

**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:	2026/62/91063/E
Site Address:	382, Huddersfield Road, Mirfield, WF14 9DL
Description:	Re-instatement and repair of existing building including alterations to roof and associated works
Recommending Officer:	Nicole Helliwell

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 27 October 2026

Officer Report

Reference No. 2026/62/91063/E

Site Address: 382, Huddersfield Road, Mirfield, WF14 9DL

Proposal: Re-instatement and repair of existing building including alterations to roof and associated works

Site Description

The application site relates to 382 Huddersfield Road, a single storey detached building located in Mirfield. The site is unallocated on the Kirklees Local Plan Proposals Map. The surrounding properties are of commercial and residential use and are highly varied in age, size and style. The site is not within a Conservation Area or near to any listed buildings. However, public right of way MIR/35/10 is located along the eastern boundary of the site.

Description of Proposal

The applicant is seeking planning permission for the re-instatement and repair of the existing building including alterations to the roof and associated works. The proposed works are summarised in detail below:

- Collapsed flat roof replaced with dual-pitched roof
- Single storey rear extension (projection approx. 4.09m, overall height approx. 2.8m and eaves height approx. 2.8m)
- New windows and door within the front elevation of the building
- Installation of 1.1m high railing to the front of the building
- Straightening of the wall within front elevation

History of Negotiations/Amendments Received

Amendments were sought during the course of the application. A request was made to remove part of the barrier within the frontage of the site so that access can be made via Huddersfield Road and not the public footpath. Revised drawings were received which were considered acceptable in this regard.

Relevant Planning History

- **2025/92181:** Erection of extensions and raising of roof at front with front dormers. [Planning application details | Kirklees Council](#) – Withdrawn

Representations

The application was publicised by site notice and press advertisement, which expired on 10th September 2026. As a result of the above publicity, four representations have been received. The comments made have been summarised below:

Residential Amenity

- The development is approximately 8 metres from the northern boundary and would have an unacceptable overbearing and visually intrusive impact on neighbouring homes. This is contrary to the requirements of Kirklees Local Plan Policy LP24 regarding residential amenity.
- It would also block light for house nos. 376, 378 and 380 Huddersfield Road and be oppressive to them.
- The traditional stone wall next to the eastern PROW has been replaced by an overbearing structure which reduces daylight.
- Policy LP24 *'Must protect the living quality and light of nearby homes'*. There are 3 residential homes directly behind this location that will have the light and living quality decimated from the height of the newly built gable ends.
- The pitched roof would be significantly higher than that of the previous structure and, for the first time, extend across the whole of the site from east to west. It is an aspect of the overbuilt nature of the proposal, making the new structure overbearing and oppressive to users of the public right of way from Huddersfield Road/Back Lane to Stocksbank Road.
- The new wall and fence at the rear of the site are too high. They diminish amenity for the three terraced houses there. They also affect sight-lines and light for users of the eastern PROW. Any barrier there should be reduced in height whatever the outcome of the planning application.

Highway Safety

- There is no adequate off-street parking provision. This is likely to increase pressure on surrounding roads and create additional highway and parking problems, contrary to the principles of Kirklees Local Plan Policy LP22 and relevant NPPF requirements.
- How can a shop in that location 'not be expected to materially increase parking beyond the historic pattern associated with the site'. How can it not increase parking? With staff, customers and loading up to 11pm at night
- Access is poor due to the road layout, especially for people with disabilities.
- There is no provision for on-site parking by customers, staff and deliveries. The original shop operated some seventy years ago when traffic was much lighter. It opened during daylight hours only.
- Where is the convex safety mirror going to be located? A shop in that location will be a danger to customers, staff and delivery drivers.
- Policy LP21 Ensures that the site that can be entered and exited by all transport modes including delivery trucks without causing traffic or safety hazards. it does not meet the criteria for deliveries.

- I feel if this application is passed, it will cause a HSE disaster in the future. A public shop cannot access straight into a highway. The general public, staff and deliveries will be in danger. A convex mirror at the bottom the public footpath will not save anyone.
- Loading will block road in front of the shop for the residents that live past the shop. Will the residents just have to wait around 10 minutes to get access out of their own road?
- Also, there was no access to the development site through or over this wall/fence or public right to use the access path to the three terrace houses.

Visual Amenity

- The proposed dormer roof is excessive and out of keeping with the established character of Huddersfield Road. It would have a harmful visual impact and fails to properly respect the existing street scene, contrary to Kirklees Local Plan Policy LP24.
- The proposed building is overbuilt. It is out of character with both the area and the original building. The use of materials such as breeze blocks on the property side and back, would make it an eyesore.
- Materials will be selected to match or compliment the original building particularly through the use of stone faced external walls. The East South East elevation Right gable wall was previously in stone, it has been demolished and built in concrete blocks instead, this is not in keeping with the surrounding area.
- Reinstatement and repair of existing building. It has been completely demolished and rebuild but not to the same dimensions, position or materials

Public Right of Way

- The property directly borders a public right of way. The scale and position of the development create an overbearing sense of enclosure and raise concerns about obstruction or encroachment during and after construction. This should be fully assessed under the relevant Kirklees Local Plan and NPPF policies.
- The public right of way along the front of the site and on past No 388, Huddersfield Road would result in conflict between residents' vehicles and users of the shop.
- No barrier is shown between the proposed development and this PROW although surface heights vary.

Use

- The application does not clearly explain the intended use of the property.
- The application is unclear about the type of shop proposed and its functions.

Noise

- Noise from the proposed shop would adversely affect the neighbourhood. Existing commercial properties in the area do not open at the unsocial hours proposed for the development.

Inaccuracies

- The submitted drawings do not accurately show the full nature, levels and scale of the development, particularly the subterranean rear elevation. Accurate plans and sections are required before the application can properly be assessed.
- Drawing id 1135704 show the height as 4681mm. There seems to be 3 sets of drawings. The existing. previously The existing that has been built without planning permission . The proposed.
- Proposed height is 4681mm. The as built now without planning permission is 5231mm. There is no heights of the previous building.
- There is a public right way steps upwards next to this building ,this not shown on any drawings.
- The measurements shown do not include this public right of way or the height of the steps. There is no datum line from which the measurements are taken.
- The submitted plans seem to contain significant inaccuracies that could give a false and distorted impression. The 1 to 50 scale used only works on a specific size of drawing being A1. Further dimensions need to be added to the plans. All Dimensions are approximate and TBC on site by the contractor. This wording is a licence to build whatever size building you so wish.
- The application is inadequate and misleading. It relates not to the original structure when the site sloped before potentially hazardous excavations levelled the site making way for substantially bigger building.

Unauthorised Works

- Significant works had already taken place and the development appears to be nearing completion before planning permission has been applied for. This has had multiple applications.
- The work already carried out has been done without adequate consultation or consideration for local people and footpath users. The whole development is hazardous, its front being open for months. It might be best demolished.
- What exactly is this enclosed `courtyard`? It's all part of the buildings internal area, that has been recently built without any planning permission in place.
- The two large gable ends have been built without planning permission being granted.

Bin Storage

- The proposal to store bins in a yard at the north-easterly corner of the site is unsatisfactory. If this would be lower than the adjacent public right of way, the bins would have to be wheeled through the proposed shop, compromising the shop's health and safety. If the yard floor were to be at a higher level, it would place the commercial bin store opposite the only narrow access to 376, Huddersfield Road.

Other Matters

- The building has been vacant for over 40 years, and insufficient information has been provided to assess the likely impact on traffic, parking, noise and neighbouring residents.
- Does not meet LP21 policy. Does not meet LP22 policy. Does not meet LP24 policy.
- I believe the proposal would cause unacceptable harm to residential amenity, highway safety, local character and the public right of way.
- These look like unsafe structures at this moment in my own opinion.
- A railing at the front does not seem adequate, there does not seem to be enough room. Where the hand rail located?

Parish/Town Council Comments

Mirfield Town Council – No comments received

Local Ward Members

Not Applicable.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology – No objection

KC Highways Development Management – No objection subject to a condition preventing the building being used for commercial purposes

KC Public Right of Way - The development does not state how the work will not affect the footpath. KC PROW are disappointed that the building adjacent to the footpath is much higher than the previous building and the path would likely feel more enclosed. If any works would affect the footpath, then a TTRO would be required, this is a separate process with separate timescales and costs. KC PROW still has concerns as to how the building is to be accessed, and officers would object to access taken from the footpath.

Policy

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 Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 20** - Sustainable Travel
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 23** - Core Walking and Cycling Network
- **LP 24** - Design
- **LP 30** - Biodiversity & Geodiversity
- **LP 51** - 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 August 2026, 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 3** - Decision-Making
- **Chapter 4** - Achieving Sustainable Development
- **Chapter 5** - Meeting the Challenge of Climate Change
- **Chapter 14** - Achieving Well-Designed Places
- **Chapter 15** - Promoting Sustainable Transport
- **Chapter 19** - Conserving and Enhancing the Natural Environment

Other Guidance Documents:

- Kirklees Highways Design Guide (2019)
- National Design Guide
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment

1. Principle of Development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant and Chapter 14 of the NPPF, regarding design.

In this case, the principle of development on the application site is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety.

1. Impact on Visual Amenity

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

The NPPF offers guidance relating to design in Chapter 14 (achieving well designed places) whereby Paragraph 1 of NPPF Policy DP3 states: *“Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features.”*

The submitted plans confirm that external alterations would be made as part of the application to restore the building. It is noted that the collapsed flat roof would be replaced with a dual-pitched roof finished in tiles, new windows and doors would be installed, a 1.1m high railing would be installed to the site frontage and alterations would be made to straighten the wall within the front elevation. In addition, a single storey extension would be erected to the rear of the structure. The enlargement would have a projection of 4.09m and would be constructed from stone with a flat roof form. Given the nature and scale of the alterations proposed, it is considered that the proposed development would not have a significant impact on the visual amenity of the existing site

and the surrounding area and would be acceptable with regard to visual amenity.

It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and would accord with the aims of Policy LP24 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

2. Impact on Residential Amenity of Neighbouring Residents

Sections B and C of Policy LP24 state 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 1 (ii) of Policy L2 of the National Planning Policy Framework states that proposals should maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space.

Impact on 216 and 217 Huddersfield Road

216 and 217 Huddersfield Road are residential properties located south of the application site. The submitted plans confirm that the proposed development would be sited approximately 18.7m from the neighbouring properties. However, due to their offset positioning and given that this relationship has already been established, it is considered that there would be no additional harm to the neighbour’s residential amenity with regard to overbearing, overshadowing, or overlooking impact.

Impact on 376, 378 and 380 Huddersfield Road

376, 378 and 380 Huddersfield Road are a row of terraced properties located north of the application site. The submitted plans confirm that the proposal would occupy a position immediately adjacent to no. 380, approx. 3.6m from no.378 and approx. 5.85m from no.376. Although the proposal would have a close relationship with the neighbouring dwellings, given the steep topography of the site and given that this relationship has already been established, it is considered that there would be no additional harm to the neighbour’s residential amenity with regard to overbearing, overshadowing, or overlooking impact. The closest part of the building to these properties would be the flat roofed element.

Having considered the above factors, the development proposed would have an acceptable impact upon the residential amenity of the neighbouring occupants and would comply with Policy LP24 of the Kirklees Local Plan (b) in

terms of the amenities of neighbouring properties, and the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 4 of TR6 of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network or an unacceptable impact on highway safety.

The application relates solely to external alterations to the existing structure. KC Highways Development Management have been informally consulted on the proposed scheme and officers raised no objection to the application providing the building is not of a commercial use. Therefore, the development is considered acceptable in accordance with Policies LP21 and LP22 of the KLP, Chapter 15 of the NPPF, and the Highways Design Guide SPD.

In view of the above, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 15 of the National Planning Policy Framework.

4. Other Matters

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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures with any future application.

Construction Noise

Construction noise can give rise to loss of amenity to neighbouring noise sensitive receptors, therefore, should the application be approved, it is considered necessary for a footnote to be imposed restricting the times when noisy construction activities will be permitted.

Biodiversity Net Gain

The application form states that the development, is subject to the de minimis exemption and would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation. Therefore, it is considered the proposal would be in accordance with Policy LP30 and LP33 of the Kirklees Local Plan, and Chapter 19 of the NPPF.

Public Right of Way

Public Right of Way MIR/35/10 is located along the eastern boundary of the application site and has a recorded width of 3.7m. KC Public Right of Way have raised concerns that the construction has taken place and further may take place affecting the footpath. The development does not really state how the work will not affect the path.

KC PROW Officers are disappointed that the building adjacent to the footpath is much higher than the previous building and the path would likely feel more enclosed. In addition, despite the KC Public Right of Way's comments on the previous application, work has taken place and officers cannot see how this was done without affecting the footpath. If any works would affect the footpath, then a TTRO would be required and this is a separate process with separate timescales and costs.

KC PROW did raise concerns as to how the building would be accessed and would object to access being taken from the footpath. However, the agent has since clarified that access would be via Huddersfield Road and revised drawings have been submitted to reflect this.

Contaminated Land

The application site is shown to be within 200m of a historic landfill site and adjacent to potentially contaminated land. For these reasons, officers have recommended full contaminated land conditions to ensure safe occupation of the site.

There are no other matters considered relevant to the determination of this application.

5. Representations

Four representations were received during the course of the application. The representations have been summarised, grouped and arranged into themes. These comments have been addressed below:

Residential Amenity

- The development is approximately 8 metres from the northern boundary and would have an unacceptable overbearing and visually intrusive impact on neighbouring homes. This is contrary to the requirements of Kirklees Local Plan Policy LP24 regarding residential amenity.
- It would also block light for house nos. 376, 378 and 380 Huddersfield Road and be oppressive to them.
- The traditional stone wall next to the eastern PROW has been replaced by an overbearing structure which reduces daylight.
- Policy LP24 '*Must protect the living quality and light of nearby homes*'. There are 3 residential homes directly behind this location that will have the light and living quality decimated from the height of the newly built gable ends.
- The pitched roof would be significantly higher than that of the previous structure and, for the first time, extend across the whole of the site from east to west. It is an aspect of the overbuilt nature of the proposal, making the new structure overbearing and oppressive to users of the public right of way from Huddersfield Road/Back Lane to Stocksbank Road.
- The new wall and fence at the rear of the site are too high. They diminish amenity for the three terraced houses there. They also affect sight-lines and light for users of the eastern PROW. Any barrier there should be reduced in height whatever the outcome of the planning application.

Officer Response: *The proposal's potential impact to the neighbouring properties has been assessed within the 'Residential Amenity' section of the report.*

Highway Safety

- There is no adequate off-street parking provision. This is likely to increase pressure on surrounding roads and create additional highway and parking problems, contrary to the principles of Kirklees Local Plan Policy LP22 and relevant NPPF requirements.
- How can a shop in that location 'not be expected to materially increase parking beyond the historic pattern associated with the site'. How can it not increase parking? With staff, customers and loading up to 11pm at night

- Access is poor due to the road layout, especially for people with disabilities.
- There is no provision for on-site parking by customers, staff and deliveries. The original shop operated some seventy years ago when traffic was much lighter. It opened during daylight hours only.
- Where is the convex safety mirror going to be located? A shop in that location will be a danger to customers, staff and delivery drivers.
- Policy LP21 Ensures that the site that can be entered and exited by all transport modes including delivery trucks without causing traffic or safety hazards. it does not meet the criteria for deliveries.
- I feel if this application is passed, it will cause a HSE disaster in the future. A public shop cannot access straight into a highway. The general public, staff and deliveries will be in danger. A convex mirror at the bottom the public footpath will not save anyone.
- Loading will block road in front of the shop for the residents that live past the shop. Will the residents just have to wait around 10 minutes to get access out of their own road?
- Also, there was no access to the development site through or over this wall/fence or public right to use the access path to the three terrace houses.

Officer Response: *The proposal's potential impact on the highway network has been assessed within the 'Highway Safety' section of the report.*

Visual Amenity

- The proposed dormer roof is excessive and out of keeping with the established character of Huddersfield Road. It would have a harmful visual impact and fails to properly respect the existing street scene, contrary to Kirklees Local Plan Policy LP24.
- The proposed building is overbuilt. It is out of character with both the area and the original building. The use of materials such as breeze blocks on the property side and back, would make it an eyesore.
- Materials will be selected to match or compliment the original building particularly through the use of stone faced external walls. The East South East elevation Right gable wall was previously in stone, it has been demolished and built in concrete blocks instead, this is not in keeping with the surrounding area.
- Reinstatement and repair of existing building. It has been completely demolished and rebuild but not to the same dimensions, position or materials

Officer Response: *The proposal's potential impact on the appearance and character of the street scene has been assessed within the 'visual amenity' section of the report.*

Public Right of Way

- The property directly borders a public right of way. The scale and position of the development create an overbearing sense of enclosure and raise concerns about obstruction or encroachment during and after construction. This should be fully assessed under the relevant Kirklees Local Plan and NPPF policies.
- The public right of way along the front of the site and on past No 388, Huddersfield Road would result in conflict between residents' vehicles and users of the shop.
- No barrier is shown between the proposed development and this PROW although surface heights vary.

Officer Response: *KC Public Right of Way have been consulted on the proposed scheme. KC PROW did raise concerns as to how the building would be accessed and confirmed that they would object to access being taken from the footpath. However, the agent has since clarified that access would be via Huddersfield Road and revised drawings have been submitted to reflect this. The public footpath must not be interfered with or obstructed, prior to, during or after development works.*

Use

- The application does not clearly explain the intended use of the property.
- The application is unclear about the type of shop proposed and its functions.

Officer Response: *The application relates solely to external alterations to the building and does not include the change of use to a shop. The Design and Access Statement states that the building has been vacant and derelict for approximately 20 years. Therefore, the only formal way of establishing its use would be via a certificate of lawful development. The applicant's agent had been advised of this at the time of previous applications.*

Noise

- Noise from the proposed shop would adversely affect the neighbourhood. Existing commercial properties in the area do not open at the unsocial hours proposed for the development.

Officer Response: *The application relates solely to external alterations to the building and does not include the change of use to a shop. As such, the proposal is not considered to harm the neighbouring occupants with regard to noise.*

Inaccuracies

- The submitted drawings do not accurately show the full nature, levels and scale of the development, particularly the subterranean rear elevation. Accurate plans and sections are required before the application can properly be assessed.
- Drawing id 1135704 show the height as 4681mm. There seems to be 3 sets of drawings. The existing. previously The existing that has been built without planning permission . The proposed.
- Proposed height is 4681mm. The as built now without planning permission is 5231mm. There is no heights of the previous building.
- There is a public right way steps upwards next to this building ,this not shown on any drawings.
- The measurements shown do not include this public right of way or the height of the steps. There is no datum line from which the measurements are taken.
- The submitted plans seem to contain significant inaccuracies that could give a false and distorted impression. The 1 to 50 scale used only works on a specific size of drawing being A1.Further dimensions need to be added to the plans. All Dimensions are approximate and TBC on site by the contractor. This wording is a licence to build whatever size building you so wish.
- The application is inadequate and misleading. It relates not to the original structure when the site sloped before potentially hazardous excavations levelled the site making way for substantially bigger building.

Officer Response: *The drawings and details have been submitted in line with the Kirklees Planning Validation Requirements. Whilst the drawings do not state the measurements of the proposed development, the plans contain a metric scale and officers have been able to accurately assess the proposal.*

Unauthorised Works

- Significant works had already taken place and the development appears to be nearing completion before planning permission has been applied for. This has had multiple applications.
- The work already carried out has been done without adequate consultation or consideration for local people and footpath users. The whole development is hazardous, its front being open for months. It might be best demolished.
- What exactly is this enclosed `courtyard`? It's all part of the buildings internal area, that has been recently built without any planning permission in place.
- The two large gable ends have been built without planning permission being granted.

Officer Response: Any works undertaken prior to determination are at the applicant's own risk and may be subject to enforcement action.

Bin Storage

- The proposal to store bins in a yard at the north-easterly corner of the site is unsatisfactory. If this would be lower than the adjacent public right of way, the bins would have to be wheeled through the proposed shop, compromising the shop's health and safety. If the yard floor were to be at a higher level, it would place the commercial bin store opposite the only narrow access to 376, Huddersfield Road.

Officer Response: The submitted plans confirm that the courtyard area where the bins would be stored would be enclosed and only accessible via the entrance fronting Huddersfield Road. This application seeks to re-instate and repair the existing building including alterations to roof and associated works and does not include the change of use to a shop.

Other Matters

- The building has been vacant for over 40 years, and insufficient information has been provided to assess the likely impact on traffic, parking, noise and neighbouring residents.
- Does not meet LP21 policy. Does not meet LP22 policy. Does not meet LP24 policy.
- I believe the proposal would cause unacceptable harm to residential amenity, highway safety, local character and the public right of way.
- These look like unsafe structures at this moment in my own opinion.
- A railing at the front does not seem adequate , there does not seem to be enough room. Where the hand rail located?

Officer Response: The application has been assessed in relation to visual amenity, residential amenity and highway safety within the 'assessment' section of the report. Furthermore, Paragraph 4 of Policy P2 of the NPPF states that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

6. Conclusion

This application for the re-instatement and repair of existing building including alterations to roof and associated works at 382 Huddersfield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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 that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2026/91063

Officer Recommendation: Approve

Conditions and Reasons

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.

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 ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP20, LP21, LP22, LP23, LP24, LP30, LP51, LP52 and LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. The single storey extension hereby approved shall be faced in stone for the external walls. The materials of construction shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

4. The alterations to the external walls hereby approved shall be faced in stone. Any alterations to the roof shall be finished in tiles. The materials of construction shall be retained thereafter.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.

5. Construction works shall not continue on the superstructure of the building hereby approved, until details of all the external facing and roofing materials

have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such.

Reason: This condition is necessary in the interest of visual amenity and to comply with Policy LP24 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework

7. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 6, 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 7, 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework

9. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 8. 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 pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework

10. 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 (that part of) 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: This pre-commencement condition is necessary to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the National Planning Policy Framework.

11. Notwithstanding the submitted plans and details, the building shall at no time be occupied by uses falling within Use Classes E(a), E(b) and E(c) of the Town and Country Planning (Use Classes) Order 2020 (as amended).

Reason: In the interest of residential amenity and highway safety in accordance with Policies LP21, LP22 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex B: Glossary 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: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required. You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Public footpath MIR/35/10 is located adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way team may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The Public rights of way team are based at Civic Centre 1, PO Box 1720, Huddersfield HD1 9EL and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the

Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:

Plan Type	Reference	Revision	Date Received
Location and Existing Site Plan	TR-A25-0705-A4	D	19/10/2026
Location & Proposed Site Plan	TR-A25-0705-A6	D	19/10/2026
Existing (As Built) Grouped Plans	TR-A25-0705-A5	D	19/10/2026
Proposed Grouped Plans	TR-A25-0705-A7	D	19/10/2026
Climate Change Statement	-	-	10/07/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

Amendments were sought during the course of the application. A request was made to remove part of the barrier within the frontage of the site so that access can be made via Huddersfield Road and not the public footpath. Revised drawings were received which were considered acceptable in this regard. The applicant's agent has confirmed their agreement to the pre-commencement conditions.

Report Dated: 23/10/2026