwelling
Recommending Officer:	Joanna Rednall

DECISION - REFUSE

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 01 July 2026

2026/90818

adj, Ash House, 240, Dunford Road, Holmfirth, HD9 2SJ

The Site

The site comprises an open plot of land situated between a single dwelling to the south and a small cluster of dwellings to the north. It lies to the east of Dunford Road, with established development further north and open fields extending to the west.

To the east of the site are a block of flats and a commercial property. Surrounding buildings are characterised by a traditional material palette of stone walls and slate roofs, with boundary treatments predominantly formed by low stone walls. Land levels fall towards the west.

There are a group of trees protected under preservation order ref: 07/80/g11 to the south of the site.

The site is located just outside the Underbank Conservation Area, and there are no Listed Buildings within close proximity to the site. The site is designated Green Belt on the Kirklees Local Plan map.

The Proposal

The applicant is seeking planning permission for erection of detached dwelling.

The proposed dwelling would provide three bedrooms across two floors and would be finished in a combination of off-white render at ground-floor level and composite cladding to the first floor.

An attached garage is positioned to the northern end of the building and incorporates a light-grey garage door to the front. The roof of the dwelling would be finished in slate-grey tiles, and all windows and doors would be constructed in grey-coloured UPVC.

The dwelling would have an overall height of 8 metres, a total width of 18 metres including the garage, and a depth of 11 metres.

Internally, the ground floor would accommodate an open-plan kitchen, living and dining area, along with a study, WC and integral garage. The first floor would provide three bedrooms, two bathrooms and a dressing room. The main habitable rooms would be served by windows to the front and rear elevations, with an additional ground-floor sitting-room window and two first-floor windows (serving a bedroom and en-suite) facing south.

A balcony is proposed on the first-floor rear elevation.

A parking and turning area is proposed to the front of the dwelling. To the rear, the scheme includes a raised patio adjoining the house, with a lawned garden extending beyond this.

History of Negotiations

No amendments have been sought during the processing of this application, as it was considered that no changes could be made that would adequately address or overcome the identified harm arising from the proposal.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice and a press notice.

Final publicity date expired: 16 May 2026.

No representations were received as a result of the publicity.

Parish/ Town Council Comments

Holme Valley Parish Council: support.

Consultations

KC Environmental Health: no objections subject to conditions.

KC Ecology: no objection. Recommends conditions relating to a CEMP, lighting strategy, invasive species and ecological design strategies.

KC Trees: objection – there are no protected trees within the red line boundary of the site however, the site appears to be densely populated by trees ranging in age and value which may warrant protection. There needs to be an Arboricultural Impact Assessment (AIA) submitted before an informed decision can be made as to the level of impact the proposals would have on the surrounding trees and therefore impact on the amenity they provide.

K.C. Highways Development Management: no objection subject to acceptable visibility splays and recommends an informative in relation to dropped kerb and access.

Allocation & Policies

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) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- **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
- **LP21** – Highways Safety and Access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP33** – Trees
- **LP51** – Protection and Improvement of Local Air Quality
- **LP52** – Protection and Improvement of Environmental Quality

Holme Valley Neighbourhood Development Plan

The following policies of this plan are considered most relevant:

Policy 1 – Protecting and Enhancing the Landscape Character of the Holme Valley

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Policy 12 – Promoting Sustainability

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain

National Policies and Guidance

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.

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.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Healthy and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed and Beautiful 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

Supplementary Planning Guidance

Kirklees Highway Design Guide (November 2019)
Holme Valley Neighbourhood Development Plan

Legislation

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

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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

Sustainable Development Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- a) b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

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.

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

The Council's inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers assessment. Policy LP7 of the Kirklees Local Plan states that should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved.

In terms of housing delivery / density, it is considered that the proposal would contribute to the housing stock of the district and is considered to be in a sustainable location which is located within an established residential area with public transport links established.

Land allocation – Green Belt

The site is allocated as Green Belt in the Kirklees Local Plan.

Whether the development constitutes inappropriate Development in the Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraphs 154 or 155 of the NPPF.

None of the exceptions within paragraph 154 are considered to be applicable.

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- 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 e. 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 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- 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 (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

Annex 2 of the NPPF 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”.

To determine whether the land could be considered as Grey Belt, consideration should first be given to whether or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

As set out earlier in this report, the submitted planning statement contends that the site is Grey Belt.

Planning Practice Guidance (PPG) published 27 February 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. In considering the contribution the land makes to the relevant Green Belt purposes, the PPG sets out that for Paragraph 143:

- Purpose (a) - This purpose relates to the sprawl of large built-up areas which the proposal would not relate to.
- Purpose (b) - This purpose relates to the merging of towns.
- Purpose (d) - This purpose relates to historic towns.

The proposal is not located such that it would lead to the merging of towns and is not in proximity to a historic town.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

The site has a visual contribution to the locality, with the site contributing to an absence of development that would create a continuous ribbon development along the highway.

The proposal would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. The development would diminish the visual openness that defines this locality and lead to an increased urbanising impact as a result.

The proposal constitutes inappropriate development in the Green Belt. The development would result in encroachment into open countryside, conflicting with Green Belt purpose (c) of Paragraph 143 of the NPPF. Under Paragraph 155(a) of the NPPF, development may be acceptable where it does not fundamentally undermine the purposes of the Green Belt (taken together); however, the proposal would erode the character of the locality through encroachment of built form and increased urbanisation of this part of the Green Belt, undermining the Green Belt's function in this location.

It is considered that the siting of the proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case, on the basis that it would lead to a level of encroachment that has a significant and detrimental impact in relation to this purpose. The development is therefore considered to fail in relation to paragraph 155(a) of the NPPF.

The development would read / lead to a creeping urbanisation of built form along the main highway. The siting has an increased impact in this regard given it is immediately adjacent to a highly trafficked route. The increased prominence of the site in this regard is considered to add weight to the conclusion it would lead to a fundamental undermining of this purpose for the remaining greenbelt in this case. This conclusion is drawn particularly in light of the fact the proposal would provide a very limited contribution in terms of meeting an unmet need in relation to housing. Whilst it would meet this

requirement in relation to para 155b, the contribution is weighed against the level of identifiable harm created.

The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged there would likely be a requirement for private vehicle use for accessing the site although there are public transport links in proximity also and the proposal meets the requirement of paragraph 155c in this regard.

However, the failure to satisfy 155(a) remains determinative, and the proposal is therefore concluded to be contrary to Paragraph 155 of the NPPF and constitutes inappropriate development in the Green Belt.

Given the above, the development is considered to constitute inappropriate development in the Green Belt.

Very Special Circumstances

No very special circumstances have explicitly been put forward to outweigh the harm to the Green Belt and none are considered to exist more generally.

Principle of development – Conclusion:

Officers conclude that the proposal constitutes inappropriate development in the Green Belt. The development is also considered to cause harm to the openness of the Green Belt, the visual amenities of the Green Belt and the character and appearance of the wider area. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt have not been demonstrated. The development is therefore considered to conflict with Policies LP24 of the Kirklees Local Plan and Chapter 13 of the NPPF.

2 – Impact upon visual amenity (including impact upon the Conservation Area)

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with

the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted House Extensions and Alterations SPD.

Policy 1 of the Holme Valley Neighbourhood Plan HVNP sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA).

Policy 2 of the HVNP states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting. Furthermore this policy sets out that development should sit in with and neither dominate or have a detrimental; impact on its surroundings and neighbouring properties.

The application site is located within Underbank Conservation Area. Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that

proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

At paragraphs 214 – 216 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: “New residential development proposals will be expected to respect and enhance the local character of the area by:

- Taking cues from the character of the built and natural environment within the locality.
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

The proposed dwelling adopts a contemporary architectural approach, incorporating a dual-pitched roof with elevations finished in render and composite timber cladding. Large areas of glazing are proposed to the rear, with tall, narrow openings to the front elevation reinforcing the modern aesthetic. While the immediate street scene contains some variation in scale and form, the prevailing character is defined by a traditional material palette of stone walls and slate roofs. This consistency forms an important part of the area's identity.

The introduction of a contemporary palette, particularly the composite cladding and extensive glazing, would appear discordant within this context. It would not reflect the established vernacular or the locally distinctive use of natural stone, contrary to Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD, and the design expectations of Chapter 12 of the NPPF.

The development would extend built form along the main highway, reading as a continuation of ribbon development. This linear expansion would have a noticeably urbanising effect on this part of the Green Belt frontage, eroding the currently open and transitional character that contributes positively to the setting.

Although there is no rigidly defined building line, the dwelling would sit broadly in line with Ash House to the south, albeit marginally set back. Nevertheless, its siting and massing would reinforce the perception of a continuous built

frontage, increasing enclosure and diminishing the openness that currently characterises this stretch of the streetscene.

While the pitched roof form and proposed grey slate finish would broadly reflect neighbouring rooflines, this does not mitigate the wider concerns. The combination of modern cladding materials and extensive glazing would remain at odds with the established character, resulting in a development that fails to integrate sensitively with its surroundings. This conflicts with the design principles set out in Policy LP24(a) and Policy 2 of the Holme Valley Neighbourhood Plan, which require new development to respect local grain, materials, scale and form.

The site lies adjacent to Underbank Conservation Area. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policy LP35 and Chapter 16 of the NPPF.

The proposed development, through its contemporary materials, scale and design, would fail to preserve the character and appearance of the Conservation Area. In accordance with paragraph 212 of the NPPF, great weight must be given to the conservation of heritage assets, irrespective of the level of harm.

The harm identified is considered to be less than substantial for the purposes of paragraphs 214–216 of the NPPF. This harm must therefore be weighed against the public benefits of the proposal. The scheme would deliver a single three-bedroom dwelling, contributing modestly to local housing supply and mix. However, this benefit is limited in scale and does not outweigh the identified harm to the significance and setting of the Conservation Area.

Taking the above assessment into account, it is concluded that the proposed dwelling would result in a form of development that fails to respect or respond positively to the established character of the area. The contemporary design, extensive glazing and use of composite cladding would introduce an incongruous material palette within a streetscene defined by traditional stone and slate, conflicting with the expectations of Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and the design aims of NPPF Chapter 12.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

Policy 2 of the HVNP sets out that proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light

and other causes. Light pollution should be minimised and security lighting must be appropriate, unobtrusive and energy efficient.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land;

Impact on 5 Arrunden Court

5 Arrunden Court is a two-storey detached dwelling positioned to the north of the application site. The proposed dwelling would be located approximately 9.1m from the rear elevation of No.5.

In terms of overlooking, the submitted floor plans confirm that no habitable-room windows would face towards No.5. A single ground-floor window is proposed on the relevant elevation; however, this serves a garage and would face directly onto boundary treatments. Given its ground-floor position and non-habitable use, the window would not give rise to overlooking or loss of privacy. The proposal is therefore considered acceptable in this regard.

In terms of overbearing and overshadowing, the development would introduce additional built form along the shared rear boundary. The closest element to No.5 would be the single-storey section, reaching 5.7m to the ridge. The main two-storey element would reach 7.9m in height but would be positioned approximately 15.2m from the rear elevation of No.5.

This separation distance, combined with the lower height of the nearest section, ensures that the proposal would not appear overbearing or result in unacceptable overshadowing. It is considered that any reduction in natural light would not reach a materially harmful level, nor would the relationship between the properties create an oppressive or overbearing effect capable of substantiating a refusal. On balance, the proposal is therefore judged to have an acceptable impact on the residential amenity of No.5.

Impact on 4 Arrunden Court

4 Arrunden Court is a two-storey semi-detached dwelling located to the northwest of the application site. The orientation of the properties means that the side gable of No.4 faces the application site. The proposed dwelling's garage element would sit approximately 9m from the nearest point of No.4.

Due to the angle and relationship between the two dwellings, the proposal would not adversely affect the privacy, natural light, or outlook of No.4. While rear-facing openings are proposed, these would face westwards and run parallel to the rear elevation and garden of No.4, avoiding any direct overlooking.

Impact on Ash House

Ash House is a two-storey semi-detached dwelling situated to the south of the application site. The proposed site plan indicates a separation distance of approximately 38m between the side elevation of the new dwelling and the front elevation of Ash House.

This substantial distance ensures that the proposal would not result in any harmful impact in terms of privacy, light, or overbearing presence, and the amenity of Ash House would not be unduly impacted.

Amenity of the Future Occupiers

Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for such a dwelling, and the proposed garden is considered to be a good size for a dwelling of this scale. It is considered the proposed window would have sufficient outlook and natural light for the amenity of future occupants.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and advice within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

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.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposal includes a double garage together with turning and parking space to the front of the dwelling. Under the Kirklees Highways Design Guide SPD, a minimum of two on-site parking spaces is required for dwellings containing 2–3 bedrooms. The scheme therefore provides sufficient off-street parking provision for a three-bedroom property.

KC Highways Development Management have been consulted and raised no objections regarding parking arrangements or bin storage. Officers advised that visibility splays should be provided to demonstrate that vehicles can exit the site onto Dunford Road safely.

Previous pre-application advice (ref: 2018/20422) confirms that acceptable sight lines were achievable from the site onto Dunford Road. Although visibility splays have not been requested at this stage, due to the proposal being unacceptable on other planning grounds, it is considered likely that compliant sight lines could be achieved were such details submitted. On this basis, officers conclude that the development would not result in harm to highway safety.

Bin storage is proposed on the northern side of the dwelling, which is considered an appropriate and unobtrusive location. Waste collection would continue to take place from the existing collection point adjacent to the site access, which remains adequate for operational needs.

It is therefore considered that the proposal would be in accordance with the aims of Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Ecology

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

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

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

KC Ecology have been consulted on the proposals, and recommend conditions in relation to a lighting scheme, invasive species survey, and an ecological design strategy addressing mitigation and enhancement methods. Subject to these conditions, it is considered the proposal would be in accordance with the aims of Policy 13 of the HVNDP, Policy LP30 of the KLP, and Chapter 15 of the NPPF.

The submitted application form states that the legislative requirement for biodiversity net gain does not apply on the basis as the proposal would be Self-Build and Custom Build development.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance, which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the self build exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

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 pre-dates 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.

Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

Trees

Policy LP33 of the Kirklees Local Plan refers to trees and states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

There are trees directly south of the site which are protected under Tree Protection Order 07/80/g11, and there are trees ranging in age adjacent to the red line boundary.

Officers have consulted with KC Trees during the application process and received the following comments:

“There are no protected trees within the red line boundary of the site however, the site appears to be densely populated by trees ranging in age and value which may warrant protection. There needs to be an Arboricultural Impact Assessment (AIA) submitted before an informed decision can be made as to the level of impact the proposals would have on the surrounding trees and therefore impact on the amenity they provide. There is a holding objection until the above mentioned document is submitted for review.”

The above information pertaining to an AIA has not been sought by officers, as the proposal has been considered unacceptable on principle of development, visual, and historic environment terms.

Therefore, there is insufficient information to adequately assess the proposal's impact upon the protected trees adjacent to the site and a full and proper assessment in relation to Policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework cannot be undertaken.

The application site is in a “Development High Risk Area” as identified by the Coal Authority. This application is supported by a Coal Mining Risk Assessment, which has been reviewed by the Coal Authority. After considering the submitted information, the Coal Authority confirms that the proposed development could be acceptable in terms of policy LP53 of the KLP and chapter 15 of the NPPF, subject a condition that requires an intrusive site investigation and mitigation strategy to be submitted to the Local Planning Authority for approval before the development commence. In addition, a signed statement or declaration should be submitted upon completion of this development to the Local Planning Authority for approval before the dwelling is occupied. This, again, would be secured by condition. On the matter of contamination, the site is known to be potentially contaminated due to its previous use. The Environmental Health Service recommends that five planning conditions should be imposed to ensure that the risk associated with the previous contaminated use is adequately mitigated in accordance with policy LP53 of the KLP and chapter 15 of the NPPF, before the development is brought into use. With these conditions imposed, there are no issues in terms of land contamination and stability.

6 – Representations:

None received

7 – Conclusion:

This application 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.

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

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2026/90818

Officer Recommendation: REFUSE

Reasons:

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive area of the Green Belt and would undermine the Green Belt's function in this location. The proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.
2. The proposed development, by virtue of its design and scale, would not be in keeping with the locality, and would be an incongruous addition to the street scene to the detriment of visual amenity and the setting of the adjacent Conservation Area. The proposal would lead to less than substantial harm to the setting of the Conservation Area, for which no public benefits have been put forward or are considered to exist which

could outweigh this harm. The proposed development is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 and 16 of the National Planning Policy Framework.

3. The application provides insufficient information to adequately assess the proposal's impact upon the protected trees adjacent to the site. Given the failure to submit an Arboricultural Impact Assessment to demonstrate whether the protected trees would be affected by the development, a full and proper assessment in relation to Policy LP33 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework cannot be undertaken.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	L01	A	24/03/2026
Existing Site Plan	SP01	C	24/03/2026
Proposed Site Plan	SP02	H	24/03/2026
Proposed Block Plan	BP02	A	24/03/2026
Proposed Dwelling Floor Plans & Elevations	X01	C	24/03/2026
Proposed Outline Sections AA & BB	05	D	24/03/2026
Proposed Site Section AA	SS01	B	24/03/2026
Proposes Elevations	04	G	24/03/2026
Coloured Elevations	04a	F	24/03/2026
Preliminary Ecology Appraisal	-	-	24/03/2026
Planning and Design Statement	-	-	24/03/2026
Phase 1 Environmental Desk Study & Coal Mining Risk Assessment	C5652/25/E/8788	-	24/03/2026
Application form	-	-	24/03/2026
Climate Change Statement	-	-	26/03/2026

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 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.

No amendments have been sought during the processing of this application, as it was considered that no changes could be made that would adequately address or overcome the identified harm arising from the proposal.

Low coal