

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:	2026/60/90830/W
Site Address:	adj, 711, New Hey Road, Outlane, Huddersfield, HD3 3YL
Description:	Outline application for erection of residential development
Recommending Officer:	Elenya Jackson

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 08-Jun-2026

Officer Report – 2026/90830

adj, 711, New Hey Road, Outlane, Huddersfield, HD3 3YL

Site Description

The application site relates to a parcel of land that is approximately 0.17 Hectares in size located on the southern side of New Hey Road, Outlane.

The site is located adjacent to 711 New Hey Road, a two storey detached dwelling which is set back due to front amenity space. To the east of the site is a playground with the site bordered to the north by New Hey Road. The M62 is located south of the site.

The site is currently undeveloped.

The application site falls within the following planning designations and constraints:

- Green Belt
- Development low Risk Area Coal

Description of Proposal

The Scheme

The application is seeking outline planning permission for access with all other matters (scale, appearance, landscaping and layout), reserved. The submitted plans indicate four dwellings with the proposed access being from New Hey Road.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Existing Site Plan
- Proposed Indicative Block Plan
- Location Plan
- Transport Statement
- Biodiversity Net Gain Report/Metric
- Preliminary Ecological Appraisal Survey Report

History of Negotiations and Amendments Received

Officers requested an updated site plan be provided which evidenced access that prevented vehicles crossing the grass verge.

Relevant Planning History

N/A

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application was publicised by site notice and via the Council's website. The statutory publicity period expired on 23RD MAY 2026.

No comments received.

Consultation Responses

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

KC Ecology – No objections subject to requested conditions being attached.

KC Highways Team – Informal consultation conducted. Amended plans requested and on receipt considered acceptable.

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

Allocation and Policy

The site is within the Green Belt as defined within 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
LP11 Housing Mix and Affordable Housing
LP20 Sustainable travel
LP21 Highway and Access
LP22 Parking
LP24 Design
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP32 Landscape
LP38 Minerals safeguarding
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. In this case the technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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 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 Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

Housebuilders Design Guide SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note (June 2021)

Legislation

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

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

Biodiversity Net Gain Technical Advice Note 2021

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

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.

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

It is noted that this site is within the Green Belt. Irrespective of the Council's position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations

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

Paragraph 153 states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness (footnote 55). Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’”*.

Paragraph 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.

Meeting Green Belt Purposes – Land (Paragraph 155a)

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. Villages should not be considered large built-up areas.
- Purpose (b) - This purpose relates to the merging of towns, not villages.
- Purpose (d) - This purpose relates to historic towns, not villages.

The areas with the closest proximity to the site are Outlane (hamlet), Birchencliffe and Lindley.

The proposal is for four dwellings on the edge of Outlane and would not result in any of the aforementioned residential establishments merging, remaining significantly separate from the residential settlements, as such the land does not contribute to Green Belt purpose (a).

The land is marginally separated from neighbouring residential settlements. The PPG confirms that assessment against purpose (b) specifically relates to the merging of towns and not villages. The parcel of land is limited in scale and contributes to maintain separation between the dispersed rural settlements and is a substantial distance from any towns. The land therefore makes a weak contribution to purpose (b)

There are no designated historic towns in the immediate vicinity of the site. Therefore, the site is not visually or physically connected to any settlement that would meet the definition of a historic town for the purposes of (d). As a result, the land does not contribute to purpose (d).

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.

Therefore, the site may be considered Grey Belt for decision making purposes.

Meeting Green Belt Purposes – Development (Paragraph 155a)

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.

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

Officers consider that the development would be for the principle of four dwellings located immediately next to existing residential development. The proposed development would introduce new built form and associated residential infrastructure including access into this parcel; however, it would be contained by existing boundaries and in-line with an existing ribbon of development along New Hey Road and would not be able to extend residential development in further directions due to the presence of a park and location of the M62.

In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land which is situated in between existing residential properties, the M62 and a playground. The proposed residential development would therefore infill this piece of land within defined boundaries. On this basis, although the development would result in some localised visual change, the proposal would not result in significant material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area.

The site does not adjoin a large built-up area, and as such the development would not contribute to sprawl in the context of purpose (a). Although the land lies between local villages, these are not towns and therefore the proposal does not conflict with purpose (b), which relates to merging of towns. The site is not connected to the setting of a historic town, and there would be no conflict with purpose (d).

Therefore, the site may be considered Grey Belt for decision making purposes and must be assessed against the rest of paragraph 155 of the national planning policy framework.

Demonstrable Unmet Need and Sustainable Location (Paragraph 155b and 155c)

The proposal would be considered to utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; therefore, sub criterion (b), (c) and (d) are also relevant where the development is first considered to fall within the scope of 'grey belt' under Paragraph 155a.

With regards to Paragraph 155 (b), 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.

This shortfall is a material consideration and supports the principle of development on Grey Belt land, subject to the applicant demonstrating a specific unmet housing need. Footnote 56 of the NPPF requires evidence that the proposed dwelling would meet an identified need. The proposal would contribute a dwelling to the local housing supply. Given the evidential five-year supply shortfall, the proposal is considered to amount to a demonstrable unmet housing need. Whilst it is a limited contribution, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b)

It is acknowledged that the site has limited access to local transport services and local amenities due to its rural location. There is a bus stop in immediate proximity to the site and the site but some local amenities such as shops and restaurants. The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged that it would be largely dependent

on private vehicle use, which would not be uncommon in a semi-rural/rural setting.

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

Very Special Circumstances

No very special circumstances are required in this instance due to the proposal not being considered inappropriate development in the Green Belt.

Principle of development – Conclusion

The site makes only a weak contribution to Green Belt purposes (a), (b) and (d), owing to its limited scale and the surrounding context described above. Although the introduction of residential development would inevitably introduce a more domestic character through built form and associated activity, the to the east and south. The layout ensures that parking and amenity areas are appropriately integrated with the proposed dwellings. As a result, the development would be well enclosed and would not lead to encroachment into the wider countryside.

There is a clear and demonstrable unmet need for housing within the borough, arising from the absence of a five-year housing land supply. The site also occupies a reasonably sustainable location.

Taking these considerations together, the proposal is judged to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is therefore acceptable in principle. As the scheme comprises one dwelling, Paragraph 155(d) does not apply

2 – Visual Amenity and Access

This section of the report assesses the proposed development in relation to its access arrangements and visual impact, having regard to both national and local planning policy.

The application seeks outline permission with all matters reserve except for access. As such layout, scale, appearance and landscaping would be formally assessed at the Reserved Matters stage. An indicative site plan has been submitted to support the application which demonstrates the proposed access arrangement and indicative layout of the development with four dwelling being

shown. The submitted plan allows for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of national and local planning policies.

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.

Of key importance, 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*.

Policy LP21 and LP22 of the Kirklees Local Plan relate to highways, access and parking. Policy LP21 requires development to be accessed effectively and safely by all users. It seeks to ensure proposals do not create or exacerbate highway safety issues, and that they integrate with the existing highway network while supporting sustainable modes of travel.

Policy LP22 sets out the requirement for adequate parking provision in line with the Council's adopted standards, taking into account the type of development, accessibility of the site, and the need to avoid highway obstruction.

Principles 12 and 19 of the Housebuilders design guides which seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Although landscaping is a reserved matter, Policy LP32 of the Kirklees Local Plan is of relevance. LP32 seeks to ensure that development responds to the landscape character of the area and incorporate appropriate landscape treatment. While full details will be considered at the reserved matters stage, the submitted plans allow for an initial assessment of whether the site is capable of accommodating a scheme that aligns with the objectives of this policy.

Visual Amenity

The application seeks outline planning permission for the erection of four dwelling with all matters reserved with the exception of access. As such, the

detailed scale appearance and landscaping of the development will be determined at the reserved matters stage. However, an indicative site plan has been submitted.

The site is located within an established ribbon of development along New Hey Road, characterised by a mixture of stone semi-detached and terraced. Properties along this frontage typically present a varied architectural character and are set back from New Hey Road to form a consistent build line. In this context, the introduction of additional dwellings on the site is not considered to be inherently out of keeping with the prevailing pattern of development.

The application would need to consider the scale of adjoining dwellings when considering its maximum height.

Landscaping is also reserved for subsequent approval. It is noted that the site is enclosed by an existing stone wall and vegetated on its boundaries, which contribute to the character of the area. It is considered appropriate that landscaping details can be secured at the reserved matters stage.

It is considered that the site is capable of accommodating residential development that would respond appropriately to the established character and form of development along New Hey Road. The detailed design, scale and appearance of the dwelling along with landscaping arrangement will be accessed at the reserved matters stage to ensure that the development integrates satisfactorily with the character of the area.

As such, it is considered that development in outline, is capable of respecting and enhancing the character of its surroundings including the landscape, contrary to Policy LP24 of the Kirklees Local

2. 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 130 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 House Builders 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.”*

Principle 17 of the Council’s adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the ‘Nationally Described Space Standards’ document (March 2015).

Neighbouring Amenity

There is one residential property immediately adjoining the site to the west and therefore it is likely a proposal could be designed which would not have a significant impact on the residential amenity of neighbouring residents.

As the proposal is seeking outline consent, it is not necessary for full demonstration of accordance with Nationally Described Space Standards (NDSS) in relation to standard internal spacing / amenity space provision. It is considered that these standards and a level of amenity space commensurate with the dwelling could be achieved at the site.

As such, it is considered that if the development was acceptable in principle, a dwelling could be accommodated on the site without material harm to the amenity of neighbouring properties with respect to daylight/sunlight provisions, overbearingness and overlooking and would be acceptable in relation to future occupiers in accordance with Policy LP24(b) and (c) of the Kirklees Local Plan and Chapter 12 of the NPPF 2024.

6. 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 providing service 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 impact 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.

Access

Access to the development would be taken from the existing access to the street frontage. The access is proposed to be widened allowing two vehicles to pass at the entrance without obstructing the highway. This arrangement is considered to be sufficient to support safe entry and egress to and from New Hey Road and prevent vehicle conflict at the access point.

The access would then narrow to a consistent width along the shared private drive, which is acceptable for a development of this scale and would not be required to become adopted. Visibility splays have been demonstrated on New Hey Road. These details have been informally consulted with KC Highways Development Management who raised no objections.

Internal Layout and refuse

At this stage these details are indicative, however, officers understand the access road would remain private, and its design is considered acceptable for the modest number of dwellings proposed. Each dwelling would be served with bin storage areas; however, a bin collection point has been sited near the site entrance for ease of collection by refuse services without obstructing the highway.

Parking

It is acknowledged that the proposal is for access only at this stage. However, each of the four new dwellings is shown to have two on-plot parking spaces upon private driveways. The Kirklees Highways Design Guide recommends that dwellings with four or more bedrooms should provide three parking spaces. However, as scale and internal layout are not fixed at this stage, the level of provision shown is considered acceptable in principle, subject to consistency with the final number of bedrooms. Should larger dwellings come forward at a reserved matters stage, any parking shortfall would need to be addressed through a revised layout or reduced scale.

No dedicated cycle parking is currently shown within the layout; however, given the size of the plots and the potential for rear garden access, it is considered feasible for secure cycle storage to be accommodated within each curtilage. Therefore, a condition will be attached to the decision to ensure compliance with national and local planning policy in this respect.

The proposed access is considered acceptable. The widened access and visibility splays meet the required standards, and the internal turning area is sufficient for emergency and service vehicles. The development is therefore considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan, the Kirklees Highways Design Guide SPD and Chapter 9 of the NPPF.

7. 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 results 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, remediate to ensure that sites are suitable for their intended use.

This site is not known to be at risk of concerns relating to contaminated land; however, due to the nature of the proposed development and ground works being required, officers consider it reasonable to add an unexpected contaminated land condition to the application.

This would be required to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraph nos. 196 and 197 of the National Planning Policy Framework.

7. 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 identified via the Environment Agency's flood risk mapping as being at no risk of surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this instance.

However, in accordance with Policy LP28 of the Kirklees Local Plan and the objectives of Chapter 14 of the NPPF, new development is still expected to incorporate sustainable drainage measures to ensure that surface water is appropriately managed and does not increase flood risk either on or off site.

A condition is recommended should the application receive permission to ensure parking areas are constructed in permeable material and appropriately drained in accordance with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

8. Biodiversity, Ecology & impact upon Tree(s)

Ecology and Biodiversity Net Gain

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, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek 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 requires that proposals protect Habitats and Species of Principal Importance. 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.

There are trees and hedgerows around site and KC Ecology have been consulted on the application and have made the following comments:

'I have reviewed the information provided in support of this application. Although the submitted Biodiversity Net Gain (BNG) metric shows that >10% net gain can be achieved onsite through the creation of modified grassland, urban trees and mixed scrub, I am not satisfied that this is appropriate in terms of design or deliverability.

The plans proposed 3 islands of mixed scrub immediately adjacent to the new dwellings, with an urban tree within each. Practically mixed scrub would contain species such as hawthorn, hazel, holly, dog rose, bramble and blackthorn, and the tree species should grow up to at least 3m tall. Many residents may consider this 'messy' and it is very likely that it will result in residents cutting or removing it, especially it as it is effectively in their front garden. It is also unlikely that the individual trees planted within the scrub will establish well, and successfully grow above the height of the scrub, nor am I confident that a single urban tree is appropriate habitat delivery when contextualised in the area of mixed scrub.

Finally, I would also note that the mixed scrub has been input into the BNG Metric as a single habitat parcel, but the submitted plans show 4 separate locations where mixed scrub is proposed. Where non contiguous parcels are included in the BNG Metric, these should be input as separate rows within the metric, to adequately represent the habitats to be created. I would therefore recommend that the scheme layout is revised to ensure that appropriate, deliverable BNG enhancements can be included'.

Officers informally discussed the comments with KC Ecology and it is considered that it has been demonstrated that 10% BNG can be achieved on site however revisions are required to the design of the details. As the

proposal is for access only, it is considered that a landscaping scheme is required to improve the deliverability of the BNG on site.

Notwithstanding the BNG information within application documents, a BNG plan and full metric will be secured by pre-commencement condition. This will allow for appropriate on-site or off-site measures to be identified at reserved matters stage, when landscaping is brought forward in full.

Additionally, a Construction Environmental Management plan (CEMP) for biodiversity will be required to avoid ecological harm during construction, including measures for protection zones, timing of works, and any required mitigation for invasive species and finally a condition regarding the lighting proposed on site is required following the advice provided in the applicants preliminary ecological appraisal.

Subject to conditions to secure a BNG Plan, the development is considered capable of complying with Policy LP30 of the Kirklees local Plan and Chapter 15 of the NPPF.

It is considered that a level of ecological enhancement would be required to be provided to ensure compliance with policies LP30 and Principle 9 of the SPD. Subject to inclusion of a condition requiring submission of a scheme of biodiversity net gain measures to be submitted pursuant with the Reserved Matters application for landscaping, it is considered the proposal would be acceptable in this regard and meet the requirements of the aforementioned policies.

9. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon

emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is submitted in outline with all matters reserved with the exception of access. These elements typically inform how a proposal responds to climate change through energy efficiency, low carbon design and resilience measures.

While it is accepted that these details would be more appropriately considered at reserved matters stage,

The applicant has provided a Climate Change Statement which sets out some overarching sustainability principles to demonstrate how climate mitigation and adaptation have been considered at this early stage. Should development be considered acceptable in principle, any reserved matters submission would need to secure appropriate carbon reduction measures in line with the Kirklees Climate Change Guidance and the Council's declared climate emergency. This would also be expected in order to comply with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan.

10. Other Matters

None.

11. Representations

No comments received.

12. 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.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/91219

Officer Recommendation: Approve

Conditions

1. Approval of the details of appearance, 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 access, 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 residential development hereby approved shall not exceed a maximum number of four dwellings.
Reason: For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development.
5. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.
Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan
6. Notwithstanding the approved details, no works shall take place until an updated Biodiversity Metric Calculation (using the most up-to-date version approved by Natural England) demonstrating how a minimum 10% Biodiversity Net Gain will be achieved and a net gain plan shall be provided which details of the habitat types, locations, creation and enhancement measures, and 30-year management and monitoring arrangements.

Where off-site units or biodiversity credits are proposed, full details and evidence of how these will be secured.

The development shall be carried out in accordance with the approved Plan, and the biodiversity enhancements shall be implemented prior to occupation and maintained for a minimum of 30 years.

Reason: To ensure the development delivers measurable biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan, Chapter 15 of the NPPF, and the Environment Act 2021.

7. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. All external lighting shall

be installed strictly in accordance with the specifications and locations set out within the approved lighting scheme.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework 2024.

8. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities
 - a) Identification of "biodiversity protection zones"
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.
 - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024. This is a pre-commencement condition to protect habitats and species during construction.

9. In the event that contamination not previously identified by the developer is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site

shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a 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 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with LP53 of the Kirklees Local Plan and policies contained within Chapter 15 of the National Planning Policy Framework.

NOTE: The applicant is advised that any works to create or alter a vehicular access to the public highways, including the installation or alteration of dropped kerbs, will require a separate application to the Council as the Local Highways Authority. Approval under the Highways Act 1980 must be obtained prior to any such works commencing.

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.

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

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan			27.03.2026
Proposed Access Layout	P02	March 2026	22/05/2026
BNG Report			27.03.2026

Plan Type	Reference	Version	Date Received
Transport Assessment			27.03.2026
Preliminary Ecological Appraisal			27.03.2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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. Officers requested revisions to the proposal to remove the additional access point on the north eastern boundary of the site.