

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:	2026/60/90827/E
Site Address:	Peep Green Farm, Peep Green Road, Hartshead, Liversedge, WF15 8AQ
Description:	Outline application for residential development (one dwelling) with all matters reserved except access
Recommending Officer:	Kerri Simpson

DECISION – OUTLINE PLANNING PERMISSION GRANTED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 13-Jul-2026

Officer Report – 2026/90827

Peep Green Farm, Peep Green Road, Hartshead, Liversedge, WF15 8AQ

Site Description

The application site comprises a circa 0.569 hectare parcel of land located on the western side of Peep Green Road (B6119), to the rear of Nos 22 and 24 Peep Green Road and adjacent to Pepp Green Farm to the north-west.

The site is accessed via an existing shared access track from Peep Green Road, which is part of the Public Footpath SP/159/10. It currently comprises an area of grassed land and is enclosed by a stone boundary, with fencing along the northern and eastern boundaries.

The surrounding area is characterised by a mixture of agricultural land/buildings and residential development. The site is bounded by open greenfield land to the north and south, partially greenfield land and buildings associated with Peep Green Farm to the west, and by Nos 22 and 24 Peep Green Road to the east.

The site is subject to the following planning policy designations and constraints:

- Green Belt
- Development High Risk (Coal Mining Legacy) (northeastern side of the site)
- Development Low Risk (Coal Mining Legacy) (southwestern side of the site)
- Adjacent Public Rights of Way including SPE/153/10, SPE/153/20 and SPE/154/10 (Footpaths)

Description of Proposal

The Scheme

The application seeks outline planning permission for the erection of one residential dwelling, with all matters reserved except access. The purpose of the application is to establish the principle of residential development on the site and the means of access to serve the proposed development. Whilst the submitted plans illustrate a proposed dwelling, these details are indicative only and are provide for illustrative purposes. The layout, scale, appearance and landscaping for the development are reserved matters and are not for determination as part of this application.

The proposal would utilise the existing shared access track from Peep Green Road (B6119). Access improvements are proposed, including resurfacing the first 5m of the access provision, visibility splays at the junction with Peep Green Road, and localised alterations to boundary treatments adjacent to the access to facilitate access and egress.

History of Negotiations / Amendments Received

There were no amendments or negotiations required. The application has been assessed based on the documents received at validation.

Relevant Planning History

The most relevant planning history relates to the following planning applications

Ref: 2017/92036

Description: Outline application for erection of detached dwelling

Decision: Refused (21.08.2017)

Reasons for Refusal:

1. The proposal is inappropriate development in the Green Belt. In accordance with paragraph 87 of the National Planning Policy Framework inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal is contrary to Green Belt policy as set out in chapter 9 of the National Planning Policy Framework and no very special circumstances have been demonstrated which clearly outweigh the harm.
1. The application fails to demonstrate that the site can be accessed safely. Sight lines of 2.4 metres x 43 metres would need to be achieved in both directions from the access onto Peep Green Road. To approve the application without demonstrating that suitable sightlines can be achieved would be harmful to highway safety and efficiency, contrary to Policy T10 of the Kirklees Unitary Development Plan.

Ref: 93/03706

Description: Erection of dining room extension

Decision: Conditional Full Permission (18.10.1993)

Ref: 92/04922

Description: Erection of block of three garages

Decision: Conditional Full Permission (31.12.1992)

Ref: 88/01629

Description: Erection of games room, study, conservatory and bedroom extension

Decision: Granted Conditionally (10.06.1988)

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2024).

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was the 22nd June 2026.

There were no public letters of representation received.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management Team – No objection subject to conditions. The existing shared access from Peep Green Road is considered acceptable in principle, subject to the proposed improvements including visibility splays and resurfacing works. The proposal is not considered to result in a material impact on highway safety.

KC Public Right of Way Team – No comments received.

KC Ecology Team – No objection, no designated ecological constraints were identified and a Preliminary Ecological Assessment was not considered necessary. The submitted Biodiversity Metric demonstrates a Biodiversity Net Gain of 18.10%. Informatives are recommended relating to the timing of works with regard to bird nesting season and to remind the applicant of their legal obligations in respect of protected species.

The Mining Remediation Authority (The Coal Authority) – No objection subject to conditions. The conditions recommended require intrusive sit investigations to assess risks associated with former coal mining activity, implementation of any necessary remediation or mitigation measures, and submission of verification confirming the site has been made safe and stable prior to occupation.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is unallocated and falls within the Green Belt designation of the Kirklees Local Plan (adopted 2019).

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

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP7 Efficient and effective use of land and buildings
- LP20 Sustainable travel

- LP21 Highway and Access
- LP22 Parking
- LP26 Renewable and low carbon energy
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality
- LP53 Contaminated and Unstable land

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 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 13 Protecting the Green Belt
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Ecology and Biodiversity
5. Climate Change
6. Other matters
7. Representations
8. Conclusion

1.Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Principle of development within the Green Belt

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 the Green Belt. 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 (Paragraph 143) 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
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm

to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Previously Developed Land

Policy LP59 of the Kirklees Local Plan provides guidance on the redevelopment of previously developed sites in the Green Belt. However, it is acknowledged that LP59 reflects the former wording of the NPPF, "not have a greater impact on the openness of the Green Belt than the existing development" and is therefore superseded by the updated policy position.

Under Paragraph 154 of the NPPF, development in the Green Belt is inappropriate unless it falls under an exception, such as Paragraph 154 (g):

(g) limited infilling or the partial or complete redevelopment of previously developed land, (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would:

- *not cause substantial harm to the openness of the Green Belt*

The applicant has submitted supporting information to suggest that the site comprises Previously Developed Land (PDL). This includes reference to the site as redundant spare land, together with evidence of a small existing building, historic footings and historic mapping, including a deed plan and a 1907 Ordnance Survey map, which appear to indicate the presence of a former building/dwelling within the site.

Whilst this information indicates that built development may have historically existed on part of the site, limited evidence has been provided regarding the extent, form and lawful status of that development. The presence of historic footings and a small building does not, in itself, demonstrate that the entirety of the application site should be regarded as Previously Developed Land.

Annex 2 of the NPPF defines PDL as:

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

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

In this case, notwithstanding the evidence submitted, much of the application site comprises open grassed land and appears to have largely reverted to a natural state. Given the limited extent of existing built form and the apparent integration of former development into the landscape, officers are not satisfied that the application site in its entirety can reasonably be classified as Previously Developed Land for the purposes of Paragraph 154g of the NPPF.

The proposal therefore falls to be assessed against Paragraph 155 of the NPPF in respect of whether the site constitutes Grey Belt Land and development. It is acknowledged that the applicants supporting statement also address this matter.

Grey Belt 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.

Planning Practice Guidance published 27 February 2025 provides further clarity on assessing how land contributes to the purposes of the Green Belt. It sets out that judgements on the level of contribution should be informed by relevant considerations and is categorised as making a strong, moderate or weak/or no contribution. The PPG also makes clear that villages should be regarded as large built-up areas for the purposes of the Green Belt Assessment.

Meeting Green Belt Purposes – Land (Paragraph 155a)

In respect of Green Belt Purpose (a) – to check the unrestricted sprawl of large built-up areas, the application site is located on the rural edge of Liversedge (Town), in close proximity to a number of nearby villages, including Hartshead (circa 300m to the south), Roberttown (circa 1.1km to the east-southeast) and Hightown (circa 1.3km to the northwest). Beyond this, land to the west extends towards the borough boundary with Calderdale beyond which lies Brighouse (Town).

Whilst the land lies within the wider Liversedge area, this location is not strongly physically or functionally connected to the main built form of Liversedge and instead has a more dispersed and rural character. The site itself lies within an existing ribbon of sporadic development along Peep Green Road, including nearby residential properties and buildings associated with Peep Green Farm. The land is contained by residential properties (Nos. 22 and 24 Peep Green Road) to the southeast and residential/farm buildings to the northwest. Having regard to the limited size of the land, contained nature and relationship to the context, it is considered that the land makes a weak contribution towards Green Belt Purpose (a).

The land sits within the rural gap between Brighouse (Calderdale), Mirfield and Liversedge all of which are towns. The land forms a small part of the gap between these towns and given its limited size within an existing cluster of development, is considered able to be developed without the loss of visual separation between the towns. It is therefore considered that the land makes a moderate contribution to Green Belt Purpose (b).

The land does not form part of the setting of a historic town therefore makes no contribution to purpose (d) of Paragraph 143 (NPPF).

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

Meeting Green Belt Purposes – Development (Paragraph 155a)

The assessment of the development considers whether the outline proposals, would undermine the five purposes (a) to (e) set out at Paragraph 143 of the NPPF (2024). In line with Planning Practice Guidance (27 February 2025), professional judgement is applied in determining whether the proposal would undermine these purposes. An indicative layout plan has been submitted to support the application. While not for formal consideration at this stage, it is

referenced where relevant to assess whether the development would undermine the purposes of the Green Belt taken together.

It should be noted that “openness” is not a determinative consideration for the purposes of this assessment, as outlined under Footnote 55 of the NPPF (2024)

The development would introduce a single dwelling within an established ribbon of development along Peep Green Road and the access track. The indicative layout shows that the dwelling could be sited between No 24 Peep Green Road and the buildings at Peep Green Farm, avoiding any significant visual or physical extension outside the existing into open countryside. The site is located on the edge of Liversedge Town but not in an integral part of the large built-up area, and the indicative position of the dwelling reinforces containment between existing plots (purpose a). It would not reduce the separation distance between settlements due its confinement within the cluster of existing development (purpose b).

The site is currently predominately undeveloped, contributing to the semi-rural character of the area. However, the indicative layout illustrates that the proposed dwelling could be positioned largely in line with existing built form, without projecting into open land beyond, particularly past the side building lines of the neighbouring dwellings to the east; or altering the perceived development edge which is clearly defined by the boundary wall and the presence of the Public Right of Way. The dwelling could be contained within an established line of domestic curtilage and would not create new development front into the countryside. In terms of scale, the indicative drawing suggests a bungalow which would not be uncharacteristic of the area (purpose c).

The development would not be located within or adjacent to a historic town, nor would it form part of the setting of any Heritage Assets or Conservation Area (purpose d). While the development would not directly assist in the reuse of previously developed land or urban land, the proposed single dwelling would have no meaningful impact on wider regeneration priorities (purpose e).

Therefore, it is not considered that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.

Demonstrable Unmet Need (Paragraph 155b)

With regards to Paragraph 155 (b), Kirklees currently has a 4.18 years supply of housing land (2025 update), which falls below the required five-year supply. The 2023 Housing Delivery Test results (12/12/2024) indicate an under delivery for the past three years (April 2020-March 2023), falling below the 75% pass threshold.

The proposed development would contribute to addressing housing need within Kirklees through the delivery of a new family sized dwelling. The supporting information indicates an intention to deliver a single market dwelling, that would

contribute toward the local housing supply and offer a dwelling aligned with the identified need for family homes.

In this context, the proposal offers a modest but valuable contribution to housing need in a district with a shortfall in general supply. As such, it is considered that there is a demonstrable unmet need for the type of development proposed.

Sustainable Location (Paragraph 155c)

The application site is located approximately 3.5 to 4.3km from the towns of Liversedge and Mirfield, equating to around a 5 to 10 minute drive. It is also situated in close proximity to the villages of Hightown, Roberttown and Hartshead, all of which provide access to a range of local amenities and educational facilities. In addition, the nearby town of Brighouse, located within Calderdale, offers a wider range of services and facilities that would be available to future occupiers.

The nearest bus stop is located on Peep Green Road, approximately 150m to the north of the site, providing hourly services in both directions towards Brighouse and Bradford. Whilst these services offer a degree of public transport accessibility, they are relatively infrequent. Consequently, it is acknowledged that future occupiers would be likely to rely heavily on private vehicles given the site's separation from key services and the limited public transport provision.

Notwithstanding this, the proposal would form part of an established ribbon of residential development, where existing residents are similarly reliant on private car travel. Although the site does not benefit from high levels of public transport accessibility or immediate access to a full range of day-to-day services, it remains within a reasonable driving distance of several settlements that provide essential facilities. In this context, the addition of a single dwelling would not materially increase reliance on the private car beyond the existing pattern of development. As such, the site can reasonably be regarded as a moderately sustainable location, consistent with the aims of Paragraph 155(c) of the National Planning Policy Framework

Principle of development - Conclusion

It is considered that the site constitutes Grey Belt Land, as it does not strongly contribute to Green Belt purposes set out under Paragraph 143 (a), (b) or (d) of the NPPF 2024. While all matters are reserved except access, the indicative plan adequately demonstrates that the development would not fundamentally undermine the Green Belt purposes (taken together) of the remaining Green Belt across the Local Plan area.

While a modest provision, the development would contribute to addressing demonstrable unmet housing need in the borough. Finally, the site proximity to towns and villages, with viable pedestrian routes and short drive times indicates a reasonably accessible and sustainable location.

As such, it is considered that development proposal would fall within the exception set out under Paragraph 155 of the NPPF 2024 and would not comprise inappropriate development in the Green Belt. The principle of development is considered acceptable subject to further assessment against other relevant national and local planning policies.

2.Impact on character and appearance of the area

2.1 Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

The application seeks outline planning permission for the construction of a single dwelling, with all matters reserved except access. Accordingly, the detailed matters of layout, scale, appearance and landscaping are not for consideration at this stage and would be determined through a subsequent reserved matters application.

The submitted indicative drawings illustrate a single-storey dwelling (bungalow) positioned towards the eastern side of the site. The dwelling is shown set approximately 8m back from the access drive and served by off-street parking, with areas of landscaping indicated to the front (south) and rear (north) boundaries. The principal private amenity space is located to the west of the dwelling. The plans indicate a separation distance of approximately 19.6m from the side elevation of No. 24 Peep Green Road.

The indicative scheme demonstrates that a suitably sited dwelling could be accommodated within the site, whilst appropriately addressing the access drive and respecting the established building line and spatial relationship of neighbouring properties at Nos. 22 and 24 Peep Green Road. In terms of layout, the plans show that the site is capable of accommodating both adequate off-street parking provision and usable private garden space for future occupants.

Although scale is reserved for later consideration, the submitted drawings suggest a bungalow of simple rectangular form, incorporating gable-ended side elevations and a projecting front gable feature. The surrounding area contains a mix of single- and two-storey dwellings. However, given the site's position between open fields to the north and south, a single-storey form would appear

more appropriate in this location, reducing the likelihood of the development appearing overly prominent or visually intrusive within the wider landscape setting.

With regard to appearance, the detailed design and material palette would be assessed at the reserved matters stage. Nevertheless, any future proposal should draw upon the character of neighbouring residential properties to ensure it responds sensitively to the site's context and limits visual dominance within the setting of the access drive and surrounding open countryside.

Landscaping is also a reserved matter, and no detailed proposals have been submitted at this stage. However, the indicative plans show areas of private amenity space and suggest there is scope to create a high-quality landscaped setting around the dwelling. Particular attention will need to be given to boundary treatments to ensure they are appropriate to the site's semi-rural context and make a positive contribution to both the street scene and the character of the surrounding area. Detailed landscaping proposals would be fully considered as part of any future reserved matters application.

2.2 Conclusion on Visual Amenity

While all matters are reserved accept access, the submitted drawings demonstrate a single dwelling appropriately positioned within site, with a clear frontage towards the access drive could be achieved on the site, without a departure from the prevailing character of the area. On that basis, there is potential for a sensitively designed scheme to come forward at reserved matters stage that aligns with the aims of Policy LP24 of the Kirklees Local Plan.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilders Design Guide sets out 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 text supporting this principle states that:

“For two storey houses typical minimum separation distances are advised:

- *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; and for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”*

No fixed details relating to layout, scale or appearance are under consideration at this stage, as the application seeks outline planning permission with all matters reserved. However, an indicative layout drawing has been submitted to demonstrate how a dwelling could be accommodated within the site. Whilst these drawings are illustrative only, they provide an appropriate basis for assessing whether the principle of residential development can be achieved without giving rise to unacceptable impacts on the amenity of neighbouring occupiers.

The nearest residential properties to the application site are No. 24 Peep Green Road to the east, No. 10 Peep Green Road to the north (separated from the site by open fields), and Peep Green Farm to the west. Based on the indicative layout, the site appears capable of accommodating a dwelling whilst maintaining sufficient separation distances from neighbouring properties. Subject to the detailed design and positioning of habitable room windows at the reserved matters stage, it is considered that a dwelling could be provided without resulting in unacceptable overlooking, loss of privacy, or harm to neighbouring living conditions through loss of daylight or sunlight.

It is acknowledged that the indicative drawings show the proposed dwelling positioned to the west of the amenity space serving No. 24 Peep Green Road. Whilst this arrangement does not raise any overriding concerns at the outline stage, careful consideration will be required at the reserved matters stage to ensure that the scale, siting and design of the dwelling do not result in unacceptable overshadowing or overbearing impacts upon the neighbouring garden area.

Overall, the submitted information demonstrates that there is sufficient scope to accommodate a dwelling on the site in a manner that safeguards the residential amenity of surrounding occupiers, with detailed matters to be appropriately assessed through any subsequent reserved matters application.

Conclusions on neighbouring amenity

While all matters are reserved except access, the submitted plans indicate that a dwelling could be positioned on the site without detrimental impacts to the amenity of nearby neighbouring properties. Subject to these design considerations, the development has the potential to accord with Policy LP24 of the Kirklees Local Plan.

4. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

The application has been submitted in outline with all matters reserved except access. Accordingly, the assessment is limited to the proposed means of access to serve one dwelling.

The proposal would utilise the existing shared access track from Peep Green Road (B6119), together with associated improvements including resurfacing of the first 5 meters of the access, the provision of visibility splays at its junction with the public highway and localised alterations to the boundary treatment to facilitate safe vehicular access and egress.

Highways Development Management has been consulted and raised no objection to the proposal, subject to conditions. It is acknowledged that the existing access track is circa 5.4m in width and is capable of accommodating two-way vehicular movements, whilst also allowing sufficient space for pedestrians and occasional passing opportunities. Given the proposal relates to a single dwelling, the level of additional traffic generated would be limited and is not considered likely to materially affect the operation of the existing access or the surrounding highway network.

Conditions are recommended requiring the provision and retention of visibility splays, resurfacing of the first 5m of the access in a bound material, together with details of the internal access arrangements, parking provision, surfacing materials and electric vehicle charging infrastructure. Matters relating to parking provision and electric vehicle charging infrastructure are expected to be addressed at the reserved matters stage, as such officers consider that these conditions are to be omitted from this outline permission.

The existing shared access track also forms part of Public Footpath SP/153/10 and is already utilized by vehicles accessing Peep Green Farm. The proposal would continue to utilise this existing arrangement and, given the limited scale

of development proposed, is not considered to materially alter the current use of the route. The development would not result in the obstruction or diversion of the Public Right of Way, which would remain for public use. An informative is recommended reminding the application of their obligations to ensure the public Right of Way remains unobstructed and available for public use during construction and following completion of the development.

Having regard to the scale of the proposal and the consultation response received, it is considered that the development would provide a safe and suitable means of access and would not result in an unacceptable impact on highway safety or the operation of the surrounding highway network. Subject to conditions, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, the Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework in so far as they relate to access.

5. Ecology and Biodiversity

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, seeks to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

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.

The application site comprises predominately grassed land with existing boundary features including stone walls and fencing. The Councils Ecology Team have been consulted and raises no objection to the proposal. It is acknowledged that no designated ecological constraints have been identified and that a Preliminary Ecological Appraisal was not considered necessary in this instance.

A Biodiversity Metric has been submitted in support of the application, demonstrating a Biodiversity Net Gain of 18.10%. Biodiversity Net Gain will be secured through the statutory biodiversity gain condition, which requires the submission and approval of a Biodiversity Gain Plan prior to the

commencement of development, together with the associated statutory requirements.

Informatives are also recommended to remind the applicant of their legal obligations in respect of protected species, including bats and nesting birds.

In light of the above, it is considered that the proposal would protect and enhance the natural environment and would accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

6. 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.

No climate change statement has been provided at this stage. However, the detailed design of the scheme, including layout, materials, and energy efficiency measure will be assessed at the reserved matters stage. At that point, the proposal will need to demonstrate how it responds to climate change policies in the Kirklees Local Plan and the National Planning Policy Framework.

7. Other Matters

Flood and Drainage

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated Flood Zone and is not identified as being at risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this case. However, in accordance with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 4 of the NPPF, new

development should still incorporate sustainable drainage solutions to ensure that surface water is managed appropriately and does not exacerbate flood risk on or off site. Details of surface water drainage, including the use of permeable surfacing or SuDs features where appropriate would be secured by conditions as appropriate at the reserved matters stage.

Contaminated Land

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process. Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or result in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The site is not identified on the Council's contaminated land layer. While the precise historic land use is unclear, the Environmental Health consultation response from the 2017 application acknowledged that the site had been developed in the past and there is an Old Quarry circa 160m to the south west of the site. An unexpected contamination condition was recommended at that time. There has been no material change in the sites circumstances since the permission and, as such, it is considered reasonable and proportionate to impose a precautionary condition requiring the reporting and investigation of any unexpected contamination encountered during ground works.

The site lies within a Development High Risk Area as defined by The Mining Remediation Authority (MRA) (formerly known as the Coal Authority). The application was supported by a Coal Mining Risk Assessment (CMRA), and the Mining Remediation Authority were consulted raising no objection subject to the imposition of conditions requiring intrusive investigations to assess risks associated with former coal mining activity, the implementation of any necessary remediation and mitigation measures and the submission of verification confirming the site has been made safe and stable prior to occupation.

It is therefore considered that subject to a condition requiring the reporting of any unexpected contamination encountered during development, the cessation of works in any identified affected area and the submission of a remediation strategy if necessary and, the recommended conditions relating to coal mining legacy features, the proposal would meet the aims of Policies LP53 and LP51 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF

8. Representations

There were no letters of representation from members of the public received.

9. Conclusion

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2026/90827

Officer Recommendation: Approve

Conditions

1. Approval of the details of, appearance, layout, scale and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced. **Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans. **Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
2. Application for approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. **Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.
4. 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 so as to ensure

the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP3, LP7, LP20, LP21, LP22, LP26, LP24, LP28, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan, Principles within the Housebuilders Design Guide Supplementary Planning Document and policies within Chapters 2, 4, 5, 9, 11, 12, 13, 14 & 15 of the National Planning Policy Framework 2024.

5. The residential development hereby approved shall not exceed a maximum of one dwelling. **Reason:** For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well as the impact upon residential amenity of neighbouring occupiers and visual amenity of the wider locality to accord with policy LP24 of the Kirklees Local Plan, Principles 2, 6, 16 & 17 of the Council's adopted Housebuilders Design Guide and policies within Chapters 12 and 13 of the National Planning Policy Framework 2024.
6. The means of vehicular access to and from the site shall only be as shown on the approved plan and completed in all aspects in accordance with the details submitted on Via Solutions Drawing 2600201 Rev PO1 and delivered prior to first occupation and retained thereafter for the lifetime of the proposed development. Sight lines at the site access thereafter shall be maintained always free from any obstruction exceeding 0.6m. To ensure the free and safe use of the private drive and adjacent highway. **Reason:** To ensure the free and safe use of the private drive and adjacent highway, to accord with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.
7. Prior to the commencement of the access works, details of the surfacing materials and construction specifications for the approved access, including the resurfaced section of the existing access track, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details. **Reason:** To ensure the access is constructed to an appropriate standard in the interests of highway safety and to safeguard the Public Right of Way, in accordance with Policy LP21 of the Kirklees Local Plan, the Highways Design Guide SPD and Chapter 9 of the National Planning Policy Framework 2024.
8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either:
 - a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or,

- a) 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 Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority. Reason: To identify and remove unacceptable risks to human health and the environment in accordance with Policy LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework 2024.

9. No above ground development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and

- b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework 2024.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework 2024.

NOTE: It is a requirement of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 that a Biodiversity Net Gain Plan is submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.

NOTE: All works shall be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist shall advise on suitable species-specific works exclusion zones. The exclusion zones shall be regularly monitored by the ecologist and remain in place until the young have fledged the nest or the nests are otherwise deserted.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

NOTE: Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF.

NOTE: Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no noisy activities on Sundays or Public Holidays.

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 authorise the carrying out of works within the highway, for which the written permission of the Council as

Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) regarding obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Public footpath SP/153/10 is the access to and adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team are based at Civic Centre 1, PO Box 1720, Huddersfield HD1 9EL and the email address is publicrightsofway@kirklees.gov.uk

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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 invalid

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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	25124 - 0101 - P01	P01	25/03/2026

Plan Type	Reference	Version	Date Received
Proposed Block Plan	25124 - 0301 - P01	-	25/03/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. There were no amendments or negotiations necessary.

Report Dated: 06/07/2026