

**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:	<b>2026/62/90927/E</b>
Site Address:	adj, 15-17, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA
Description:	Demolition of existing buildings and erection of detached dwelling with associated works
Recommending Officer:	Kerri Simpson

**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.**

John Holmes

***AUTHORISED OFFICER***

**Date:** 2<sup>nd</sup> June 2026

## **Officer Report – 2026/90927**

**Adj, 15-17, Windmill Hill Lane, Emley Moor, Huddersfield, HD8 9TA**

### **Site Description**

The application site comprises a circa 345sqm area of land, located on the northern side of Windmill Hill Lane. The site currently forms part of the residential curtilage of the No.15-17 Windmill Hill Lane and comprises predominately lawned garden land together with incidental domestic outbuildings including a greenhouse and timber shed. The site is enclosed by an existing stone boundary wall.

The site is bounded to the north by undeveloped land with the residential dwelling at No.25 Windmill Hill Lane beyond, to the east by Windmill Hill Lane and No.18 Windmill Hill Lane opposite and to the south by the host dwelling at No.15 – 17 Windmill Hill Lane.

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

- Green Belt
- Historic Landfill Sites 200m – 250m buffer
- Coal Development High Risk Area

### **Description of Proposal**

The application seeks full planning permission for the demolition of the existing domestic outbuildings and the erection of one detached self-build dwelling with associated access, parking and landscaping works.

The proposed dwelling would comprise a two-bedroom detached dwelling arranged over two storeys with an 'upside-down' internal arrangement. The ground floor would accommodate two bedrooms, a study, utility room and ancillary accommodation, whilst a kitchen, dining and living accommodation would be positioned at first floor level together with an external terrace area orientated towards the rear.

The dwelling would be constructed predominately from natural stone with a blue slate roof. Proposed openings would comprise flush casement style windows and doors finished in a muted tone. The proposal would also include off-street parking for two vehicles to the front of the dwelling with the existing low lying stone boundary wall requiring partial demolition to create this access. Soft landscaped amenity spaces are proposed to the front and rear.

The proposal would include a raised terrace / balcony to the rear with associated stair access.

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

No amendments or negotiations were requested or received.

### **Relevant Planning History**

There is no relevant planning history for this site

### **Representations**

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

The application has been publicised as a on the Council's website and site notice. The expiry date of the publicity period was the 20<sup>th</sup> May 2026.

Denby Dale Parish Council stated they have no objection to the proposed development. No further representations for other third parties have been received.

### **Consultation Responses**

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

KC Highways Development Management (Verbal comments 20.05.2026) – No objection, subject to conditions to ensure boundaries are less than 0.9m high adjacent the highway for visibility purposes and an informative regarding the need for a S184 agreement in relation to the dropped curb / access.

KC Ecology Team – No objection, a Preliminary Ecological Assessment is not required as there is no reasonable likelihood of habitats, however it is recommended that if permission is granted, a condition is attached to the decision to secure Hedgerow and Tree Protection details. The development claims a self-build/custom build exemption for BNG, the case officer must be satisfied that is acceptable.

The Mining Remediation Authority – No objection, subject to conditions for intrusive investigations prior to commencement of the development and a signed statement or declaration prior to the occupation of the development.

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

### **Allocation and Policy**

The site is within the Green Belt within the Kirklees Local Plan. 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
- LP20 – Sustainable Travel
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and Low Carbon Energy
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contaminated and unstable land

### *National Policies and Guidance*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- 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

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.

### *Supplementary Planning Documents and Guidance*

Kirklees Highway Design Guide (adopted November 2019)  
 Housebuilders Design Guide SPD (adopted June 2021)  
 The Biodiversity Net Gain Technical Advice Note

### *Legislation*

The Town & Country Planning Act 1990 (as amended).  
The Planning and Compulsory Purchase Act 2004.  
Section 17 of the Crime and Disorder Act 1998 (as amended)  
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**

### **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 favor of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

### **Housing Land Supply**

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development.

This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.

Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land and

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

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

#### Principle of Development in the Green Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework (December 2024) sets out at Paragraph 142 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish in Paragraph 143, that the purposes of the Green Belt are:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to assist in safeguarding the countryside from encroachment;
- c) to preserve the setting and special character of historic towns; and
- d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

## Paragraph 155 of the NPPF (Grey Belt)

Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:

- a) The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- a) There is a demonstrable unmet need for the type of development proposed (footnote 56);
- b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
- c) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157

Annex 2 of the NPPF defines Grey Belt as:

*“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.*

To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.

Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed and that therefore a proposal does not have to be justified by “very special circumstances”.

### Contributing to Green Belt Purposes - Land

When considering the lands contribution to Green Belt purposes (a), (b) and (d) of Paragraph 143 of the NPPF, the assessment must focus solely on the land as it currently exists. The strength of this contribution should be evaluated objectively, regardless of any proposed redevelopment. Planning Practice Guidance published 27 February 2025 pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

The PPG confirms that purpose (a) – to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and the villages should not be considered large built up areas for this purpose.

The land is located within an established cluster of residential development along Windmill Hill Lane, between the villages of Emley to the east, Flockton to the north, Lepton to the northwest, Kirkburton to the southwest and Skelmanthorpe to the south. The nearest towns/cities are Huddersfield circa 12km (7 miles) west, Mirfield circa 10km (6 miles) to the north, Wakefield circa 16.9km (10.5 miles) to the northeast and Barnsley circa 19km (11 miles) to the southeast. Given its position in relation to the nearest towns and cities, it is considered that the land makes only a weak contribution toward Green Belt purpose (a) relating to unrestricted sprawl of large built-up areas.

The PPG confirms that purpose (b) - to prevent neighbouring towns from merging into one another and relates to the merging of towns not villages. As noted above, the land forms part of a cluster of residential development, detached from any town or city. While it does form part of a wider strategic gap between the aforementioned towns/cities, it only forms a small part of the gap. As such, it is considered that the site makes only a weak contribution to Green Belt purpose (b) relating to preventing neighbouring towns from merging.

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

Given the above, it is therefore considered that the land makes a weak contribution to the purposes (a), (b) and (d) as set out in Paragraph 143 of the NPPF 2024, nor do any exclusions under footnote 7 apply. As the land does not make strong contribution to those Green Belt purposes, it is considered that it would meet the definition of “Grey Belt” as set out in Annex 2 (Glossary) of the NPPF. It is therefore necessary to consider the proposed development against Paragraph 155a.

### Meeting Green Belt Purposes – Development (Paragraph 155a)

The site is located within an existing cluster of development and is visually and physically contained by existing dwellings to the south, by the highway and residential property at No. 18 Windmill Hill Lane to the south east and to the west by the retained curtilage serving No.15 – 17 Windmill Lane. While the land to the north is undeveloped, further residential dwellings are situated beyond. As such, the proposed development would not be completely isolated.

While the development would introduce new mass to the land, the proposed dwelling would be of a modest scale and would be positioned acceptably within the wider context of the Green Belt. The development would form a small part of the wider gap between towns within Kirklees and neighbouring boroughs; such the development would not result in or contribute to the merging of towns (purpose b). The extent of built form would be positioned in line with the established dwellings on Windmill Hill Lane and of a similar scale, as such the development would be read in the context of the existing built form and would not undermine the Green Belts role of safeguarding the countryside from encroachment (purpose c). The site is not located within or near the setting of a historic town and would have no impact on heritage context or character (purpose d). While the proposal does not directly contribute to urban regeneration, it would not prejudice the use of such land for development. Therefore, it is not considered that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area.

#### *Demonstrable Unmet Need (Paragraph 155b)*

With regards to Paragraph 155 (b), Kirklees currently has a 4.18 years supply of housing land (2025 update), which falls below the required five-year supply. The 2023 Housing Delivery Test results (12/12/2024) indicate an under delivery for the past three years (April 2020-March 2023), falling below the 75% pass threshold.

The proposed development would contribute to addressing housing need within Kirklees through the delivery of a new family sized dwelling. The supporting information indicates an intention to deliver a single market dwelling, that would contribute toward the local housing supply and offer a dwelling aligned with the identified need for family homes.

In this context, the proposal offers a modest but valuable contribution to housing need in a district with a shortfall in general supply. As such, it is considered that there is a demonstrable unmet need for the type of development proposed.

#### *Sustainable Location (Paragraph 155c)*

Paragraph 155(c) of the NPPF 2024 sets out that development on Grey Belt land should not be regarded as inappropriate where, amongst other matters, the development would be located within a sustainable location, with

particular reference to Paragraphs 110 and 115 of the Framework and Footnote 57.

The application is located within circa 3.6km (2.2 miles, 5 minutes' drive) of the Kirkburton District Centre and within 4.7km – 5.6km (2.9 – 3.5 miles, 7-9 minutes' drive) of Skelmanthorpe District Centre. The Local Centres of Scisset and Lepton are also within a reasonable distance. These and surrounding areas collectively provide good access to local facilities and services including primary and secondary schools. The site is also a short (1 minute) walk from bus stops on Westfield Lane which provide half hourly to hourly services towards Huddersfield Town Centre and Wakefield City Centre. Footpaths are in place between the site and the nearest bus stop.

It is recognised that future occupants of the dwelling would likely be reliant on the use of private vehicles for most day-to-day journeys, although alternative modes of transport are a feasible possibility. The proposal relates to a single dwelling and associated trip generation would be minimal.

Taking into account the sites setting, the sites proximity to local facilities and services, and the limited scale of development, it is considered that the development would be in a reasonably accessible and sustainable location for the purposes Paragraph 155c of the NPPF

#### Principle of Development - Conclusion

As it is considered that both the land and the proposed development fall within the exceptions set out in paragraph 155 of the NPPF, it is not necessary to demonstrate very special circumstances (VSCs). The proposal as submitted does not constitute inappropriate development in the Green Belt when assessed against this policy context, and therefore the requirement to justify harm by reason of inappropriateness does not apply.

The conclusions drawn are finely balanced, it is considered a greater quantum / scale of development would have a harmful impact given the setting the development will be viewed within and it is considered necessary to restrict permitted development rights to ensure the visual impact is cohesive when considering the context of the development and setting it would be viewed within.

In this case it is concluded that the principle of development is acceptable.

## **2. 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.

Of key importance, Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.

The surrounding area is characterised by varied residential development comprising a mixture of detached and terraced dwellings of differing ages, scales and architectural styles interspersed with areas of open land. Stone and slate remain prevailing materials within the locality.

The proposed dwelling would comprise a relatively modest detached dwelling positioned within an established cluster of development along Windmill Hill Lane. Whilst the proposal would introduce new built form into an existing garden area, the development would remain visually contained within the context of the surrounding residential frontage and would not appear isolated or incongruous within the street scene.

The proposed use of natural stone and blue slate roofing is considered sympathetic to the prevailing character of the area. The dwelling would be of a traditional form and proportions with a pitched roof and simplistic detailing, whilst also including larger glazed feature opening to the front and terrace area to the rear at first floor. It is considered that this approach represents an acceptable contemporary interpretation of local vernacular form.

Overall, the proposal is considered to achieve an acceptable standard of design which would integrate appropriately within the surrounding street scene and wider landscape context without resulting in unacceptable visual harm. The proposal is therefore considered to accord with Policy LP24 of the Kirklees Plan and Chapter 12 of the NPPF.

### **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 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking. The text supporting this principle states that:

*"For two storey houses typical minimum separation distances are advised:*

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”*

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

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

#### *Saxon Field House Farm – No.18 Windmill Hill*

The proposed dwelling would be located to the north west of No.18 Windmill Hill Lane, a two-storey detached dwelling positioned on the opposite side of Windmill Hill Lane and served by habitable room windows at both ground and first floor levels. The proposed dwelling would be positioned partially opposite the front elevation of No.18, albeit with an offset relationship rather than directly facing.

A separation distance of circa 20.95m would be retained between the respective dwellings. Whilst the Council’s Housebuilders Design Guide SPD seeks 21m, the retained relationship would broadly align with the guidance separation distances sought between opposing two-storey dwellings with facing habitable room windows. In addition, the offset siting further reduces the potential for direct overlooking between habitable room windows.

Having regard to the separation distance and oblique relationship between respective dwellings, officers do not consider the proposal would result in unacceptable overlooking, loss of privacy, overshadowing or overbearing impacts on the neighbouring dwelling.

#### *No.17 Windmill Hill Lane*

This neighbour is located immediately to the south-west of the site. No.17 comprises a two-storey dwelling, with the proposed dwelling positioned broadly parallel to its side gable elevation. The side elevation of No.17 facing the application site is blank and is not served by any windows. Similarly, the side elevation of the proposed dwelling would not contain habitable room windows. The proposed dwelling would not project significantly past the front or rear elevation of this No.17. While there would be a balcony at first floor level, it would be of a modest depth as such it is not considered that it would

be subject to intensive use and a privacy screen would be provided to prevent any undue overlooking. As such, officers do not consider the proposal would result in unacceptable overlooking, nor daylight/sunlight impacts.

With regard to private amenity space, No.17 benefits from a substantial rear garden area which would remain retained following development. Officers are satisfied that sufficient useable and functional private amenity space would continue to be available for the occupiers of No.17 following the construction of the proposed dwelling.

#### Amenity of future occupiers

The proposed dwelling would have a gross internal floor area of approximately circa 101.21sqm across two floor levels and would contain two bedrooms. Notwithstanding the indicative furniture shown on the plans, Bedroom 2 would be considered to be single occupancy, while Bedroom 1 would be considered to be double occupancy. In this respect, all bedrooms would exceed their respective minimum floor space requirements. The dwelling as a whole would exceed the minimum Gross Internal Area required for a 2 bedroom 3 person dwellinghouse. The proposed “upside-down” layout would provide a high level of accommodation with good levels of natural light and outlook to all habitable rooms. Adequate internal storage is also included. Externally, there would be a sufficient quantity and quality of private amenity space, commensurate to the scale of the dwelling.

#### *Conclusion on residential amenity impacts*

The proposed development would not result in any undue harm to the amenities of neighbouring occupiers by reason of overlooking, loss of daylight or sunlight nor overshadowing, due to its positioning, separation distances, and relationship with neighbouring properties. Furthermore, the dwelling would offer a high standard of accommodation for future occupants, within an acceptable Gross Internal Area and appropriate private outdoor amenity space. As such, the proposal is considered to comply with Policies LP24(b) and LP24(c) of the Kirklees Local Plan, the Principles 6,16 and 17 of the Housebuilders Design Guide SPD and Chapter 12 of the NPPF.

## **4. Highway Impacts**

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council’s adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

The proposal would create a new vehicular access directly from Windmill Hill Lane together with two off-street parking spaces positioned to the front of the proposed dwelling, meeting the minimum quantity set out by the Highways Design Guide SPD. The submitted plans indicate that a section of the existing stone boundary wall would be removed and kerb lowered in order to facilitate the access arrangements.

Kirklees Council Highways Development Management confirmed no objection to the proposal subject to conditions securing boundary treatments adjacent to the highway remaining below 0.9m in height in the interests of visibility splays, together with an informative advising that separate consent may be required under Section 184 of the Highways Act for the formation of the dropped kerb access.

Given the modest scale of the development comprising a single dwelling, officers do not consider the proposal would result in a material increase in traffic generation or give rise to severe highway safety impacts. Subject to conditions securing appropriate boundary height and parking laid prior to occupation, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan along with the Highways Design Guide SPD.

## **5. Contaminated Land**

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The application site is located within the 200m-250m historic landfill site buffer. Whilst the most recent use of the site appears to have comprised domestic garden land associated with the existing dwelling (No.17), the historic use of the wider area and potential for contamination associated with historic land uses cannot be fully discounted. In addition, the proposed end use as a residential dwelling represents a sensitive receptor. Accordingly

officers consider it necessary and reasonable to attach pre-commencement planning conditions requiring the submission and approval of a Phase 1 Preliminary Risk Assessment and, where necessary, subsequent intrusive investigations, remediation measures and verification reporting.

The site lies within a Development High Risk Area as defined by The Mining Remediation Authority (MRA) (formerly known as the Coal Authority). The application was supported by a Coal Mining Risk Assessment (CMRA), and the Mining Remediation Authority were consulted recommending conditions requiring that a scheme of intrusive investigations is undertaken in order to establish the risks posed to the development by past coal mining activity and to identify any necessary remediation measures prior to the commencement of development. In addition, a further condition is recommended requiring the submission of a signed statement or declaration confirming that any necessary remedial works have been carried out in accordance with the approved details prior to the occupation of bringing into beneficial use of the development.

Subject to the inclusion of the recommended conditions officers are satisfied that the site can be made suitable for the proposed end use and the proposal is therefore considered acceptable in accordance with Policies LP53 and LP51 of the Kirklees Local Plan and Paragraphs 196 and 197 of the NPPF.

## **6. Flood and Drainage**

Chapter 14 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is not located within a designated flood zone and is identified via the Environment Agency's flood risk mapping as being at 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 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.

## **7. Biodiversity and Ecology**

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 190, 191, 192, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The Council's Ecology Officer considered that given there is no evidence of protected species or habitats on the site, nor is the site subject to any statutory or non-statutory designations; as such, a Preliminary Ecological Appraisal is not required. Nonetheless, given the rural context of the site, the ecology officer recommended conditions to secure tree and hedgerow protection measures. While boundary hedging is present, the site does not contain any notable habitat features or significant trees which would warrant extensive arboricultural protection measures in this instance. Officers consider inclusion of a formal tree and hedgerow protection condition would be disproportionate to the nature of the development proposed.

With regards to Biodiversity Net Gain (BNG), the submitted application form indicates that the proposal is intended to be delivered as a self-build or custom build dwelling, with the applicant (landowner) intending to occupy the property once built. Therefore, officers are satisfied that the scheme qualifies for exemption from the requirement to deliver a 10% biodiversity net gain under current regulations.

As such, the proposal is considered to comply with Policy LP30 of the Kirklees Local Plan. An informative will be added to the condition to advise the applicant of their responsibilities in relation to protected species in accordance with the Wildlife Act and Chapter 15 of the NPPF.

## **8. Climate Change**

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the

Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

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

The application is supported by a climate change statement which outlines a series of design and construction measures intended to mitigate the environmental impacts of the development. These include enhanced thermal insulation and high-performance windows. Materials will be locally sourced where possible, with an emphasis on recyclability. The layout is proposed to support solar gain control and purge ventilation. Water-efficient fittings are proposed, and manual cutting or materials will be encouraged to limit construction dust.

Taken together, these measures demonstrate a proactive approach to addressing climate change and align with the aims of Chapter 14 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

## **9. Other Matters**

Prior to the issuing of any planning permission, the Local Planning Authority is required to obtain the written agreement of the applicant to any conditions imposed on a pre-commencement basis in accordance with the Town and Country Planning (Pre-Commencement Conditions) regulations 2018.

The following pre-commencement conditions are considered necessary to make the development acceptable in planning terms and are recommended accordingly:

- Contaminated Land – Phase 1 Preliminary Risk Assessment, and where necessary Phase 2 Intrusive Investigations, remediations strategy, and verification. Required due to the site location within a historic landfill buffer area and to ensure the site is suitable for proposed sensitive use.

- Coal Mining Risk – Intrusive Investigation and Remediation Measures. Required due to the sites location within a Coal Mining Development High Risk Area to establish and mitigate any risks associated with former coal mining activity prior to development commencing.

The above pre-commencement conditions were agreed in writing by the applicant/agent on 27<sup>th</sup> May 2026.

## **10. Representations**

The comments of Denby Dale Parish Council are noted.

## **11. 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: 2026/90927**

**Officer Recommendation: APPROVE**

## **Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.  
**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
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 LP1, LP2, LP3., LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP52 and LP53 of the Kirklees Local Plan, policies contained within Chapters 2, 5, 11, 12, 13, 14 and 15 of the National Planning Policy Framework, and the principles

contained within the Council's adopted Housebuilders Design Guide SPD.

3. The external facing materials shall be as specified in the submitted application and drawings, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and to ensure the development preserves the semi-rural character of the building in accordance with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide Supplementary Planning Document and the aims of chapter 12 of the National Planning Policy Framework 2024.

4. The front boundary wall adjacent to the site access with Windmill Hill Lane shall not be raised above 900mm in height above ground level. The wall shall be retained at or below this height thereafter.

**Reason:** To ensure adequate visibility for vehicles entering and exiting the site, 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.

5. 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, AA, B, C, D, E & F and Schedule 2, Part 2 Class A without the prior written consent of the Local Planning Authority.

**Reason:** In the interest of visual amenity and so as to preserve the character of the area in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

6. The dwelling hereby approved shall not be brought into use until all areas to be hard surfaced for access and parking have been and out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking. **Reason:** In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan.

7. Notwithstanding the provisions of condition 5 and the details shown upon the submitted plans, prior to the first occupation of the dwelling hereby approved, full details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of materials, height, and design of all

fences, walls, or other means of enclosure across the site. The approved boundary treatments shall be implemented prior to the first occupation of the dwelling hereby approved and thereafter retained.

**Reason:** In the interest of visual amenity, the character of the Green Belt, and to ensure appropriate landscape integration in accordance with Policies LP24 and LP30 of the Kirklees Local Plan and Chapter 12 and 13 of the National Planning Policy Framework.

8. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and
  - a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

**Reason:** The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**Reason:** To ensure the safety and stability of the development in accordance with Paragraphs 196 and 197 of the National Planning Policy Framework 2024 and Policy LP53 of the Kirklees Local Plan.

10. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, to ensure the

safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre-commencement condition to ensure adequate site investigations are undertaken at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11, further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** This is a pre-commencement condition to ensure that adequate remediation measures are undertaken at an appropriate time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** This is a pre-commencement condition to ensure that adequate remediation measures are undertaken at an appropriate

time, to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures 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 Paragraph nos. 196 and 197 of the National Planning Policy Framework 2024.

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

**NOTE:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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:** Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

**NOTE:** The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk/)

**NOTE:** The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	2025179-LOC	P0	02/04/2026
Existing Site Plan and Section	2025179-101	P0	02/04/2026
Proposed Plans & Elevations	2025179/102	P0	02/04/2026
Design Statement	2025/179 DS	Rev-A	02/04/2026
Planning Statement			02/04/2026
Coal Mining Risk Assessment	RBG503	001	02/04/2026
Climate Change Statement	-	-	02/04/2026

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. There were no amendments or negotiations required.

