

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2026/62/90863/W
Site Address:	The Learning Tree, 26, Broad Lane, Upperthong, Holmfirth, HD9 3JS
Description:	Erection of single storey extension
Recommending Officer:	Joshua Merriman

DECISION – FULL CONDITIONAL PERMISSION

I hereby authorise the approval as appropriate) 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: 26-May-26

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Officer Report – 2026/90863

Site Description

The site is The Learning Tree, 26, Broad Lane, Upperthong, Holmfirth, HD9 3JS, a nursery made up of multiple single-storey buildings primarily faced in cladding.

The site lies in a varied street scene, located in a residential area, and surrounded by properties of differing sizes, scales, characters, and appearances. Furthermore, the application site benefits from off-street parking to the front of the site, as well as amenity space between buildings on the property.

Description of Proposal

The Scheme

The applicant is seeking permission for erection of single storey extension.

The development involves a single storey infill extension to a nursery room to the rear of the site.

Supporting Information

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

- Planning Statement
- Climate Change Statement

During the course of the assessment of the application, the following additional/amended plans/information was submitted for consideration:

15/05/2026 – Traffic Management Plan

History of Negotiations / Amendments Received

No amendments have been requested by Officers. However, a traffic management plan was requested following comments from KC Highways Development Management. The information included in the document was considered acceptable, with no objections,

Relevant Planning History

The most relevant planning history relates to the following planning applications

89/07405 - Erection of extension to form day nursery – Refused.

2002/91818 - CHANGE OF USE OF EXISTING RESIDENTIAL USE TO EXTEND THE EXISTING DAY CARE NURSERY – Conditional Full Permission.

2004/90055 - ERECTION OF CONSERVATORY AS AN EXTENSION TO EXISTING NURSERY – Conditional Full Permission.

2004/93907 - VARIATION OF CONDITION 3 ON PLANNING PERMISSION 2002/62/91818/W3 FOR THE CHANGE OF USE OF EXISTING RESIDENTIAL USE TO EXTEND DAY NURSERY TO INCREASE THE NUMBER OF CHILDREN PERMITTED AT THE NURSERY FROM 18 TO 25. FORMATION OF ONE ADDITIONAL PARKING SPACE. – Conditional Full Permission.

2005/94045 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND CHANGE OF USE OF DAY NURSERY TO DWELLING – Refused.

2019/92375 - Erection of educational building – Conditional Full Permission.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 22/05/2026.

Letters of Comment

- Holme Valley Parish Council have been consulted regarding the application but have raised no comment.

Consultation Responses

KC Highways Development Management – No objections.

Allocation and Policy

The site is unallocated within the Strategic Green Infrastructure Network within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer and twice buffer.

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
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP31 Strategic Green Infrastructure Network
LP47 Healthy, active, and safe lifestyles
LP48 Community facilities
LP49 Educational and health care needs
LP52 Protection and improvement of Environmental Quality

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
- Policy 12 – Promoting Sustainability.
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site lies within Landscape Character Area 4 (River Holme Settled Valley Floor) of the Holme Valley Neighbourhood Development Plan, the key characteristics of which are listed below:

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

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.

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 8 Promoting healthy and safe communities
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
Holme Valley Neighbourhood Development Plan – 2021

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
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. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of Development

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

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 LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

Paragraph 92 of the NPPF sets out that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

Also of relevance to the consideration of this application is policy LP47 of the Kirklees Local Plan, this policy sets out that the Council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality.

Policy LP48 of the Kirklees Local Plan sets out that Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community. The proposal would likely meet the requirements of this policy given it would see the extension of the existing facility. Chapter 8 of the NPPF requires that, amongst other things, developments achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

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

The extension of the existing Nursery is considered to expand a healthy, inclusive, and safe space which supports local needs, contributing towards health and well-being. Moreover, the development will also extend an existing educational facility, enhancing the provision of existing community and education facilities.

The use of the proposed space as an extension of an existing educational building will remove some play area space from the site, therefore, regarding noise, this could be seen as an improvement to the surrounding residential

area as noise pollution will be lowered and less space will be made available for this noise to travel and be created.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Considering the above policy, the principle of the development is considered to be acceptable.

2 – Impact on character and appearance of the area

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 single storey infill extension to the front of the nursery building is subservient in size and scale to the existing property, site, and amenity space within the site. Moreover, matching and sympathetic materials will be used in the form of a timber frame and timber cladding, EPDM flat roof, timber and aluminium windows, and aluminium doors. The extension is also set well back from the street scene and would not be highly visible or have a significant visual impact on the surrounding area.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and advice within Chapter 12, and Paragraph 135, of the National Planning Policy Framework.

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.

Given the limited scale of the development and its location being sited no closer to neighbouring residential properties, it is considered that there would be no significant impact upon neighbouring properties regarding overshadowing, overbearing, light, or outlook.

As there are existing windows in the front elevation of the nursery building subject of this application, and those proposed are on the ground floor and no closer to any adjacent dwellings, there will be no increase in impacts upon privacy or overlooking.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and advice within Chapter 12, and Paragraph 135, of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

The extension to the nursery building will increase the provision for more children to enroll at the nursery, therefore, increasing traffic at pick up and drop off hours in the vicinity of the site. To ensure this would not be detrimental to the surrounding area and increase stress on the local roads to an unsustainable level, KC Highways Development Management requested a traffic management plan for the site. Upon the receipt of this plan, the following comments were published informally:

"The Traffic Management Plan looks acceptable, the drop-off and pick-up times appear to be contractually arranged, and the parking spaces appear to be sufficient for the arranged drop off and pick up times. There will be some slight flexibility built into the system to deal with emergencies or late arrivals etc and this would be acceptable.

The use of the surrounding residential streets for staff parking is slightly dubious, but there are no parking restrictions, and the nursery does promote a cycle to work scheme and car share."

Considering the above comments, there are no objections from KC Highways Development Management.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

5. 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact Upon Ecology

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

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area and twite buffer, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats or twites.

Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or twite populations. An informative would be included making the applicant aware that if bats or twites are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

Biodiversity Net Gain

Due to the limited scale of the development, the works will be exempt from Biodiversity Net Gain requirements as a result falling under the de-minimis

exemption. Considering this, no further information is required for BNG purposes.

7. Representations

No representations have been received.

8. 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
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/90863

Officer Recommendation: Conditional Full Permission

Conditions

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are

present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	01a	-	30/03/2026
Existing Block Plan	02a	-	30/03/2026
Proposed Block Plan	05a	-	30/03/2026
Existing Plans and Elevations	03	-	30/03/2026
Proposed Plans and Elevations	04a	-	30/03/2026
Application Forms	-	-	30/03/2026
Planning Statement	-	-	30/03/2026
Climate Change Statement	-	-	30/03/2026
Traffic Management Plan	-	-	15/05/2026

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

23/05/2026

