

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	<b>2026/70/90874/W</b>
Site Address:	land at, Mount Pleasant, Plains Lane, Marsden, Huddersfield, HD7 6AN
Description:	Variation condition 14 (plans) on previous permission 2024/93046 for outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self- build/custom build dwellings including associated works.
Recommending Officer:	Kerri Simpson

**DECISION – APPROVE VARIATION OF CONDITION 14**

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

Sarah Longbottom

***AUTHORISED OFFICER***

Date: 29-May-2026

## **Officer Report – 2026/90874**

### **Land at, Mount Pleasant, Plains Lane, Marsden, Huddersfield, HD7 6AN**

#### **Site Description**

The application site is circa 0.94 Hectares located on the northern side of the unclassified Road, Plains Lane. The site is of an equestrian use, comprising a single storey timber clad L-shaped stable block with pitched roof and roof lights, accompanied by a compact area of hard standing and a former store building. Access to the site is attainable from Plains Lane and there is an existing circa 15m long track within the application site. Topographically, the site slopes from the east to the west, with a mixture of shrub, stone wall, and temporary fencing on the boundaries.

The site is located approximately 1.1 Kilometres (0.7 miles or 4 minutes' drive) from Marsden District Centre. It is situated on the edge of a built-up area, bounded by vacant grassland in the applicant's ownership, denoted by the blue line boundary on the site location plan. Beyond the application site and other land owned by the applicant, there are circa 1940's to 1960s two storey semi-detached and terrace blocks of post war dwellings on Dirker Bank Road, Dirker Avenue and Plains Lane to the southwest, to the north are semidetached pair "Mount Pleasant Barn" and "Mount Pleasant Farm", while to the northeast to southeast is greenfield land.

#### **Description of Proposal**

##### *The Scheme*

The Section 73 application is sought to make alterations to the previously approved Outline Application, reference number 2024/93046, approved 26th May 2026, the description of development for which reads as:

*"Outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works"*

The proposal seeks to vary Condition 14 (Approved plans) pursuant to planning permission 2024/93046. The proposal seeks the following:

1. Alterations to external openings and roof detailing:-
  - Changes to the location and detailing of doorways and fenestration across elevations;
  - Introduction of larger rooflights across the roof plane;
  - Inclusions and/or rationalisation of in-line photovoltaic solar panels within the roof covering.
  
2. Changes to the internal layout of the dwellings:

- House One: Formation of an additional bedroom at lower level and internal reconfiguration.
  - House Two: Internal reconfiguration including omission of the approved study to create a larger Bedroom 1.
  - House Three: Formation of an additional bedroom at lower level and internal reconfiguration to adjust room sizes and internal circulation.
3. Increase in ridge height:
- Increase in the ridge height of circa 403mm compared with the approved scheme

### **History of Negotiations / Amendments Received**

There were no negotiations or amendments required.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications:

2026/90437 – Non-material amendment to previous permission 2024/93046 for outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works. Amendment sought: to add approved plans condition. (16.03.2026)

2025/93415 – Non-material amendment to previous permission 2024/93046 for outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works – Refused (09.01.2026)

2025/93348 - Discharge of details reserved by conditions 4 (CEMP), 8 (Boundary Treatment) on outline permission 2024/93046 (access, layout, scale, appearance) for demolition of stables and erection of residential development of 3 self-build/custom build dwellings including associated works – Granted (20.02.2026)

2025/93349 - Reserved matters application (Landscaping) pursuant to outline permission 2024/93046 (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works – Granted (20.02.2026).

2024/93046 - Outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works – Conditional Outline Permission Granted (06.06.2025)

2023/90238 - Certificate of lawfulness for proposed creation of new hardstanding and means of access– Withdrawn (24.11.2024).

99/90696 - Erection of stables and formation of caravan space – Granted (13.05.1999)

99/90699 - Agricultural notification for the prior approval of details for the erection of tractor garage – Granted (01.04.1999)

## **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 neighbour letters. The expiry date of the publicity period was the 28<sup>th</sup> April 2026.

There were no letters of representation received.

## **Consultation Responses**

No formal consultations were undertaken as part of this application. The principle of development has already been established under the original permission. The current proposals primarily relate to internal reconfiguration and minor external alterations. Officers are satisfied that the nature and scale of the proposed changes do not raise any new material planning considerations that would warrant consultation with statutory or non-statutory consultees.

## **Allocation and Policy**

The site is unallocated within the Kirklees local Plan (Adopted 2019)

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

- Green Belt

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  
LP59 Brownfield sites in the Green Belt

### *National Policies and Guidance*

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12<sup>th</sup> December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

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.

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)  
Holme Valley Neighbourhood Development Plan –  
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**

### Principle of Development – Ability to seek S73

The ability to seek minor material amendments to extant planning permissions is set out within S.73 of the Town and Country Planning Act 1990. Unlike an application for 'non-material changes' (S.96a applications) an application under S.73 results in a new permission being issued, although the time given to implement the permission remains unchanged and is not extended as a result of any S.73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the point it determines a S.73 application, it must also take into account the scope of the changes being requested, and the status of the permission, in terms of how far construction has progressed.

This application has been submitted under Section 73 (S73) of the Town and Country Planning Act 1990 to vary “Condition 14 – Approved Plans” attached to the outline approval (ref 2024/93046), granted 6<sup>th</sup> June 2025.

In considering whether the proposed amendment qualifies under Section 73 of the Town and Country Planning Act 1990, it is noted that the nature of the changes would not alter the description of development or result in a fundamentally different scheme. The amendments are considered a minor material change and falls within the scope of what can be assessed under Section 73.

### Principle of Development

The principle of the development was established through outline permission and subsequent Reserved Matters approval, and those matters are not for reconsideration under this Section 73 application, which confirms the acceptability of the development. Those permissions remain extant, and the overall principle of the use is not for reconsideration under this Section 73 application.

### Visual Amenity

In this instance, the submitted amendments include alterations to window and door positions, the introduction of large rooflights, and the creation of additional habitable accommodation within the dwellings. In addition, the proposal seeks to increase the ridge height by approximately 403mm compared with the approved scheme.

### *Alterations to external openings and roof detailing*

The amended fenestration and doorway arrangements are not considered to significantly alter the overall appearance or architectural character of the approved development. The revised positioning and detailing of openings across the elevation would remain proportionate to the scale and form of the dwellings and would continue to reflect the contemporary yet simplistic design under the outline permission.

The introduction of larger rooflights and the rationalisation of in-line PV panels within the roof would appear as integrated features within the overall roof design and would not result in unduly prominent or visually intrusive. Collectively, these amendments are considered to represent minor design refinements which would preserve the cohesive appearance of the scheme.

### *Changes to the internal layout of the dwellings*

These amendments are primarily internal in nature and would not materially alter the overall external appearance, footprint or general form of the approved development. The formation of additional bedrooms and associated internal reconfiguration within Houses One and Three, together with the revised layout arrangement of House Two, would represent functional changes to accommodation while maintaining an acceptable standard of design. It is acknowledged that House 1 would become a 4 bedroom dwelling hosting up to 8 people, however would fall marginally short of the minimum required GIA of 124sqm by 5sqm. Notwithstanding this, it is acknowledged that the proposed bedroom at the lower level would be of a flexible use, as such, on balance it is not considered that the minor shortfall in overall GIA would lead to a substandard accommodation.

The amended layouts would continue to provide logical internal circulation and appropriately sized living accommodation and would not give rise to any visual impacts beyond those already established.

### *Increase in ridge height*

The amended scheme would result in an uplift of circa 403mm when compared with the approved development. This increase is modest in the context of the overall scale and form of the building and would not significantly alter the approved massing, proportions or visual appearance of the scheme. The development would continue to read as a low-profile linear form set into the site, and the increased ridge height would not appear unduly prominent. As such, the amendment is not considered to result in any significant additional visual harm beyond that already established by the previous permission.

### Neighbouring Amenity

The nearest neighbouring residential properties to the proposed terrace dwellings are Mount Pleasant and Mount Pleasant Barn to the northwest, No.55 Dirker Bank Road and No.23 Dirker Avenue to the southwest and Sunnyside and East Lea to the south. The proposal would have a front-to-front relationship with Mount Pleasant and Mount Pleasant Barn, with a separation distance of circa 65m. These properties sit on significantly higher ground, any direct views from habitable room windows would fall across the roofscape of the proposed development. While the proposed upwards facing roof lights may result in some indirect views between properties, the separation distance exceeds the 21m minimum outlined in the Housebuilders Design Guide. Therefore, the overlooking would not adversely impact the amenity of these neighbouring properties.

Given the elevated position of the neighbouring dwellings and the distance, the proposal will not result in any adverse impact on their amenity in terms of privacy, daylight, or overbearingness. No.55 Dirker Bank Road lies side-on to the proposal and is served by non-habitable room windows facing the development. The proposal would maintain a separation of circa 44m, significantly exceeding the 12m side-to-side distance recommended in the Design Guide. As such, there would be no unacceptable impact on this neighbour's amenity. No.23 Dirker Avenue is offset from the proposed development and separated by circa 55m. Given the separation and the modest scale of the proposed building, the proposal is not considered to give rise to any material impact on the amenity of this neighbour.

The development would have a rear-to-front relationship with East Lea and Sunnyside, with a separation distance of circa 54m. While the proposal would be on slightly higher ground, it would be of a similar scale to the former stable block. The offset, sitting, combined with the complaint separation distance and the low profile of the proposed terrace, means the development would not result in any unacceptable harm to residential amenity.

## **Other Matters**

### Highways Safety

The previous Outline Application established the site's access, circulation, and parking arrangements, including provision of parking spaces within a shared forecourt. The current Section 73 application does not propose any alterations to the approved access points, parking layout, or internal circulation.

The proposal would retain the previously approved shared surface accommodating 7no car parking spaces and 2no accessible car parking spaces (total 9no), exceeding the 8no total spaces required for the now, 2no 4-bedroom properties (3no spaces per dwelling) and 1no 2 bedroom (2no spaces). The access, servicing and parking provision remain appropriate for the resultant proposal, and the development would not give rise to any new or materially different highway safety concerns. Accordingly, the development is

considered to meet the aims of Policy LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF 2024.

### Land Stability

Paragraphs 196 and 197 of the National Planning Policy Framework (NPPF, December 2024) and Policy LP53 of the Kirklees Local Plan require that development is appropriately informed by an understanding of ground conditions to ensure that land stability risks are not exacerbated and that development is safe for its intended use. The Local Planning Authority must be satisfied that the land is, or can be made, stable; however, the detailed structural design, certification and inspection of retaining features fall within the remit of Building Regulations rather than the planning system in this instance.

The application site has been identified on the Council's mapping system as being adjacent to potentially contaminated land. As part of the previous application, the Environmental Health team recommended that conditions are necessary to address the potential for unexpected contamination to be encountered during any construction work. It is considered reasonable and necessary to re-impose this condition, particularly given the potential historical use of surrounding land and the presence of coal and/or evidence of coal workings in the wider area. 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; the proposal would be in accordance with Policy LP53 and LP51 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF

### 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 be 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 very low 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. As such, a condition will be re-attached to the permission to ensure parking areas are constructed in a permeable material and appropriately drained. Subject to conditions as detailed above, it is considered that the proposal would comply with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

### Biodiversity and Ecology

The principle of the development as a self-build/custom build scheme has already been established under the extant permission, where officers accepted that the proposal met the statutory definition of self-build and custom build under the Self-built and Custom Housebuilding Act 2015 (as amended). The current S73 application would not alter the nature or delivery model of the development. As such, the previously accepted exemption from BNG requirements to deliver a mandatory 10% net gain remains applicable in this instance.

Similarly, with regards to ecology, the proposed amendments do not materially alter the overall development footprint, site layout or nature of the development previously assessed from an ecological perspective. As such, it is not considered that the proposed amendments would give rise to any materially different ecological impacts beyond those already assessed and accepted under the extant permission. The previous recommended ecological mitigation and management measures therefore remain applicable and sufficient in this instance.

### Climate Change

The proposed amendments would not alter the sustainability credentials or wider climate change measures previously assessed and accepted under the extant permission. The development would continue to incorporate integrated photovoltaic panels and energy efficient design measures, consistent with the aims of Policies LP24(d) and LP26 of the Kirklees Local Plan together with the wider objections of Chapter 14 of the NPPF.

### Amended Plans and Conditions

The following approved plans (Condition 14) of application 2024/9304 for “outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works” have been amended:

- Drawing no 37/2405/04, titled Proposed Floor Plan, received 30/10/2024
- Drawing no 37/2405/03 B, titled Proposed Roof Plan, Partial Site Plan and Elevations, received 13/01/2025

These have been replaced by Drawing no 37/2405/10, drawing no. Proposed Floor Plans/Elevations/Indicative Section.

A Reserved Matters Application reference no 2025/93349 for “Reserved matters application (Landscaping) pursuant to outline permission 2024/93046 (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works” was granted on 20/02/2026. With the following approved plans:

- Drawing no 37/2405/15C, titled Landscaping Plan, received 10/12/2025
- Invasive Species Method Statement, reference no. 22214a/ADo, received 10/12/2025

The Reserved Matters also addressed Condition 6 (Invasive Species Management Plan) of application 2024/93046 (outline permission). As such it is recommended that a condition is attached to the decision for current application, as follows:

“The development hereby permitted shall thereafter be carried out in full accordance with the boundary treatment details approved pursuant to application 2025/93348, including Drawing No. 37/2405/15C Proposed Landscaping Plan, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of visual amenity and securing a high standard of design, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 8 of the adopted Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework 2024”.

Conditions 4 (CEMP) and 8 (Boundary Treatments) attached to outline planning permission 2024/93046 (relating to access, layout, scale and appearance) for the demolition of stables and erection of a residential development comprising three self-build/custom-build dwellings, including associated works, were discharged on 20 February 2026 under application reference 2025/93348. It is recommended that amended conditions are attached to any decision on the current application to ensure that the development is carried out in accordance with the previously approved details.

The approved plans conditions attached to 2024/93046 (outline application) by way of Non-Material Amendment reference 2026/90437 (Condition 14), is to be reimposed and updated to reflect the current application.

All other conditions are to be reimposed accordingly.

## **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**

**APPROVE**

**Decision Authorisation: Delegated Powers**

**Application Number: 2026/90874**

**Officer Recommendation: APPROVE**

**Conditions**

1. The development hereby permitted shall be begun by 6th June 2028.  
**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence. **Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies of the Kirklees Local Plan, National Planning Policy Framework and Principles of the Housebuilders Design Guide SPD.
3. The development hereby permitted shall be carried in accordance with the landscaping details approved pursuant to application reference number 2025/93349, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of visual amenity and landscape character in accordance with Polic LP24 of the Kirklees Local Plan and National Planning Policy Framework.
4. The development hereby permitted shall be carried out in full accordance with the Construction & Environmental Management Plan Ref. 22214b/Ado, prepared by JCA Limited and dated 24.09.2025 and the Invasive Species Method Statement Ref 22214a/Ado prepared by JCA Limited and dated 24.09.2025, as approved under application 2025/93348, 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.

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

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority. **Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

6. The development hereby permitted shall thereafter be carried out in full accordance with the boundary treatment details approved pursuant to application 2025/93348, including Drawing No. 37/2405/15C Proposed Landscaping Plan, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In the interests of visual amenity and securing a high standard of design, in accordance with Policy LP24 of the Kirklees Local Plan, Principle 8 of the adopted Housebuilders Design Guide Supplementary Planning Document, and Chapter 12 of the National Planning Policy Framework 2024.
7. Notwithstanding the submitted plans, development shall not commence until visibility splays of 2.4m x 43m in both directions at the proposed site access have been provided and cleared of obstruction above 1m in height. These splays shall thereafter be retained. **Reason:** To ensure adequate visibility in the interests of highway safety, in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework 2024.
8. Notwithstanding the submitted information, prior to the construction of any external walls or roof covering, samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved materials. **Reason:** In the interests of visual amenity and to accord with Policy LP24 of the

Kirklees Local Plan, Principle 13 of the adopted Housebuilders Design Guide Supplementary Planning Document and the aims of Chapter 12 of the National Planning Policy Framework 2024.

9. The areas indicated for vehicle parking, turning, and internal circulation on the approved plan no 37/2405/13C shall be laid out, surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded, and made operational prior to the first use of the development hereby approved. These areas shall thereafter be retained free of obstruction and used for their intended purpose for the lifetime of the development. **Reason:** In the interests of highway safety and to achieve a satisfactory layout to mitigate flood risk and in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Council's adopted Housebuilders Design Guide Supplementary Planning Document and Chapter 14 of the National Planning Policy Framework 2024.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2025 (or any order revoking and re-enacting that order with or without modification), no development shall take place within the curtilage of the dwellinghouses hereby approved which falls within Schedule 2, Part 1, Classes A, B, C, D, E, F and Schedule 2, Part 2 Classes A and B without the prior written consent of the Local Planning Authority. **Reason:** In the interest of visual amenity and so as to preserve the openness of the Green Belt and the character of the dwelling in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.
11. No dwelling shall be occupied until the external shell comprising the external walls and roof of the entire terrace block (all three dwellings) has been completed in full. **Reason:** In the interest of securing a cohesive and unified form, ensuring a consistent appearance within the Green Belt, and in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.
12. Prior to the first occupation of any dwelling hereby approved, the bin and cycle storage facilities as shown on the approved plans shall be provided in full and made available for use. These facilities shall thereafter be retained for the lifetime of the development. **Reason:** In the interest of promoting sustainable travel, good design and residential amenity in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

**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:** 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 invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary 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.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	37/2405/01	Rev A 2	13/01/2025
Existing Site Plan and Elevations	37/2405/02A		30/10/2024
Proposed Site Plan	37/2405/13C		22/01/2025

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Floor Plans/Elevations/Indicative Section	37/2405/10		31/03/2026
Proposed Site Sections	37/2405/05		30/10/2024
Landscaping Plan	37/2405/15C		10/12/2025
Invasive Species Method Statement	22214a/ADo		10/12/2025
Supplementary Planning Statement			05/02/2025
Design and Access Statement			30/10/2024
Climate Change Statement			30/10/2024
Background Information in Support of the Outline Planning Application			30/10/2024
Ecological Impact Assessment Report	22214/ADo		30/10/2024

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. There were no amendments or negotiations required.

**Report Dated:** 28<sup>th</sup> May 2026