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:	**2026/62/90887/W**
Site Address:	2, Netherton Fold, Netherton, Huddersfield, HD4 7HB
Description:	Change of use from commercial unit (Class E) to residential use (Class C3) to form additional living accommodation ancillary to adjoining dwelling Barn Cottage, 2A, Netherton Fold, Netherton, Huddersfield, HD4 7HB (within a Conservation Area)
Recommending Officer:	Joshua Merriman

DECISION – Conditional Full Permission

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 18/06/2026

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Officer Report – 2026/90887

Site Description

The application site refers to 2, Netherton Fold, Netherton, Huddersfield, HD4 7HB, a two-storey semi-detached property faced in stone, with a pitched tiled roof, and uPVC windows and doors. The property lies in a relatively uniform street scene, surrounded by properties of a similar size, scale, character, and appearance, although there are a mix of uses in the street scene, including residential, commercial, and public services. Furthermore, the dwelling benefits from a hard-standing parking area to the rear.

The site is located within Netherton (Corn Bank) conservation area and is next to a listed assets.

Description of Proposal

The Scheme

The applicant is seeking permission for Change of use from commercial unit (Class E) to residential use (Class C3) to form additional living accommodation ancillary to adjoining dwelling Barn Cottage, 2A, Netherton Fold, Netherton, Huddersfield, HD4 7HB (within a Conservation Area).

No external alterations are proposed.

The proposed internal alterations include the following:

Break through wall to connect No. 2 & 2A Netherton Fold.
Ground floor – additional living area and WC.
First floor – Bedroom and shower room.

On site parking is situated to the rear of the site within the rear yard area.

Supporting Information

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

- Planning and Heritage Statement
- Climate Change Statement

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

21/05/2026 – Location Plan

History of Negotiations / Amendments Received

Officers requested the hard-standing parking area to the rear of the property to be included in the red line of the location plan, as this is proposed to be used as on site parking by the conjoined property proposed. As a result the application was re-advertised as a result of the red line boundary increasing.

Relevant Planning History

The most relevant planning history relates to the following planning applications

94/92922 - CHANGE OF USE OF FIRST FLOOR PLAYGROUP ROOMS TO OFFICE SPACE – Conditional Full Permission.

2000/91206 - CHANGE OF USE FROM FIRST FLOOR OFFICE TO HOLISTIC THERAPY SALON (WITHIN A CONSERVATION AREA) – 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 re-publicised as affecting the setting of a conservation area, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 13/06/2026.

Consultation Responses

No consultations considered necessary.

No comments were considered necessary from KC Conservation & Design, as there will be no external changes to the property and the site only lies within a Conservation Area rather than being listed.

No comments from KC Highways Development Management were necessary as the use is changing from commercial to residential, thus there being a small increase of 1 bedroom with sufficient on site parking to be accommodated to the rear of the unit (including 3 on site parking spaces in front of the existing garage and 3 within.

Allocation and Policy

The site is allocated in the Netherton Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer, twite buffer, and area with swift nesting records.

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
LP35 Historic Environment

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.

Chapter2 Achieving sustainable development
Chapter12 Achieving well-designed places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment
Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
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

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

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact upon the character and appearance of the area (including impact upon historic environment)
3. Impact upon residential amenity
4. Impact upon highway safety
5. Climate Change
6. Other matters – e.g. trees/ecology (e.g. bats)
7. Representations
8. Conclusion

1 – Principle of 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.

The site is located within the Netherton Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan 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. LP1 goes on further to stating that:

> *The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

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. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

As the site is located within the Netherton Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

LP35 states that:

'Development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm'.

The proposal is to change the use of the building from a commercial unit (Class E) to residential use (Class C3) to form additional living accommodation ancillary to adjoining dwelling Barn Cottage, 2A, Netherton Fold.

It is considered that a sequential test is not required for this application as the site is located outside of the town centre, therefore, no justification is required for the loss of a commercial unit. Nevertheless, agent has states that the former retail unit ceased in 2023. As such the proposed consolidation of No.2 & 2A Netherton Fold is considered acceptable.

Given the above, 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.

2 – Impact on character and appearance of the area (including impact upon historic environment):

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'.*

Key Design Principles 1, 2, and 9 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, LP35 states that: *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

As there will be no external changes to the application property, it is considered that there will be no impact upon the visual amenity of the property, therefore, it will retain a sympathetic appearance within the street scene and the Netherton Conservation Area.

Therefore, the proposed development is considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, Principles 1, 2, and 9 of the House Extensions and Alterations SPD, and Policies within Chapters 12 and 16 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.

Key Design Principles 3, 4, 5, 6, and 7 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

As there will be no additions to the existing unit, it is considered that there will be no overshadowing or overbearing impacts caused by the proposed change of use. Furthermore, sufficient distances will remain in place to ensure the proposed ancillary accommodation does not result in any adverse loss of privacy to neighbouring properties.

It is noted that the ground floor living room windows are situated next to the pedestrian footpath and therefore this does raise some concern to the loss of privacy of occupiers to the habitable windows across this elevation. However, a balance has to be struck to whether this impact of loss of privacy is significant enough to warrant a refusal. The LPA consider that as the existing property at No.2a has ground floor windows facing the footpath, there is already an established relationship of some loss of privacy within the ground floor windows. As such, he LPA therefore consider the internal arrangement to be acceptable on balance, and the overlooking impact would not be detrimental.

To safeguard residential amenity, a condition will be imposed ensuring the building is used only for purposes incidental to the enjoyment of the host dwelling at No. 2a Netherton Fold.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Key Principles 3, 4, 5, 6, and 7 of the House Extensions and Alterations SPD, and Policies within 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 and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

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

The number of bedrooms in the property would increase from 4 (No.2a Netherton Fold) to 5 as a result of the proposal. The proposed rear yard with a detached garage provides at least 6 ample car parking spaces (3 within the existing garage and 3 in front). This is considered adequate for the proposal, making the dwelling a 5 bed residential unit.

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, swift nesting 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, twites, and swifts. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat, swift or twite populations. An informative would be included making the applicant aware that if bats, swifts, 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.

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 CONDITIONAL FULL PERMISSION

Decision Authorisation: Delegated Powers

Application Number: 2026/90887

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).

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 to accord with Policies LP01, LP02, LP21, LP22 & LP24 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 2, 9, 12 and 14 of the National Planning Policy Framework

3. The development hereby approved at 2 Netherton Fold shall be used solely for purposes incidental to the enjoyment of the dwellinghouse known as 2A, Netherton Fold, Netherton, Huddersfield, HD4 7HB and shall not be used as a

separate or independent unit of accommodation and/or for a commercial purpose at any time.

Reason: To ensure that the outbuilding remains incidental to the host dwelling and does not form a separate planning unit, in the interests of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 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 swifts 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	-	-	21/05/2026
Former Plans and Elevations	01	-	30/03/2026
Proposed Plans and Elevations	02	-	30/03/2026
Application Forms	-	-	30/03/2026
Planning and Heritage Statement	-	-	30/03/2026
Climate Change Statement	-	-	30/03/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated:	14/06/2026