

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:	2026/62/91141/W
Site Address:	60, New Hey Road, Marsh, Huddersfield, HD3 4AJ
Description:	Construction of a vehicle crossover/dropped kerb
Recommending Officer:	Sarah Longbottom

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 07-Aug-2026

Officer Report

Site Description

60 New Hey Road is a mid-terraced property which is set back from New Hey Road. The property is accessed directly off New Hey Road to the front and to the rear is a private access where vehicular access is provided and where a garage is located and a hard surfaced rear amenity space. The property is two storeys in height and constructed from stone with grey slate roof.

Description of Proposal

Permission is sought for the formation of a vehicle crossover/dropped kerb to provide vehicular access from the classified A640 New Hey Road. The width of the dropped kerb would be 7m.

It is noted that the front boundary wall at the property has been removed and an imprinted concrete surface of 7m (width) x 6.5m (depth), including ACO drain has already been provided to the front of the property. A Certificate of Lawfulness (ref 2025/92569) was previously granted for the proposed replacement of boundary wall with fence and hard surfacing of front garden with printed concrete or tarmac.

An informative note was included on that Decision Notice confirming that *“if the development of the hard surface and fence is not completed in accordance with the submitted plan and the work results in the formation of an access onto New Hey Road (A640), the development would not benefit from a general planning permission by reason of Article 3(6) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)”*.

History of negotiations/amendments received

None

Relevant Planning History

2025/92569 – Certificate of Lawfulness for Proposed replacement of boundary wall with fence and hard surfacing of front garden with printed concrete or tarmac - Granted

Representations

The application was publicised by site notice in accordance with the Kirklees Development Management Charter (December 2024), with the site publicity expiring on 12 June 2026. No representations have been received as a result of site publicity.

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 Highways Development Management: (Informal): No objections; recommend informative

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.

Kirklees Local Plan (LP):

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety and Access
- **LP 22** - Parking
- **LP 24** – Design
- **LP 28** - Drainage

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

- Chapter 2 - Achieving sustainable development
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Supplementary Planning Documents / guidance

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

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1 – Principle of development:

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Given the above, it is considered that the proposal is acceptable in principle and fulfils the relevant policies listed above.

2 –Impact on visual amenity:

Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek

to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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

Whilst the imprinted concrete surface and removal of the stone boundary wall interrupts the character of the terrace to some degree, these elements in isolation have been deemed to benefit from a general permission under Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within Class F.2 of the same Order.

The proposed vehicular access to the front of the dwelling is not considered to significantly impact the visual amenity of the street scene, with there being other dropped kerbs present within the immediate area, the nearest of which is in close proximity to the north west.

On the basis of the above, the proposal is therefore not considered to be harmful to the host building or the area’s visual amenity to a degree that refusal is considered possible to substantiate in this case and the proposal be in accordance with Policies LP1, LP2, and LP24 of the Kirklees Local Plan, and Section 12 of the NPPF.

3 – Impact on residential amenity:

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

Principle 7 of the House Extensions and Alterations SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Given the nature of the proposed development, the proposed vehicular access is not considered to result in any adverse impact to the residential amenity of occupants of neighbouring properties.

It is noted that the front garden area has already been hard surfaced. As the site benefits from a rear yard area, the site will retain appropriate amount of private outdoor space.

It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact and comply with all relevant policies.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD, which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

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

Although nothing specific is detailed within the submitted plans, it is considered that there is adequate space on site for waste storage.

Furthermore, following an informal consultation with KC Highways Development Management, there are no objections on highway safety grounds as neighbouring properties have also installed a vehicular crossing. A section 184 agreement will need to be entered into by the applicant for the dropped kerb, and an Informative Note is to be imposed on the Decision Notice to this effect, should permission be granted.

An aco drain is noted to be in place to the front of the drive which appears to reduce surface water flows onto the highway / direct surface water to permeable land below.

It is therefore considered that in terms of access and highway safety/parking the proposal would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

5 – Other matters:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining

planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

Drainage

Although not forming part of the current application specifically, the hard surface to be accessed via the proposed vehicular crossing comprises imprinted concrete and is therefore impermeable. Notwithstanding this, an ACO drain has been installed downslope where the surface adjoins the footway. On this basis, an adequate method of drainage would be provided, in accordance with Policies LP24 and LP28.

6 – Representations:

None received as a result of site publicity.

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

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2026/91141

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 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

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

NOTE The granting of planning permission does not authorise the carrying out of works within the highway, The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Highways Asset Management Team at vehicle.crossing@kirklees.gov.uk with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan		-	07.05.2026
Site Plan	TQRQM26113144501456	-	07.05.2026
Current Layout Plan	-	-	07.05.2026
Supporting Statement	-	-	07.05.2026
Supporting Evidence	-	-	07.05.2026
Front Garden Photograph (Prior to works)-	-	-	07.05.2026
Front Garden Photograph	-	-	07.05.2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. As the proposals were considered to be acceptable in their submitted form, no amendments were requested.

Report Dated: 06.08.2026

