

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:	2026/60/91217/W
Site Address:	Adj, Hind Hill Farm, New Hey Road, Scammonden, Huddersfield, HD3 3AR
Description:	Outline application for residential development (one dwelling)
Recommending Officer:	Joshua Merriman

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: 14-Jul-2026

Officer Report – 2026/91217

Site Description

The application site refers to Adj, Hind Hill Farm, New Hey Road, Scammonden, Huddersfield, HD3 3AR, an open area of land sited adjacent to New Hey Road and an existing dwelling at Hind Hill Farm. Properties surrounding the application site are mostly faced in stone, with pitched tiled roofs and timber/uPVC windows and doors dependent on the age of the dwelling, however, most dwellings retain a traditional style given they are located upon, or nearby, farmland. The site has an increasing upwards gradient from North to South.

Description of Proposal

The Scheme

The applicant is seeking permission for Outline application for residential development (one dwelling).

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Climate Change Statement
- Design and Access Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2001/92161 - Conversion and extension of stables to form dwelling – Refused for the following reasons:

- The proposed development will, by virtue of its size and scale, detrimentally impact on the openness and character of the Green Belt.
- The size of the extension fails to have regard to the scale and character of the original part of the building, to the detriment of visual amenity.

2002/90746 - Conversion and extension of stables to form dwelling – Refused for the following reasons:

- The proposed development will, by virtue of its size and scale, detrimentally impact on the openness and character of the Green Belt.
- The size of the extension fails to have regard to the scale and character of the original part of the building, to the detriment of visual amenity.
- The creation of domestic curtilage is considered inappropriate and harmful to the established character of the area, conflicting with the purpose of including land within the Green Belt.

2019/92019 - Change of use, alterations and extension of a two storey detached garage and stable to a single dwelling, demolition of existing farmhouse with attached barn, and erection of two dwellings – Withdrawn.

2020/90628 - Change of use, alterations and extension of a two storey detached garage and stable to a single dwelling, extensions to farmhouse to form two dwellings – Conditional Full Permission.

2020/93918 - Certificate of lawfulness for existing use of land for purposes incidental to the enjoyment of the dwellinghouse – Cert of Lawful Use Refused.

- Based on the evidence provided and held by the Council, the applicant has not demonstrated on the balance of probability or as a matter of fact and degree that the land edge red on the submitted LDC Garden Boundary Plan and Location Plan (drawing no. 10538/18/09) benefits from either an established lawful use for purposes incidental to the enjoyment of the dwellinghouse at Hind Hill Farm or that the land forms part of the curtilage to the dwellinghouse.

Application 2025/91541 which sought outline permission for one dwelling on a site approximately 50m to the east of the application site is considered of relevance. This application was refused on the following basis:

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive area of the Green Belt and would undermine the Green Belt's function in this location. The proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.

2. The development would fail to respect the character of the locality through the introduction of further urbanising features within a countryside setting and within a prominent location contrary to policy

LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

A subsequent appeal to this decision was dismissed at appeal (APP/Z4718/W/25/3372188) on 4th February 2026.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 26/06/2026. Two representations in objection have been received raising the following objections:

- The application represents inappropriate development within the Green Belt and would cause harm to the openness and rural character of the area.
- The proposal would introduce additional built development and associated domestic features into what is currently a rural setting. This would have an urbanising effect on the area and would be out of keeping with its countryside character. The proposal would also be clearly visible from New Hey Road, further impacting the rural appearance of the area.
- I note that a previous application on a nearby site by the same applicant was refused because no very special circumstances had been demonstrated to outweigh the harm to the Green Belt. In my view, nothing has changed to justify a different conclusion in this case. The proposal remains contrary to Green Belt policy and would set an unwelcome precedent for further development in the area.
- The application fails to demonstrate how Biodiversity Net Gain requirements would be achieved. There is no clear evidence within the submitted documents that the proposal would deliver the required biodiversity enhancements, nor is there sufficient information to allow this aspect of the application to be properly assessed.
- The Design and Access Statement is incomplete and potentially misleading. While it refers to previous planning approvals relating to the site, it fails to acknowledge the refusal of an application for residential curtilage associated with the three adjacent properties (Reference: 2020/CLD/93918/W). This is a material planning consideration that is directly relevant to the planning history of the site and should have been disclosed to provide a balanced and accurate assessment of the proposal.

- One additional dwelling will have little effect on Kirklees's requirement to provide more affordable homes but this developer has proven that another poor development can blight a rural area.
- The quality of the redevelopment - using the wrong coloured sandstone, not matching the pointing colours, no effort to course additions of stone (such as window openings) reveal the quality of development Airborne will undertake.
- There are only solid sandstone 'Pennine' farms and houses either side of the A640 from The Lower Royal George PH for over 10km to Denshaw - will the development be built in the traditional style with solid sandstone materials. If not, this would be a Carbunkle in the middle of 10 km of the Locality and stand as a poor decision.

These are taken into account in the determination of this application as set out in the 'Assessment' section of this report.

Consultation Responses

KC Highways Development Management (Formal) – No objections. Conditions and footnotes have been recommended relating to a necessary Section 184 agreement and drainage of the proposed parking areas.

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

Allocation and Policy

The site is allocated Green Belt within the Kirklees Local Plan (adopted 2019). The site is also located within a swift nesting area and twice buffer.

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
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- 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 December 2024, 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 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting Healthy and Safe Communities
- Chapter 9 Promoting Sustainable Transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 13 Protecting Green Belt land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

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.
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

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of Development

Policy LP1 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 National Planning Policy Framework.

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 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.

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

Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

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

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF Paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

Land Allocation

The site is allocated as Green Belt on the KLP Policies Map.

Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 details that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Footnote 55 of the NPPF states that in the case of development on previously developed land or grey belt land, where development is not inappropriate the requirement for substantial weight to be given to any harm to the Green Belt is not applicable.

Paragraph 154 of the NPPF states the following:

‘development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - i. mineral extraction;*

- ii. engineering operations;*
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.'*

In this case, it is considered that the proposed development would not meet any of the exceptions set out in Paragraph 154 of the NPPF.

Paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where applicable criteria are present.

Green Belt – Whether the development could fall within the exception detailed within paragraph 155 and be considered Grey Belt.

The definition of grey belt excludes land where policies relating to footnote 7 of the Framework, would provide a strong reason for refusing or restricting development. It is considered unlikely that policies relating to footnote 7 of the Framework would provide a strong reason for refusing any proposed redevelopment of the land for residential purposes.

Kirklees Council cannot currently demonstrate a five-year land supply. As such, the tilted balance in favour of sustainable development applies. However, Green Belt policies within the NPPF (Chapter 13) constitute a restrictive policy, meaning the presumption does not automatically override the protection afforded to Green Belt land.

The presumption in favour of sustainable development is therefore relevant in the overall planning balance, however Green Belt policies remain a significant constraint that must be addressed in determining acceptability.

The National Planning Policy Framework (NPPF) (December 2024) provides the national policy framework for planning decisions within the Green Belt. Paragraph 143 outlines the five purposes of the Green Belt, which are:

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

It is within this context, consideration of the exemption set out in paragraph 155 of the NPPF must be considered. Paragraph 155 states that development in the Green Belt should not be regarded as inappropriate where:

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

Annex 2 of the NPPF defines Grey Belt as:

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

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

A Previous application 2025/91541 nearby to the application site off New Hey Road was recently refused for outline permission for the erection of one dwelling. Following refusal of the application and appeal was submitted. Within their appeal decision letter dated 4th February 26, the inspector agreed with the Councils assessment of the land being allocated as Grey Belt.

Both the Council and inspector stated that the site was not within the immediate vicinity of any large built-up areas or towns, including historic towns, and thus would not lead to the merging of towns or impact the setting or character of any historic towns.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise ‘grey belt’ land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

The development is not considered to cause encroachment into the countryside setting of the application site, in light of the recent appeal decision and conclusions of the Inspectorate within the appeal decision to application 2025/91541, whereby the inspector stated that any encroachment into the countryside would be negligible, and the proposal would not fundamentally undermine the purposes of the remaining Green Belt area. This is considered relevant due to the similarities between the sites regarding location and the type of development sought.

There is a demonstrable unmet need for housing within the district, by virtue of the Council's 5-year housing supply position. As such the proposal would appear to meet the requirement of paragraph 155(b).

Turning to whether the site is within a sustainable location, having regard to paragraphs 110 and 115 of the NPPF.

As in application 2025/91541, the application site, and nearby sites, are considered to be located in a moderately sustainable location in terms of access to amenities, and it is acknowledged there would likely be a requirement for private vehicle use for accessing the site although there are public transport links in proximity and as such it is concluded that the proposal meets the requirement of paragraph 155c in this regard.

Paragraph 155(d) would not be applicable to the proposal given it would be for one dwelling.

Considering the above assessment, it is concluded that the land can be defined as Grey Belt land as it does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the NPPF. The development could also be considered as appropriate development in the Green Belt as it meets the exemptions of Paragraph 155 of the NPPF. These conclusions are drawn on the basis of the recent planning application and appeal decision at the site approximately 50m to the east and the conclusions drawn by the Inspectorate in the determination of the subsequent appeal.

2 – Impact on character and appearance of the area

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

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’.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- Taking cues from the character of the built and natural environment within the locality.*
- Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

The application is seeking approval for outline permission for layout and access only, with all other matters to be dealt with at reserved matters application stage (appearance, landscaping and scale).

Notwithstanding this point, consideration is given to the principle of the visual impact of the proposal. The development would read as further encroachment visually of built form along the main highway and have the appearance of being ribbon development. Visually this has an urbanising impact and would lead to an incremental creep of urban development to this section of the highway.

Within the appeal decision for application 2025/91217, the inspector dismissed the appeal on the basis of the visual impact of the proposal. Within their decision they set out that the proposal would result in the encroachment of development along the highway, erode the visual separation of the built environment along the section of New Hey Road, create ribbon like development, and urbanise the area at odds with the existing rural character. Furthermore, given the proposed dwellings proximity to the highway, the development would appear prominent from the public realm. All these impacts are considered to resonate with the current application.

As such, it is concluded that the proposal would have an unacceptably harmful effect on the character and appearance of the area and is not considered to enhance the local character of the area, leading to a negative and incoherent identity as a result of introducing further built form. This is increased when considered on the basis of the absence of development in the wider locality in this case. The proposal is therefore concluded to be contrary

to policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 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 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

The text supporting Principle 6 of the Kirklees Housebuilders Design Guide SPD sets out recommended minimum separation distances, these being:

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

The proposal is for one dwelling with all matters reserved, notwithstanding this an assessment as to whether the site could accommodate a dwelling such that it has a satisfactory impact upon the amenity of neighbouring occupiers is undertaken as follows.

The site is in proximity to a dwelling to the north east of the site. The dwelling to the north east is at a distance of 12m from the boundary of the site, at their closest points. The dwelling to the north east of the site has eight windows facing to the south west, in the direction of the proposed dwelling, of which, two of these are to the first floor and six to the ground floor. Both first floor windows service ensembles and are therefore obscure glazed, eliminating any overlooking or privacy impacts, however, all six ground floor windows are closely spaced with three servicing the living room and three servicing the nearby snug. As a result of these habitable windows being to the ground floor, it is considered that a suitable boundary treatment could be erected to eliminate overlooking and privacy impacts, or the proposed dwelling could eliminate the use of any openings to the north east facing elevation.

Given that this is the only dwelling near the application site, it is considered that suitable arrangements could be achieved in terms of layout.

The dwelling would also need to be of a suitable scale to match any neighbouring properties as not to appear overbearing or unsympathetic, and to prevent overshadowing, overbearing, light, and outlook impacts. It is also considered that suitable arrangements could be achieved regarding scale to ensure there is no significant impact upon the amenity of neighbouring occupiers.

In terms of amenity space and the size of the dwelling, it is considered that the layout of the dwelling and site could be undertaken on the site which ensures amenity space provision commensurate with the dwelling could be achieved, as well as a dwelling which meets the requirements of the nationally described space standards (NDSS).

Therefore, it is considered it is possible to undertake the development proposal in a manner which meets the requirements of the aforementioned 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

KC Highways Development Management have provided the following comments:

"The proposal is acceptable to Highways DM, subject to a suitable access being provided at the reserve matters stage.

The formation of a new access to the site will need to be provided from A640 New Hey Road which is a classified main road.

For a 60mph speed limit sight lines of 2.4m x 215m should be achievable and demonstrated on a suitable plan, any shortfall of this requirement should be in accordance with 85%ile wet weather speed readings (if below 60 mph).

The changes to the access within the adopted highway fronting the property, to provide a dropped kerb, 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 Design Engineer (Kirklees Street Scene: 01484 221000) 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.

Parking in accordance with the Kirklees Highway Design Guide should be provided, together with internal turning enabling vehicle to enter and egress the site in forward gear.

The approved vehicle parking areas will need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded.

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens"

Considering the above comments, it is considered that a suitable access could be arranged and designed taking into account the above recommendations from KC Highways.

Therefore, in this case, given access and layout would remain reserved matters, the proposal would be acceptable having regard to the above policies.

5. Climate Change

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

It is noted that Electric Vehicle charging points are a requirement of building regulations and would be covered by that requirement in the event of any approval. This is now controlled by Part S of the Building Regulations which came into force in June 2022 and would not be repeated as a planning condition.

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.

6. Other Matters

Impact upon Ecology

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. It is acknowledged that the site is located within an identified swift nesting area and twite buffer. An informative would be included making the applicant aware that if swifts or twites are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

Biodiversity Net Gain

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 self-build 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.

However, the following policies are relevant:

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.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

In this case, it is considered that the proposal would be able to achieve a level of biodiversity net gain through measures including native species planting / inclusion of bird boxes / bricks within the development. It is considered that

such measures could be secured by an appropriately worded condition which would be included in the event of any grant of permission.

As the application has been submitted in outline, any matters with regard to ecology can be secured via suitably worded conditions for the reserved matters application.

No protected trees are present on site, and it is not considered that the proposed development will lead to any harm to mature trees.

In conclusion, therefore considered that the proposal will accord with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

7. Representations

Letters of Objection

- The application represents inappropriate development within the Green Belt and would cause harm to the openness and rural character of the area.

Officer Comment: This has been addressed in the 'Principle' section of this report.

- The proposal would introduce additional built development and associated domestic features into what is currently a rural setting. This would have an urbanising effect on the area and would be out of keeping with its countryside character. The proposal would also be clearly visible from New Hey Road, further impacting the rural appearance of the area.

Officer Comment: This has been addressed in the 'Visual Amenity' section of this report.

- I note that a previous application on a nearby site by the same applicant was refused because no very special circumstances had been demonstrated to outweigh the harm to the Green Belt. In my view, nothing has changed to justify a different conclusion in this case. The proposal remains contrary to Green Belt policy and would set an unwelcome precedent for further development in the area.

Officer Comment: This has been addressed in the 'Principle' section of this report.

- The application fails to demonstrate how Biodiversity Net Gain requirements would be achieved. There is no clear evidence within the submitted documents that the proposal would deliver the required biodiversity enhancements, nor is there sufficient information to allow this aspect of the application to be properly assessed.

Officer Comment: The dwelling has been submitted as a 'self/custom build' dwelling, meaning Biodiversity Net Gain measures as required in law do not apply to the development.

- The Design and Access Statement is incomplete and potentially misleading. While it refers to previous planning approvals relating to the site, it fails to acknowledge the refusal of an application for residential curtilage associated with the three adjacent properties (Reference: 2020/CLD/93918/W). This is a material planning consideration that is directly relevant to the planning history of the site and should have been disclosed to provide a balanced and accurate assessment of the proposal.

Officer Comment: The planning history, where relevant, is taken into account within the Assessment of this application.

- One additional dwelling will have little effect on Kirklees's requirement to provide more affordable homes but this developer has proven that another poor development can blight a rural area.

Officer Comment: This has been addressed within the 'Principle' section of this report.

- The quality of the redevelopment - using the wrong coloured sandstone, not matching the pointing colours, no effort to course additions of stone (such as window openings) reveal the quality of development Airborne will undertake.

Officer Comment: It is considered materials of construction could be ensured through use of an appropriately worded condition.

- There are only solid sandstone 'Pennine' farms and houses either side of the A640 from The Lower Royal George PH for over 10km to Denshaw - will the development be built in the traditional style with solid sandstone materials. If not, this would be a Carbunkle in the middle of 10 km of the Locality and stand as a poor decision.

Officer Comment: As this application is only for outline permission, these details are not subject to this application type. They would be subject to a forthcoming reserved matters application in the event of any approval.

8. 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 not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2026/91217

Officer Recommendation: Refusal

Reason(s) for Refusal

1. The development would fail to respect the character of the locality through the introduction of further urbanising features within a countryside setting and within a prominent location contrary to Policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Hind Hill	-	19/05/2026
Application Form	-	-	19/05/2026
Climate Change Statement	-	-	19/05/2026
Design and Access Statement	-	-	19/05/2026

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. Amendment(s) were not sought on the basis it is not considered any could overcome the reason for refusal.