

**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>2026/70/90900/E</b>
Site Address:	Greenhill Mills, Grange Road, Batley, WF17 6LH
Description:	Variation of conditions 2 (plans) and 3 (height) on previous permission 2019/90499 for re-use footprint of former warehouse for secure external storage
Recommending Officer:	Elenya Jackson

**DECISION - REFUSED**

**I hereby authorise the refusal 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: 22-May-2026

## **THE SITE**

The application site is Greenhill Mills, Grange Road, in Batley.

The site is currently occupied by shipping containers following planning permission being granted for a change of use under application 2019/90499 to operate as storage facility following the demolition of the former mill building.

The site is located in the north western corner of a much larger industrial estate and the north of the site on the opposite side of Grange Road are a row of terraced houses. To the west of the application site is an access road, which is also a PROW, leading to further industrial units, with modern business units beyond.

## **THE DEVELOPMENT**

Submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), this application seeks permission Variation of conditions 2 (plans) and 3 (height) on previous permission 2019/90499 for re-use footprint of former warehouse for secure external storage

Condition 2 of 2019/90499 states the following:

*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 Policies LP1, LP3, LP7, LP8, LP21, LP22, LP23, LP24, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

Condition 3 of 2019/90499 states the following:

*The goods stored within the site boundary hereby approved as secure external storage, shall be no higher than 3.0m above ground level. Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.*

The application seeks permission under a Section 73 application to vary previous conditions. A revised elevation drawing has been provided which shows the existing and proposed elevations of the site. The submitted plan (ref: DWG 1) demonstrates the proposal would be two shipping containers high opposed to one.

## **PLANNING HISTORY**

The most relevant planning history for the site relates to the following:-

2019/90499 : Re-use footprint of former warehouse for secure external storage. Conditional full permission.

## **REPRESENTATIONS**

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

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was 7<sup>th</sup> May 2026.

No representations were received as a result of the publicity.

## **CONSULTATIONS**

N/A

## **ALLOCATION AND POLICIES**

The following allocation and policies were considered relevant to the consideration of consent 2019/904

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

### *Kirklees Local Plan*

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP8** – safeguarding employment land and premises
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP51** – Protection and improvement of local air quality
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - 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 12<sup>th</sup> December 2024, the Planning Practice Guidance Suite (PPGS) first launched

6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters:

Chapter 2 - Achieving Sustainable Development Chapter  
Chapter 4 - Decision-Making Chapter  
Chapter 6 - Building a Strong, Competitive Economy  
Chapter 11 - Making Effective Use of Land  
Chapter 12 - Achieving Well-Designed Places  
Chapter 15 - Conserving and Enhancing the Natural Environment

### *Legislation*

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

Insofar as they are relevant to the consideration of this application the following Assessment makes reference to the applicable policy / legislation.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16<sup>th</sup> 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.

## **ASSESSMENT**

### 1. Principle of development

This Section 73 application seeks the removal of an originally imposed condition which was required to ensure the proposal did not result in an impact on the highway network or result in visual implications for the development.

The National Planning Policy Framework has been updated since the determination of the previous application.

The principle of development for re-use footprint of former warehouse for secure external storage class was established under permission 2019/62/90499/E. The permission has been implemented. The principle of the development remains established by way of this permission. This assessment considers the merits of the proposed variations only.

The determining issues are assessed as follows:-

### 2. Impact on visual amenity

The NPPF offers guidance within Chapter 12 (Achieving well-design and beautiful spaces) whereby Paragraph 131 provides a principal consideration concerning design which states:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

Kirklees Local Plan policies LP1 and LP2 and more significantly LP24 also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area and therefore retaining a sense of identity. Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

As previously set out, the condition was imposed on the original application to prevent an adverse impact upon visual amenity and to accord with policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

The application has been supported by existing and proposed elevations which demonstrate the increase in scale of the external storage, where it would be located on site and its visual appearance. It is considered by officers that the increased height of the shipping containers would increase the sites prevalence within the street scene resulting in a negative impact detrimental to the character. There is limited screening between the site and the public realm and it is considered that shipping containers would not contribute positively to the street scene.

Officers acknowledge the context of the area and have reviewed the site history to understand what previously occupied the site and although the site was previously occupied by a mill building, it is considered that this was of greater architectural interest than the proposed development and therefore did not erode the street scene.

It is considered that the increase in height of the external storage in a mixed use setting would appear excessive and run-down and would have a greater impact than the existing development.

The proposed amendments are considered to have an unacceptable impact on the site and character of the area and in turn would have an unacceptable impact on visual amenity, thus failing to be in accordance with the requirements of policies LP1, LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

### 3. Impact on residential amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring:

*“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”.*

Furthermore, the NPPF requires that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The site is located to the south of dwellings on Grange Road. It is considered that the addition of storage would not result in any significant impact regarding overlooking.

There are some concerns regarding the proposal resulting in an unacceptable overbearing relationship on the occupiers of these dwellings due to the overly industrial scale and design. However, as the proposal is located 19m away it is considered that no significant issues would be raised regarding overshadowing, loss of light or unacceptably overbearing.

#### 4. Impact on Highway Safety

The application was previously assessed as follows:

‘Access to the site will be from an unadopted road that runs between Grange Road (B6128) and a number of other industrial units to the south of the application site. This unadopted road also carries PROW BAT 37-20.

The proposal has been assessed by Highways officers who requested that an amended drawing should be submitted to show the proposal in relation to the PROW and a brief note as to how the proposed development will interact with the PROW without adverse impacts upon the users of the PROW. They recommend a footnote relating to the PROW and that the applicant contacts the PROW team to discuss the application at earliest opportunity.

The applicant has supplied a proposed site layout drawing which shows the location of the PROW adjacent to the western side of the site. It is annotated to say that when the palisade fencing is being erected, temporary Heras fencing is to be installed running parallel to the line of the fence to allow safe pedestrian access during installation. The parking requirements for the proposed development were also assessed and found to be acceptable. With this the proposal is acceptable from a highway safety point of view, provided the footnote described above is applied. As such the proposal is compliant with policies LP21, LP22, and LP23 of the KLP’.

Officers have discussed the application with KC Highways and they have confirmed that, the proposed storage locations would be acceptable as they would continue the existing relationship onsite and there would still be parking provision on site.

The amendments proposed would not result in an unacceptable impact on highway safety and as such complies with Policy LP22 of the Kirklees Local Plan.

## CONCLUSION & RECOMMENDATION

There has been alterations to national planning policy and guidance since the 2019 application; however, officer concerns relate to the visual impact of the proposal and consider that it would fail to integrate within the street scene and would negatively erode the character of the area. Therefore, this Section 73 application is considered unacceptable.

It is therefore concluded that the variations to the approved plans proposed under this Section 73 application are unacceptable and would alter the conclusions reached and the recommendation made for application 019/62/90499/E

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 the relevant policies in the development plan and other material considerations. For the reasons set out above, it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Refusal is recommended.

**Recommendation**

**REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number: 2026/70/90900/E**

**Officer Recommendation: REFUSE**

## REASONS

1. The location, scale and materials along with the increased height of the shipping containers would be highly visible and significantly increase the sites prominence from the public realm detracting from the character of the street scene and wider area. The proposal would have an unacceptable impact on visual amenity, contrary to policies LP1, LP2 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

**Plans and specifications schedule: -**

<b>Plan Type submitted under application</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
<b>2025/92430</b>			
Grouped plans and	1		31/03/2026

<b>Plan Type submitted under application 2025/92430</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
elevations			
Grouped plans and elevations	2		31/03/2026
Planning statement			31/03/2026

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 Planning 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 alterations requested.