

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2026/62/91201/E</b>
Site Address:	Knowle Newsagents, 1, The Knowl, Mirfield, WF14 9RH
Description:	Change of use of first and second floors from storage to 2 No. 1 bedroom self-contained residential flats (Use Class C3), erection of rear dormer extension, and removal of chimney
Recommending Officer:	Elenya Jackson

**DECISION – REFUSED**

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

John Holmes

***AUTHORISED OFFICER***

**Date:** 23<sup>rd</sup> June 2026

## **Officer Report**

**Reference No.** 2026/91201

**Site Address:** Knowle Newsagents, 1, The Knowl, Mirfield, WF14 9RH

**Proposal:** Change of use of first and second floors from storage to 2 No. 1 bedroom self-contained residential flats (Use Class C3), erection of rear dormer extension, and removal of chimney

## **Site Description**

The application site is a mid-terrace, two storey, stone fronted property which currently has a newsagents at ground floor level. Five properties comprise the terrace row currently with commercial properties at ground floor level. Most of the properties in the row are indicated to have a residential use at first floor level. There are examples of dormer features to the roof spaces in the application row of terraced properties which have a small, pitched roof design to the front roof slope. A flat roof dormer to the rear roof slope is present to a neighbouring property within the terraced row.

The area is not uniform in appearance as there is a mix of scale and design of properties which have been extended over time; however, properties appear to be historic with dwellings mainly constructed out of stone which contributes positively to the character of the area.

The site is within an identified town centre boundary (The Knowl) and is located 21m southwest of a Listed Building '100 Knowl Road' and is located in a high-risk coal area.

## **Description of Proposal**

The application seeks planning permission to change the use of the first and second floor of the building to form two residential apartments, erection of a dormer and removal of a chimney.

## **Relevant Planning History**

**97/92581:** Installation of roller shutters and alterations to fascia: **Conditional full permission.**

## **Representations**

The application was publicised by site notice, which expired on 23<sup>rd</sup> June 2026. As a result of the above publicity, no representation has been received.

## **History of negotiations/amendments received**

No alterations have been sought and the application considered on the basis of the quantum of development sought within the application.

## Consultation Responses

None

## 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 27<sup>th</sup> February 2019).

The site is located within 'The Knowl' local centre boundary on the Kirklees Local Plan Proposals Map. As such the following policies are considered relevant in the determination of this application.

### Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place shaping
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 13** - Town Centre Uses
- **LP 14** - Shopping Frontages
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP35** Historic Environment.
- **LP51** Protection and improvement of local air quality
- **LP52** Protection and improvement of environmental quality.
- **LP53** Contaminated and unstable land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 12** - Achieving Well-Designed Places

- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment
- **Chapter 16** - Conserving and enhancing the Historic Environment

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

### Legislation

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

### Assessment

#### **1. Principle of development**

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.

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”*.

Part of this application is for the conversion of floor space which is in association with the Newsagents in a local centre and therefore Policy LP13 can be considered relevant as proposals within the designated centres.

Policy LP13 of the Kirklees Local Plan is consistent with Government guidance contained within the NPPF stating that within Kirklees, main town centre uses shall be located within defined centres (principal centres, town centres, district centres, and local centres), as shown on the Policies and Town Centre Maps, and as detailed in the shopping centre hierarchy and then in accordance with the sequential test.

Policy LP13 of the Kirklees Local Plan states that the function of local centres is to provide top-up shopping and local services, particularly food and drink.

The proposal would remove storage which is in association with the retail unit; however, it would not removal a retail use within a local centre and therefore, when considered against the purposes of Policy LP13 of the Kirklees Local Plan, the proposal is considered to be acceptable.

Policy LP15 of the Kirklees Local plan refers to residential uses in town centres and states that proposals will normally be considered acceptable in principle providing the residential uses are on the upper floors of the building and they retain active frontages both within and outside the primary shopping area, among other criteria. It is considered that the proposed residential units would retain the retail use at ground floor level and would be considered to accord with LP15 (a - c) in principle.

It is considered that the proposal would accord with the purposes of Town Centres as set out within Policies LP13 of the Kirklees Local Plan.

Housing supply:

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

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

The Council’s inability to demonstrate a five-year supply of housing land weighs in favour of housing development but has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officers’ assessment

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

## **2. Impact on Visual Amenity**

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape,

extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

With regard to the Council's adopted Housebuilders Design Guide SPD consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.

The submitted plans demonstrate that alterations would be required the building to facilitate the change of use including the erection of a rear dormer. This would have a flat roof with a width of 3.8m and a height of 1.8m

It is considered that the proposed dormer would be set down from the ridge of the property and above the eaves which would allow it to integrate with the roof space of the existing building. It would have limited views from the wider area.

The dormer is proposed to be finished in grey shiplap cladding which as the dormer on the front of the property is constructed out of wood, would be acceptable in this case. An appropriately worded condition to ensure satisfactory completion of the dormer in suitable materials of construction would be included upon any grant of permission.

It is considered that although the chimney is visible within the public realm and the other dwellings in the building group benefit from a chimney, its removal would not significantly impact the character of the host building due to its elevated position from the public realm. Use of materials to match that of the existing roof slope would be secured by condition to ensure the works associated with the removal of the chimney is suitably integrated within the existing built form.

As previously discussed, there is a Listed Building within reasonable proximity to the application site; however, due to the scale of the external alterations and the separation distance, officers do not consider that the proposal would have any impact on the setting of a Listed Building.

On this basis, it is considered that the proposed change of use would not have any significant visual impact on the character and appearance of the surrounding area.

Having considered the above, it is considered that the proposal would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and policies within chapter 12 of the National Planning Policy Framework.

### **3. Impact on Residential Amenity**

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, considering Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The site has the following residential properties in close proximity to the site:

97 & 99 The Knowl, 103 Knowl Road, 100 Knowl Road and 1 Westroyd Avenue.

It is considered that the proposal would retain all existing separation distances with neighbouring dwellings and would not increase the height or scale of the building. Therefore, the proposal would not raise any significant concerns regarding overshadowing, loss of light, overlooking or overbearing to neighbouring occupiers.

Having considered the above factors, the proposed works are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and the aims of the National Planning Policy Framework.

#### Future occupiers:

Policy LP15 (d) sets out the requirement that proposals ensure the protection of the amenity of existing residents and future occupiers of the proposed residential use in accordance with amenity and design policies within the plan, and will in particular consider matters such as privacy, noise and air quality.

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

National space standards require the following gross internal floor area for a one bed dwelling over one storey:

- 1 Bedroom, 1-person dwelling set over 1 storeys - 39 square metres
- 1 Bedroom, 2-person dwelling set over 1 storeys - 50 square metres
- 1 Bedroom, two person dwelling over two storeys- 58 square metres.

The proposal demonstrates that flat 1 would have an internal floor space of approximately 47m<sup>2</sup>.

When measuring flat two, officers consider that the main bedroom and kitchen have a floor space of 28m<sup>2</sup>, when measuring the whole floor area on the second floor, this would measure 53m<sup>2</sup>; however, this would be by the eaves and in accordance with part g of the technical requirements 'any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.

Therefore, these areas are to be counted as half their footprint. This would result in the area next to the bedroom of the second flat having a floor space of 4.5m<sup>2</sup> and the area adjacent to the living area having a floor space of 4m<sup>2</sup>. Therefore, the second floor of the flat would have an area of 36.5m<sup>2</sup>.

However, the bathroom of the proposal does not fit within the second floor of the building and is located next to flat one's bedroom. This would have an area of 4.2m<sup>2</sup>.

As a result, this dwelling would be located over two storeys and is therefore required to have an internal floor space of 58m<sup>2</sup>.

The proposal would fall substantially short of this requirement having an internal floor space of 40.5m<sup>2</sup> for a one bedroom dwelling over two storeys.

Coupled with the layout of the proposal which would see accommodation for flat 2 predominantly within a roof area, it is considered flat 2 has a contrived layout which requires an area of floor space on floor 1 to provide the amenities required within the flat.

The extent of floor space provided, coupled with the layout of the flat leads to the conclusion that flat 2 as detailed within submitted drawing S02revF fails to demonstrate an acceptable standard of living for the future occupier of flat two.

Overall, it has been considered that the proposal would have an unacceptable impact upon residential amenity for future occupiers of flat 2 and would not be compliant with the aims of principles 16 of the Housebuilders design guide or Policy LP24 of the Kirklees Local Plan.

As the proposal would share a party wall with a commercial unit, policy LP52 is also considered to be of relevance in this instance as it sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise

emissions. It is noted the premises at ground floor level in the terraced row fall within use class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). These uses are generally more compatible with residential use. It appears residential use(s) are undertaken at the first floor level in other properties in the terraced row.

As such, it is considered a proportionate approach that the applicant would be required to ensure that sound transmission from this use does not adversely affect residential amenity. To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises, conditions would be imposed to secure the submission of a noise assessment and mitigation scheme upon any grant of approval.

With regard to privacy, the proposals would not have a significant impact for future occupiers given the distance of neighbouring occupiers from the development. The impact with regard to air quality is not considered to be significant as the site does not fall in an air quality management area.

As set out earlier within this section, it is considered that the proposed development would not provide suitable floor space provision / layout arrangements for future occupiers of the development. The layout of the flats is constrained by the requirement for the floor space being spread across different floors within the property for flat 2. Given the layout of the dwellings and resultant space for future occupiers it is concluded the development would have an unacceptable impact for the residential amenity of future occupiers of the development.

### **Impact on Highway Safety**

Local Plan Policies LP15 (e, f & h), 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 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application is for the change of use of the first floor and second floor of an existing building to two apartments. Due to the units being located in a sustainable location with good access links, it is considered the scheme for residential use of the upper floors is acceptable. Whilst the submitted plans do not detail if any off street parking is possible, the proposal is within a sustainable location with amenities, services and public transport links in close proximity to the site.

Details of waste storage and a cycle storage area (external stands) have been indicated upon the submitted site plan. It is considered such provision would be sufficient given the quantum of the development proposed, with collection of wastes likely to follow the same arrangement in terms of bin collection points as other properties in the terraced row.

Conditions to ensure the provision of waste and cycle storage are recommended for inclusion in the event of any grant of permission.

Therefore, subject to conditions, 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 9 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 pre-dates 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.

A climate change statement accompanies the application. This details a number of measures to be incorporated. The nature of the proposal has, to some extent, a beneficial impact seeing a more efficient use of the existing building by introducing a further use within the site.

It is considered that on the basis the proposal is undertaken in accordance with the submitted statement (and a condition of any approval ensures this is the case) the proposal would be acceptable with regard to climate change.

##### Biodiversity

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

Given the scale and nature of the proposal it is not considered appropriate to insist upon inclusion of measures for biodiversity enhancement of the site (such as inclusion of bat / bird boxes upon the building).

### Land Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

The application site falls within an area at high risk of ground movement as a result of past mining activities as determined by the Mining Remediation Authority. Whilst falling within a high risk area the Mining Remediation Authority identify the development type as that which does not need submission of a Coal Mining Risk Assessment. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with policy LP53 and paragraphs 180 and 189 of the National Planning Policy Framework.

## **5. Representations**

N/A

## **6. Conclusion**

This application for Change of use of first and second floors from storage to 2 No. 1 bedroom self-contained residential flats (Use Class C3), erection of rear dormer extension, and removal of chimney at Knowle Newsagents, 1, The Knowl, Mirfield, WF14 9RH 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 unacceptable design in terms of residential amenity, the proposed alterations and change of use are considered to be unacceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken 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 not constitute sustainable development and is therefore recommended for refusal.

**Recommendation: REFUSE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2026/91201

**Officer Recommendation:** REFUSE

**Conditions and Reasons**

1. The accommodation demonstrated in relation to flat 2 upon the submitted drawing titled 'Proposed Plans and Elevations' ref: S02revF would fail to accord with the nationally described space standards and would fail to adequately meet basic lifestyle needs. Therefore, the proposal would provide an unacceptable standard of living accommodation for future occupants and would fail to accord with Policy LP15(d), LP24(b) of the Kirklees Local Plan, Principle 16 of the Council's Housebuilders Design Guide SPD, and Paragraph 135(f) of the National Planning Policy Framework

**Plans and specifications schedule: -**

<b>Plan Type</b>	<b>Reference</b>	<b>Revision</b>	<b>Date Received</b>
Location plan			1/05/2026
Proposed plans	S02revF		1/05/2026
Existing plans	S01		1/05/2026
Planning statement			1/05/2026
Climate change statement	-	-	1/05/2026

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 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. No alterations were requested as it is considered the quantum of development the subject of this application could not be reasonably accommodated by any such amendment.

