

# **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>2026/60/91097/E</b>                                                                                                                                                                            |
| Site Address:         | Land rear of, Abbey Road, Shepley, Huddersfield, HD8 8EP                                                                                                                                          |
| Description:          | Outline application for residential development of up to 2 dwellings with access (to, but not within, the site) and highways improvements comprising widening of lane at junction with Abbey Road |
| Recommending Officer: | Kerri Simpson                                                                                                                                                                                     |

### **DECISION – CONDITIONAL OUTLINE 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: 09-Sep-2026**

## **Officer Report – 2026/91097**

Land rear of, Abbey Road, Shepley, Huddersfield, HD8 8EP

### **Site Description**

The application site is an undeveloped plot of land located to the rear of 15 and 17 Abbey Road. The site would be accessed from an unadopted access lane between 15 and 25 Abbey Road. There are residential properties to the west of the site and a small cluster of properties to the south-east. The west of the site borders residential gardens and there are open green fields directly adjacent to the north, east and southern boundaries of the site. The site is located within the Green Belt on the Kirklees Local Plan. The site is not in a conservation area and there are no listed buildings within close proximity to the site.

### **Description of Proposal**

#### *The Scheme*

The application seeks outline planning permission for the erection of a residential development and highways improvements comprising widening of lane at junction with Abbey Road. The applicant seeks approval for access, with scale, layout, appearance and landscaping to be matters dealt with at reserved matters application stage. The submitted details show two detached dwellings with off-street car parking available for three cars per property. The dwellings would be accessed via the unadopted highway which adjoins Abbey Road, with bin collection shown adjacent to the adopted highway. No details are provided in respect to design or materials. Although an indicative site plan has been submitted, matters relating to access, appearance, landscaping, layout or scale are reserved matters.

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

There were no amendments or negotiations necessary in this instance.

### **Relevant Planning History**

The most relevant planning history relates to the following planning applications

*Ref:* 2023/90794

*Description:* Outline application for erection of residential development and highways improvements comprising widening of lane at junction with Abbey Road

*Decision:* Refused (23.08.2023)

#### *Reason for Refusal:*

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most

development, subject to certain exceptions, is regarded as inappropriate. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development of this site would be contrary to the fundamental aims of the Green Belt, which are to prevent urban sprawl and to assist in safeguarding the countryside from encroachment. The proposal would constitute inappropriate development in the Green Belt, thus detrimentally harming openness and character. The very special circumstances submitted are not considered to outweigh the significant harm caused. To permit the proposed development would conflict with the purposes of including land within the Green Belt, contrary to the aims of Chapter 13 of the National Planning Policy Framework

### *Previous Decisions*

As per the above, the site was subject to a previous outline application which was refused and subsequently dismissed at appeal. The previous decision and the findings of the Planning Inspector are material considerations in the determination of the current application. However, since that decision there have been material changes to national and local Green Belt policy, including the introduction of Grey Belt policy. The current proposal is therefore assessed against the policy framework now in force, whilst having appropriate regard to the findings of the inspector.

### **Representations**

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

The application has been publicised on the Council's website, and by site notice. The expiry date of the publicity period was the 17<sup>th</sup> July 2026.

### *Letters of Objection*

Four letters of objection have been received. The material planning matters raised are summarised as follows:

#### Principle of Development and Green Belt

- Objection to residential development within the Green Belt and resulting loss of open countryside.
- Concern regarding conflict with Green Belt policy, including harm to openness, encroachment into the countryside and the purposes of the remaining Green Belt.
- Concern that the site does not constitute limited infilling.
- Previous refusal and dismissed appeal considered relevant, particularly the Inspector's findings regarding Green Belt, encroachment and countryside character.

- Housing land supply and housing need are not considered sufficient to justify the development, with concern regarding the limited contribution of two dwellings, including to affordable housing need.
- Concerns regarding the proposed self/custom-build status and associated BNG implications.

### Character and Appearance

- Harm to the rural character and landscape through extension of built development into presently undeveloped countryside.
- Concern regarding the indicative scale, siting and layout of the dwellings and insufficient detail to fully assess their visual effects.
- Harm arising from loss of existing hedgerow associated with access works.

### Highways and Access

- Existing single-track access is considered inadequate to accommodate additional traffic, including difficulties with vehicles passing and turning.
- Increased vehicle movements could exacerbate existing highway safety concerns.
- Restricted visibility and on-street parking at the junction with Abbey Road, with concern regarding unsafe reversing/maneuvering.
- Proposed access widening is considered insufficient to overcome existing constraints and may adversely affect existing users/refuse arrangements.
- Concern regarding the deliverability/ownership of land required for access improvements.

### Residential Amenity

- Potential overlooking and loss of privacy to neighbouring properties, gardens and buildings, having regard to proximity and differences in levels.
- Potential overbearing/intrusive effects and harm to outlook.
- Noise and disturbance associated with construction and occupation.

### Flood Risk and Drainage

- Existing surface-water flooding/waterlogging and drainage problems affecting the site and adjoining land.
- Concern that development and additional runoff could exacerbate or displace existing flooding.
- Concerns regarding the adequacy of proposed surface and foul-water drainage arrangements and existing drainage infrastructure.

### Ecology and Biodiversity

- Potential harm to wildlife, habitats, trees, hedgerows and other vegetation.
- Loss of established hedgerow associated with access works.
- Concerns regarding ecological mitigation and inconsistencies between the ecological appraisal and other submitted information.

#### Infrastructure

- Concerns regarding capacity of local schools and other infrastructure.
- Concerns regarding capacity/reliability of existing electricity infrastructure.

#### Submitted Information

- Numerous alleged inaccuracies and inconsistencies within the application documents, including apparent reuse of information from the previous application/other sites.
- Concern that the submitted information does not accurately represent existing site features and neighbouring buildings.
- Insufficient detailed design/elevation information to fully assess some impacts.

The material planning considerations raised are addressed within the 'Assessment' section of this report.

### Consultation Responses

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

**KC Highways Development Management Team** - No objection, subject to conditions. Highways consider the proposed access widening and visibility arrangements acceptable and concludes that development would not result in significant highway safety or network impacts. Conditions are recommended to secure access widening prior to occupation, a dry riser for fire and resecure access, and details of access parking/turning, cycle and bin storage, EV charging, surfacing and drainage at reserved matters stage.

**KC Ecology Team** – No objection, subject to conditions. The submitted Preliminary Ecological (PEA) is acceptable. Significant impacts on protected species or priority species are unlikely, subject to mitigation. Conditions are recommended to secure a Construction Environmental Management Plan (CEMP) for Biodiversity, Biodiversity Enhancement Management Plan and wildlife-sensitive lighting strategy, including the protection of hedgerows and reptiles. The claimed BNG exemption for self/custom-build development would apply subject to the relevant statutory requirements being satisfied.

**KC Environmental Health Team** -No objection, subject to conditions. The site falls partly within the Development High Risk Area for coal mining legacy. Therefore, because of the possibility of shallow coal workings and nearby made

ground and the associated risk of combustion and ground cases, it is necessary for contaminated land conditions to ensure a safe environment. A condition is also recommended restricting the times when noisy construction activities (including deliveries) will be permitted, due to the proximity to neighbouring residential properties.

**Lead Local Flood Risk Authority (LLFA)** – No objection. Formal LLFA consultation not required given the scale of development and low flood risk. No particular drainage concerns identified.

**Environment Agency (EA)** – No objection. It is advised that Flood Risk standing advice for development within flood zone 3 is followed.

**The Coal Authority/Mining Remediation Authority** – Material Consideration. Conditions are recommended to ensure a scheme of intrusive investigations are carried out prior to the commencement of development and a signed declaration/statement prepared by a suitably competent person confirming that the site is/has been made safe and stable for the development, prior to the first occupation.

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 designation within the Kirklees Local Plan (adopted 2019).

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

- Bat Alert Zone
- Potentially Contaminated Land

The following legislation, policy and guidance is considered relevant to the determination of this application: -

#### *Kirklees Local Plan*

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP7 Efficient and Effective Use of Land and Buildings
- LP11 Housing Mix and Affordable Housing
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP26 Renewable and low carbon energy
- LP27 Flood Risk

- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure
- LP51 Protection and Improvement of Local Air Quality
- 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 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 policies
- Chapter 4 Achieving sustainable development
- Chapter 6 Delivering a sufficient supply of homes
- Chapter 12 Making effective use of land
- Chapter 13 Protecting Green Belt land
- Chapter 15 Promoting sustainable transport
- Chapter 18 Managing flood risk and coastal change
- Chapter 19 Conserving and enhancing the natural environment

### *Supplementary Planning Documents / 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**

Policy S5(5) states that development proposals in the Green Belt or on land designated as Local Green Space, which should instead be determined in accordance with policies HC8, GB6, GB7 and/or GB8 (as appropriate). However, where development would not be inappropriate in these locations (through the application of policies HC8 and GB7), proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework, and applying paragraph 2 of this policy.

Policy LP1 of the Kirklees Local Plan (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. Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, with the relevant dimensions of sustainable development considered throughout the proposal.

The proposals compliance with these policies is assessed in detail within the relevant sections of this report.

#### Housing Land Supply

The Council's latest published assessment of housing land supply identifies 4.18 years supply of deliverable housing sites. The Council is therefore unable to demonstrate a five-year supply of deliverable housing sites.

The National Planning Policy Framework (2026) seeks to significantly boost the supply of homes and requires Local Planning Authorities to identify and maintain a sufficient supply of deliverable housing sites. The Council's current housing land supply shortfall is therefore a material consideration which weighs in favour of the delivery of additional housing.

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.

The proposal seeks Permission in Principle for the erection of up to three dwellings. The development would make a modest, but nevertheless tangible, contribution towards the supply of housing within the district. Having regard to the scale of the development proposed and the identified housing land supply shortfall, moderate positive weight is afforded to this benefit.

Annex A, Paragraph 1 of the NPPF confirms that the policies of the Framework are material considerations which must be taken into account in decision-making from the date of the publication. Annex A, paragraph 2 provides that development plan policies, or parts of those policies, which are materially inconsistent with the national decision-making policies of the Framework should be afforded very limited weight, unless they have been examined and adopted

or made against the Framework. Other development plan policies should not be afforded weight simply by virtue of having been adopted prior to the publication of the Framework.

The application site lies within the Green Belt and the acceptability of residential development on the site is therefore subject to the specific national decision-making policies relating to Green Belt development. The housing land supply shortfall does not, in itself, establish the acceptability of the development. Its relevance to the application of the Green Belt policies, together with the principle of development, is considered within the Green Belt Assessment below.

### Land Allocation – Green Belt

Chapter 13 (Protecting Green Belt Land) of the National Planning Policy Framework 2026 relates to the protection of Green Belt Land. It states that the objective of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Government attaches great importance to Green belts, the essential features of which are their openness and permanence.

The Framework identifies five purposes of the Green Belt, namely:

- 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.

These purposes are set out within Policy GB2 and are also relevant to the definition and assessment of Green Belt land under the Framework.

Policy GB6(1) of the NPPF provides that development within the Green Belt is inappropriate unless it falls within one of the categories identified within Policy GB7. Policy GB6(2) provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, together with any other harm resulting from the proposed development, is clearly outweighed by other considerations. In undertaking that assessment, substantial weight should be given to the harm to the Green Belt, including harm to its openness where relevant.

The only category of development identified under Policy GB7 which the development could meet and falls to be an exception which is not inappropriate development in the Green Belt is GB7(1)(g). Accordingly, the proposal would constitute inappropriate development unless the requirements of Policy GB7(1)(g), relating to development on Green Belt land, are satisfied. It is therefore necessary to consider whether the proposal meets each of the requirements of Policy GB7(1)(g).

## Grey Belt Considerations

Of particular relevance to this application is Policy GB7(1)(g) of the NPPF, which provides that development is not inappropriate where all of the following are satisfied:

- (i) 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;
- (i) There is an evidenced unmet need for the type of development proposed (Footnote 41);
- (ii) The development would be in a sustainable location, with particular reference to policy TR3 of this Framework (Footnote 42); and
- (iii) In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

The NPPF defines Grey Belt as land within the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to Green Belt purposes (a), (b) or (d) set out in Policy GB2.

Accordingly, in determining whether the application site constitutes Grey Belt land, consideration must be given to whether the site comprises previously developed land and/or whether it strongly contributes to any of the following Green Belt purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- a) to prevent neighbouring towns merging into one another;
- b) to preserve the setting and special character of historic towns; and

Annex E of the NPPF provides the methodology and establishes criteria for evaluating the contribution land makes to these purposes. These criteria are therefore applied below in determining whether the application site constitutes Grey Belt land.

Where land is identified as Grey Belt, Policy GB7(1)(g)(i) additionally requires consideration of whether its development would fundamentally undermine the Green Belt purposes, taken together, of the remaining Green Belt across the area of the plan. In addition to, the policy requires there to be an evidenced unmet need for the type of development proposed and for the development to be in a sustainable location. These matters are considered separately below. The therefore, constitutes minor development and therefore the requirement at Policy GB7(1)(g)(iv) to comply with Policy GB8 does not apply, as this relates specifically to major development.

## Contributing to Green Belt Purposes – Land

In considering the lands contribution to Green Belt purposes (a), (b) and (d), the assessment should consider the land as it currently exists. Annex E of the NPPF establishes the methodology and criteria for assessing the contribution that land makes to these Green Belt purposes.

In respect of purpose (a), which seeks to check the unrestricted urban sprawl of built up areas, the proposed land lies immediately adjacent to the existing built form of Shepley. Whilst the site itself is undeveloped, Annex E confirms that this purpose relates specifically to the sprawl of large built-up areas and that villages should not be considered large built-up areas. Shepley is a village and, accordingly, the application site is not considered to strongly contribute to purpose (a).

In respect of purpose (b), to prevent neighbouring towns merging into one another, Annex E confirms that this purpose relates to the merging of towns rather than villages. The proposed land comprises a relatively small parcel of land adjoining Shepley and does not form a substantial part of a gap between neighbouring towns. Furthermore, as demonstrated by the wider spatial context, a significant extent of Green Belt would remain beyond the site. Development of this parcel would therefore not result in the loss of visual separation between neighbouring towns and the land is not considered to strongly contribute to purpose (b).

In respect of purpose (d), to preserve the setting and special character of historic towns, Annex E again confirms that this purpose relates specifically to historic towns rather than villages. The site does not form part of the setting of a historic town and has no identified visual, physical or experiential relationship with the historic aspects of such a town. The land is therefore not considered to strongly contribute to purpose (d).

Overall, having regard to the location, scale and existing characteristics of the site and its relationship with the surrounding settlement and wider Green Belt, the land is not considered to strongly contribute to any of Green Belt purposes (a), (b) or (d). The site therefore satisfies this element of the definition of Grey Belt land.

Having established that the site constitutes Grey Belt land, it is necessary to consider whether the proposed development would fundamentally undermine the purposes taken together, of the remaining Green Belt across the area of the plan, as required by Policy GB7(1)(g)(i).

#### Meeting Green Belt Purposes – Development

It is acknowledged that the current application is submitted in outline form, with access only for consideration and appearance, landscaping, layout and scale reserved for subsequent approval. As such, the assessment at this stage is focused on the principle of residential development on the site and the proposed means of access rather than the detailed form, siting and appearance that the development may ultimately take.

Officers have considered the sites contribution to Green Belt purposes, its relationship to surrounding towns, the degree of containment, and the wider characteristics of the surrounding Green Belt land. Whilst residential development would introduce additional built form into a presently undeveloped parcel of Green Belt land, the site is influenced to some degree by existing development and surrounding infrastructure. Having regard to the limited amount of development (up to two dwellings), the relationship to nearby built form, and the substantial extent of remaining Green Belt surrounding the site, officers do not consider that residential development in principle would fundamentally undermine the purposes of the remaining Green Belt across the plan areas. The proposal therefore satisfies Policy GB7(1)(g)(i) in this respect.

#### *Demonstrable Unmet Need*

Policy GB7(1)(g)(ii) requires there to be an evidenced unmet need for the type of development proposed. Footnote 41 confirms that, in the case of housing development, this requirement is met where the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, including the appropriate buffer where applicable, or where the Housing Delivery Test indicates that housing delivery was below 75% of the housing requirement over the previous three years.

The Council's latest published housing land supply position identifies a 4.18-year supply of deliverable housing land. The Council is therefore unable to demonstrate a five-year supply of deliverable housing sites and, accordingly, an evidenced unmet need for housing exists for the purposes of Policy GB7(1)(g)(ii).

The proposal would deliver two additional dwellings and would therefore make a positive contribution towards meeting that identified housing need. The requirements of Policy GB7(1)(g)(ii) are consequently satisfied.

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

Policy GB7(1)(g)(iii) requires development on Green Belt Land to be in a sustainable location, with particular reference to policy TR3 of the Framework.

Policy TR3 of the NPPF (2026) seeks to ensure that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure. In particular, where development could generate a significant amount of movement in the context of the area, TR3 requires locations to be sustainable, or capable of being made so, by limiting the need to travel, particularly by private car, and offering a genuine choice of transport modes. In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance connectivity should be taken where they exist and can be supported by the development proposed.

The application site would have reasonable access to public transport and local services and facilities. Bus stops are located on Abbey Road (A629) circa

130m(0.08 miles) from the site and provide regular bi-directional services, including towards Huddersfield Town Centre and Denby Dale, generally at approximately hourly intervals.

Shepley railway station is circa 1km (0.62 miles) from the site, equating to around a 16-minute walk, and provides regular rail services towards Huddersfield and Sheffield. The site is also circa 1km (0.62 miles) from Shepley Local Centre, providing access to day-to-day services and facilities. While Skelmanthorpe District Centre lies 2.9km (1.8 miles) to the east, with Kirkburton District Centre also accessible further to the north.

The Department for Transport Connectivity Tool has been considered, in accordance with Policy TR3 of the NPPF. This identifies the site as having an overall non-driving connectivity score of 46, within the 'very low' national distribution category. Public transport scores 50, whilst walking and cycling score 39 and 53 respectively. Accessibility varies by journey purpose, with public transport scoring 58 for education, 51 for leisure, 46 for shopping, 52 for residential purposes and 47 for workplaces. These scores indicate that, when considered against location nationally, accessibility by non-car modes is relatively low.

However, the Connectivity Tool provides a national comparative measure and should be considered alongside the particular circumstances of the site. In this instance, significant weight is given to the site's proximity to bus stops within 130m (0.08 miles) away on an accessible pedestrian route, together with the proximity of Shepley railway station and the availability of services and facilities within Shepley Local Centre. These provide realistic opportunities for future residents to access services, employment and other destinations without reliance solely on the private car. In addition a range of services, amenities and nearby schools are in proximity such that they can be considered accessible by non car modes of transport.

Taking these factors together, notwithstanding the relatively low national comparative scores identified by the Connectivity Tool, the site is considered to have reasonable access to services and sustainable transport options and is considered to be in a sustainable location for the purposes of Policy GB7(1)(g)(iii) of the NPPF.

### Conclusions on Principle of Development

Overall, it is considered that the site comprises Grey Belt land and the proposal has therefore been assessed against the remaining relevant provisions of Policy GB7 of the NPPF. The proposal is not considered to undermine the purposes of the Green Belt when taking together, provide a sufficiently evidenced unmet need and would be sited in a sustainable location. It is considered that the proposal would therefore satisfy the requirements of Policy GB7(1)(g) and is not considered inappropriate development in the Green Belt.

## **2.Impact on character and appearance of the area**

## Visual Amenity

Policy LP24 of Kirklees Local Plan seeks to ensure development is of a suitable design. Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

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 application is submitted in outline with access to, but not within, the site for consideration only. Matters regarding appearance, landscaping, layout and scale are reserved matters for subsequent approval. The siting of the proposed dwellings shown on submitted plans are therefore indicative.

The site comprises undeveloped land situated to the rear of existing residential development on Abbey Road. Residential development would inevitably alter the undeveloped character of the site, however, its detailed visual impacts would depend upon the eventual layout, scale, appearance and landscaping, which would be considered at reserved matters stage. The indicative plans demonstrate that the site is of sufficient size to accommodate up to two dwellings together with associated amenity space, parking and landscaping without an inherently unacceptable form of development.

Access would be taken from the existing surfaced vehicular access from Abbey Road, which is presently enclosed by mature vegetation and residential development. The proposals include localised widening of the access to circa 5.5m, before narrowing to circa 3.1m. Whilst this would result in some alteration and loss of existing vegetation, the works would be localised and would retain the established access arrangement. In the context of the surrounding residential development, the access works are not considered to result in unacceptable harm to the character or visual amenity of the area in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 14 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.”

Policy LP54(c) of the Kirklees Local Plan requires that new agricultural buildings do not result in detriment to the amenity of nearby residents.

Policy P3 of the NPPF seeks to ensure that development provides acceptable living conditions and does not give rise to unacceptable levels of pollution affecting neighbouring residents and occupiers.

The application is submitted in outline with access to, but not within, the site for consideration only. Matters regarding appearance, landscaping, layout and scale are reserved matters for subsequent approval. The precise relationship between the proposed dwellings and neighbouring properties, including their sitting, height, finished floor levels, window positions and separation distances, would therefore be considered at reserved matters stage.

The site is located to the rear of the existing residential properties on Abbey Road and there is a notable change in levels between the application site and some neighbouring properties and gardens. This has the potential to influence the relationship between the development and existing occupiers. However, having regard to the degree of separation, the size of the site and the limited quantum of development proposed, there is considered to be sufficient scope for an appropriately designed and scaled scheme of up to two dwellings to respond to these constraints. Particular consideration would need to be given at reserved matters stage to finished floor levels, building heights, separation distances, orientation and fenestration.

The development would utilise the existing access from Abbey Road, which already serves a number of properties. Whilst two additional dwellings would result in some additional vehicular movements and associated activity, given the modest scale of development, this is not considered likely to result in unacceptable noise or disturbance to neighbouring properties.

Overall, the change in levels across the site represents an important consideration for the detailed design of the development but is not considered to constitute an in-principle constraint to the development of the site for up to two dwellings. Subject to satisfactory details at reserved matters stage, the proposal is considered capable of being accommodated without unacceptable harm to the residential amenity of neighbouring properties. The proposed access arrangements for consideration at this outline stage are considered to comply with Policy LP24 of the Kirklees Local Plan and Policy P3 of the NPPF.

#### **4. Impact on Highway Safety**

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

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 application is submitted in outline with access to but not within, the site for consideration, with all other matters reserved. The proposed development would be accessed from Abbey Road via the existing private access which currently serves a number of residential properties.

As part of the proposal, the existing access would be locally widened for circa 25m, including widening from circa 3m to a maximum of 5.5m close to its junction with Abbey Road. This would provide an improved section where vehicles are able to pass. The submitted plans also demonstrate visibility splays of 2.4m by 43m in both direction at the junction with Abbey Road.

The Highways Development Management Team has assessed the proposal and raises no objection, noting that the highway aspects of the previous proposal were also considered acceptable. It considers the proposed access widening and visibility arrangements satisfactory, concluding that the development of up to two dwellings would not result in a significant adverse impact upon highway safety or the operation of the highway network.

Parking, turning, cycling and the detailed internal access arrangements would be considered at the reserved matters stage. It is recommended that a condition is attached to any permission to secure the access widening prior to occupation. Whilst the Highways Development Management Team recommended conditions to secure arrangements for parking/turning, cycle storage, EV charging, surfacing, surface-water drainage, refuse storage/collection and provision of a dry riser inlet for fire and rescue purposes, these matters would also form part of the layout to be addressed at the relevant reserved matters stage. Notwithstanding this, given access is a matter for consideration at the outline stage, it is considered appropriate for inclusion of the condition recommended by the highways team (condition c) of their response in this case.

Having regard to the above, and in the absence of any objection from the Highways Development Management Team, the proposed means of access is considered acceptable and would not result in an unacceptable impact on highway safety or severe residual impacts on the road network. The remaining detailed highway matters can be appropriately addressed through conditions. Therefore, the proposal is considered to accord with Policy LP21 of the Kirklees Local Plan and Chapter 15 of the NPPF.

## **5. Ecology and Biodiversity**

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. As the proposal relates to minor works on an existing building, it does not trigger the requirement for measurable Biodiversity Net Gain.

Chapter 19 of the NPPF (August 2026) seeks 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 application is supported by a Preliminary Ecological Appraisal. The Council's Ecology Team has reviewed the submitted information and raises no objection, subject to conditions. Having regard to the nature of the site, habitats present and surrounding land uses, the Ecology Team considers that significant adverse effects upon protected or priority species are unlikely, provided the recommended mitigation requirements are implemented.

Conditions are recommended to secure a Construction Environmental Management Plan for Biodiversity (CEMP:Biodiversity), including precautionary measures for reptiles and the protection of hedgerows, together with a Biodiversity Enhancement Management Plan (BEMP) and wildlife-sensitive lighting strategy. These measures would ensure that retained habitats are appropriately protected during construction and that suitable ecological enhancements are incorporated into the development.

The development is identified within the application form as self-build/custom-build housing and the applicant has claimed the relevant statutory exemption from mandatory BNG. Having regard to the information submitted, the Local Planning Authority is satisfied that the development falls within the self-build/custom-build exemption. The proposal has therefore been assessed and determined on that basis.

Subject to the recommended conditions, the proposal is considered acceptable in ecological terms and accords with Policy LP30 of the Kirklees Local Plan and Chapter 19 of the NPPF.

## **6. Pollution Control**

Chapter 17 of the NPPF, relating to pollution, public protection and security, and Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

The proposed development would introduce a sensitive residential end use. The Council's Environmental Health Team has considered the application and raises no objection, subject to conditions, particularly due to the risk with gases. Pre-commencement conditions are recommended to secure appropriate investigation and assessment of potential land contamination and, where necessary, remediation and verification (prior to occupation).

The site lies within the Development High Risk Area for Coal Mining legacy. The Coal Authority/Mining Remediation Authority were consulted on the application recommending conditions requiring intrusive site investigations to establish precise ground conditions and any risk arising from past coal mining activity. Where remediation is identified as necessary, this would be required to be undertaken, followed by submission of a signed declaration confirming that the site is safe and stable for the proposed development.

Subject to compliance with these conditions, contamination and coal mining risks can be satisfactorily addressed in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 17 of the NPPF.

## **7. Flood Risk and Drainage**

Chapter 18 of the NPPF seeks to minimise risks to development from all sources of flooding, ensuring that development does not increase flood risk elsewhere and incorporates sustainable drainage systems where appropriate. Policies LP27 and LP28 of the Kirklees Local Plan is also relevant to flood risk and drainage.

The site is located within Flood Zone 1 and is therefore at a low probability of flooding from rivers and seas. The Lead Local Flood Authority has considered the proposal and has identified that no particular flood risk concerns arise and has advised that surface water attenuation would not be required, with drainage anticipated to connect to the Yorkshire Water network. While the Environment Agency's consultation response refers to Flood Zone 3 and directs the LPA to its Flood Risk Standing Advice, review of the Environment Agency's Flood Map for Planning confirms that the application site itself, as defined by the red-line boundary, lies within Flood Zone 1. Flood Zone 3 affects land within the wider blue-line ownership boundary but does not extend into the application site. The proposal has therefore been assessed on the basis of the identified Flood Zone 1 classification.

Details of drainage arrangements would be addressed as part of subsequent reserved matters and secured by condition as appropriate. Accordingly, no unacceptable flood risk or drainage impacts are identified at this outline stage. It is considered the proposed outline application would comply with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

## **6. 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.

The NPPF 2026 places greater emphasis on tackling climate change through the planning system, with Chapter 16 setting out national policies for climate change mitigation and adaptation. These seek to support the transition to net zero, reduce greenhouse gas emissions and ensure that development is resilient to the current and future impacts of climate change. These principles are also reflected in the formulation and application 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.

Given the outline nature of the application, detailed climate change mitigation measures have not been provided at this stage. Such measures, including energy and water efficiently and low-carbon technologies, can be appropriate incorporated into the detailed design at reserved matters stage. The proposal is therefore considered acceptable in this regard.

## **7. Other Matters**

Section 100ZA of the Town and Country Planning Act 1990, provides that pre-commencement conditions may only be imposed with the written agreement of the applicant. The Local Planning Authority is satisfied that the following conditions are necessary, relevant, enforceable and reasonable, and that the matters they address need to be resolved prior to the commencement of development.

The following pre-commencement conditions are recommended:

- Preliminary Risk Assessment (Phase 1) in respect of land contamination
- Intrusive Site Investigation, where required
- Remediation Strategy, where required
- Intrusive Site Investigations in respect of past shallow coal mining activity and implementation of any necessary remedial/mitigation measures
- Wildlife sensitive lighting scheme
- Construction Environmental Management Plan (CEMP:Biodiveristy), including pollution prevention and precautionary working methods
- Biodiversity Enhancement Management Plan (BEMP)

Written agreement to the imposition of the above pre-commencement conditions was received from the applications agent on 4<sup>th</sup> September 2026 via email.

The recommended conditions are considered necessary, relevant to planning and to the proposed development, enforceable, precise and reasonable in all other respects. They are required to address identified impacts relating to ecology, highway safety, residential amenity and land contamination and are therefore considered to meet the relevant tests for planning conditions.

## **8. Representations**

Four letters of objection have bene received. The representations have been considered in full and are addressed as follows:

### *Principle of Development and Green Belt*

Concerns relate to development within the Green Belt, countryside encroachment, housing need and the previous refusal and dismissed appeal. The previous appeal is a material consideration; however, there has since been a material change in national Green Belt policy, including the introduction of Grey Belt provisions. For the reasons set out, the proposal is considered

acceptable in principle and accords with the relevant Green Belt policy requirements.

#### *Character and Visual Amenity*

Concerns relate to the loss of undeveloped land and impacts upon rural character. Appearance, landscaping, layout and scale are reserved matters. The site is considered capable of accommodating up to two dwellings without unacceptable harm on visual amenity, subject to detailed consideration at reserved matters stage.

#### *Highways and Access*

Concerns relate to the narrow private access, vehicle passing, additional traffic and deliveries, visibility and reversing movements. The Highways Development Management Team raises no objection, subject to conditions including access widening. Unacceptable highway safety impacts are therefore not identified.

#### *Residential Amenity*

Concerns relate to overlooking, privacy, levels, overbearing impacts and construction disturbance. The site is considered capable of accommodating up to two dwellings with an acceptable relationship to neighbouring properties, subject to details at reserved matters stage which would include but is not limited to siting, scale, levels and fenestration.

#### *Flood Risk and Drainage*

Concerns regarding waterlogging, surface water and drainage have been considered. The application site lies within Flood Zone 1 and the LLFA identifies no particular flood risk concerns. Detailed drainage arrangements can be appropriately addressed at the reserved matters stage.

#### *Ecology and Biodiversity*

Concerns regarding wildlife, hedgerows and biodiversity have been considered. The Ecology Team raises no objection subject to appropriate mitigation and enhancement conditions.

#### *Other matters*

Concerns relating to infrastructure, utilities and the submitted information are noted. Given the limited scale of the development, the proposal is not considered to give rise to unacceptable impacts upon local infrastructure or services. Matters relating to private land ownership and rights are principally civil matters, while the submitted information is considered sufficient to enable determination of the application.

## **9. 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:** 2026/91097

**Officer Recommendation:** Approve

**Conditions**

1. Approval of the details of, appearance, layout, scale and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, layout, scale and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

**Reason:** No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter(s) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any risk from land contamination is identified at the outset and that appropriate mitigation, should any be necessary, is implemented at the appropriate stage of the development.

7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework.

8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. 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:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework

9. 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 Policy P2 of the National Planning Policy Framework.

10. Before any of the development is occupied the works associated with widening the unadopted road leading to the site from Abbey Road shown on the submitted drawing titled 'Highways Access Plan' ref: AMA\_21825\_SK001 hereby approved shall be laid out, hard surfaced sealed and drained in accordance with a specification which has first been submitted to, and approved in writing by, the local planning authority. The works so approved by this condition shall be completed prior to the development being brought into use and retained thereafter.

**Reason:** In the interests of highway safety and to allow for safe pedestrian access to and from the site, in accordance with Policy LP21 of the Kirklees Local Plan and Policies TR4 and TR6 of the National Planning Policy Framework.

11. The development shall not be occupied until a dry riser with a remote inlet is provided. This shall be sited c12m east of the Abbey Road junction. Thereafter a dry riser with a remote inlet shall be retained for the dwelling sited at the site access adjacent to Abbey Road.

**Reason:** To ensure appropriate and safe access arrangements are in place at the site in the interests of the health, wellbeing, and safety of future occupiers of the development, in accordance with Policy LP21 of the Kirklees Local Plan and Policies TR4 and TR6 of the National Planning Policy Framework.

12. Construction works relating to the access and layout of the site shall not be undertaken until a scheme has first been submitted to, and approved in writing by, the Local Planning Authority which details the following:
  - i. Site and plot access arrangements
  - ii. Parking provision in accordance with standard advice for cars (plot and visitors), cycles and evcp's.
  - iii. Turning areas.
  - iv. Bin storage

- v. Cycle storage
- vi. Dry riser
- vii. Bin collection point
- viii. Surfacing
- ix. Surface water drainage

The development shall not be brought into use until it has been completed in accordance with the scheme so approved by this condition which shall be retained thereafter.

**Reason:** To ensure appropriate and safe access arrangements are in place at the site in the interests of the health, wellbeing, and safety of future occupiers of the development, in accordance with Policy LP21 of the Kirklees Local Plan and Policies TR4 and TR6 of the National Planning Policy Framework.

13. No above ground 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 shallow coal mining activity; and
- a) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

**Reason:** To ensure that the site is made safe and stable for the development and to minimise risks associated with the area's coal mining legacy, in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 (Ground Conditions) of the National Planning Policy Framework.

14. 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 that the site is safe and stable for the approved development and that any necessary remedial and/or mitigation measures in respect of past coal mining activity have been satisfactorily completed, in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework.

15. No artificial lighting shall be installed unless a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been submitted to and agreed in writing by the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Policy N2 of the National Planning Policy Framework.

16. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- a) Identification of "biodiversity protection zones"
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The CEMP must also include the following specific plans / documents:

- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)
- Precautionary Working Method Statement for herptiles
- Precautionary Working Method Statement for hedgehogs

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Policy N2 of the National Planning Policy Framework.

17. Prior to the development being brought into use as Biodiversity Enhancement Management Plan (BEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the BEMP shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures
- Detailed designs to achieve the stated objectives
- Location of the proposed enhancement measures
- Persons responsible for implementing the enhanced measures
- Details of initial aftercare and long-term maintenance.

The Biodiversity Enhancement Management Plan (BEMP) shall be completed prior to the development being brought into use and retained thereafter.

**Reason:** In the interests of biodiversity and in accordance with Policy LP30 of the Kirklees Local Plan and Policy N2 of the National Planning Policy Framework.

18. The residential development hereby approved shall not exceed a maximum number of two dwellings.

**Reason:** For the avoidance of doubt as to what is authorised by this permission and to ensure that the development conforms to the approved outline planning permission and stays within the assessed level of development.

**NOTE:** Careful consideration should be given at reserved matters stage to ensure the proposed development takes into consideration the character of the surrounding area and all other material planning considerations in line with the Kirklees Local Plan, Housebuilder's Design Guide SPD and the NPPF.

**NOTE:** Noisy construction related activities shall not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00 hours, Saturdays With no noisy activities on Sundays or Public Holidays.

**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:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM) • BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalid

**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 applicant has indicated that the proposed development qualifies for a self-build exemption under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Where such an exemption is valid, the statutory requirement for a 10% net gain would not apply. Applicants are encouraged to ensure that the exemption is correctly registered and maintained, as changes in circumstances may result in the BNG requirement becoming applicable at a later stage.

Plans and specifications schedule: -

| <b>Plan Type</b>                              | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|-----------------------------------------------|------------------|----------------|----------------------|
| Existing Location and Site Plan               | 0344_ABB_101     | -              | 21/04/2026           |
| Existing Location and Site Plan               | 0344_ABB_101     | B              | 21/04/2026           |
| Proposed Site Access Improvements             | AMA/21825/SK/001 | -              | 21/04/2026           |
| Proposed Site Plan                            | 0344_ABB_102     | C              | 21/04/2026           |
| Grey Belt Assessment                          | -                | -              | 21/04/2026           |
| Preliminary Ecological Appraisal Report (PEA) | FE667/PEA01      | -              | 21/04/2026           |
| Coal Mining Risk Assessment (CMRA)            | CMRA 00312       | -              | 21/04/2026           |
| Design and Access Statement                   | KB/3.1/010       | -              | 21/04/2026           |
| Climate Change Statement                      | -                | -              | 21/04/2026           |

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 2015 and otherwise actively engaged with the applicant in dealing with the application. There were no amendments or negotiations considered necessary. The proposal has been assessed based on the documents submitted and is considered acceptable.