

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:	2026/62/91382/W
Site Address:	56A, Hazel Grove, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TQ
Description:	Change of use of existing agricultural outbuilding to form part of residential accomodation at ground floor, new link extension to form new entrance area to link existing dwelling and outbuilding and creation of new amenity / external seating area within new new roof space of former agricultural building
Recommending Officer:	Joshua Merriman

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.

Danielle Cooper

AUTHORISED OFFICER

Date: 23/07/2023

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Officer Report – 2026/91382

Site Description

The application site refers to 56A, Hazel Grove, Cowlersley Lane, Linthwaite, Huddersfield, HD7 5TQ, a two-storey detached property faced in natural stone, stone slate roof tiles, and timber and uPVC windows and doors. The property is a converted barn. The application dwelling lies in a slightly differed street scene containing properties of differing sizes, scales, characters, appearances, and ages. Furthermore, the property benefits from hard-standing parking space and garden space to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for Change of use of existing agricultural outbuilding to form part of residential accommodation at ground floor, new link extension to form new entrance area to link existing dwelling and outbuilding and creation of new amenity / external seating area within new roof space of former agricultural building.

As part of the application the following amendments will be made to the existing dwelling and site:

- Erection of link extension with terrace above.
- Change of use of existing outbuilding to form residential accommodation at ground and mezzanine level. An external terrace area will be provided within the mezzanine.
- The roof of the existing outbuilding will be increased.
- New windows and openings within the North East and North West elevations.
- Reduction in scale of the outbuilding to enable a larger parking area.

Supporting Information

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

- Climate Change Statement
- Planning Statement
- Design and Access Statement

During the application process, the following plans were submitted:

- 21/07/2026 – Proposed Elevations – 26 801 103 A

History of Negotiations / Amendments Received

Revised plans were received to increase the height of the glass terrace screen and to ensure balustrades to the open terrace area were obscure glazed. The amended plans were considered acceptable by the case officer.

Relevant Planning History

The most relevant planning history relates to the following planning applications

88/01845 - Conversion of barn to form self-contained flat and extension to existing dwelling – Granted Conditionally.

88/04974 - Change of use of barn to dwelling (3 bedroom) house – Refused.

2005/91303 - CHANGE OF USE OF BARN TO DWELLING WITH INTEGRAL GARAGE – Conditional Full Permission.

2005/93641 - VARIATION OF CONDITION 5 RELATING TO CAR PARKING SPACES ON PREVIOUS APPROVAL 2005/62/91303/W1 FOR CHANGE OF USE OF BARN TO ONE DWELLING WITH INTEGRAL GARAGE – Conditional Full Permission.

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 and by press advertisement. The expiry date of the publicity period was the 26/06/2026

Letters of Objection

- The applicant has stated that an access point to the neighbouring property will be removed and a second access to the neighbouring dwelling will be moved.
- The building works and noise would be very intrusive and create an unsafe environment.
- The plans will remove privacy from the neighbouring dwelling and create issues regarding residential amenity.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The site is allocated in the Strategic Green Infrastructure Network within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer 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
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP31 Strategic Green Infrastructure Network

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.

- Chapter2 Achieving sustainable development
- Chapter12 Achieving well-designed places
- Chapter14 Meeting the challenge of climate change, flooding and coastal change
- Chapter15 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

- Kirklees Highway Design Guide (adopted November 2019)
- House Extensions & Alterations 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 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.

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.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. 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.

Considering the above policy, the principle of the development is considered to be acceptable.

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’*.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

The proposed link extension and terrace, conversion of the existing outbuilding, and new openings will all be completed using matching materials including natural stone, glazed windows, stone slate roof tiles, timber and uPVC windows. The proposed alterations are considered to be in keeping with the character and appearance of the host dwelling and are therefore acceptable. In addition, the proposed link extension and conversion of the existing outbuilding are considered to appear subservient to the existing property. As a result, all of the proposed changes to the site are considered to appear sympathetic in relation to the host property, preserving the character of agricultural building conversions, and surrounding street scene.

Considering the above assessment, the proposed extensions are considered to be acceptable with regard to visual amenity.

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.

Key Design Principle 3 states that extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants and neighbours

Key design principle 4 sets out that extensions and alterations should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook.

Key design principle 5 relates to overshadowing/loss of light and details that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.

Key design principle 6 seeks to ensure developments preventing overbearing impact and that extensions and alterations should not unduly reduce the outlook from a neighbouring property.

The recommendations of Paragraph 5.28 of Councils House Extensions and Alterations SPD are considered relevant.

Given the limited scale of any new development to the property and the small increase to the roof height via glass and a small pitch it is considered that there would be no significant impacts regarding overshadowing and overbearing impact.

The proposed outbuilding conversion will include the previous agricultural building using a master bedroom, ensuite, and dressing room to the ground floor, and the proposed open seating terrace to the mezzanine level.

A terrace area above the proposed link extension is also proposed.

The proposed ground floor side windows will serve a bedroom, ensuite and store. The proposed ensuite will be conditioned to be obscure glazed to mitigate any concern of overlooking. The store room will remain as existing and therefore raises no concern of loss of privacy to No. 52 Hazel Grove. The proposed bedroom window will look onto No. 52's blank side elevation and front door. Given this relationship, it is not considered that the proposed bedroom window will result in any significant loss of privacy to No. 52 Hazel Grove.

It is acknowledged that the existing first floor living room window in the application property has an opening facing North West, however, this looks onto a blank elevation of 52 Hazel Grove.

The proposed link extension and mezzanine floor to the converted outbuilding will have obscure glazed screens with the terrace above the link having a 1.8m tall screen that will mitigate the impact of overlooking as noted on the submitted revised elevation drawings. As such, there are no concerns to the overlooking impact to No. 56 Hazel Grove private residential amenity space or the first floor windows to No. 52 Hazel Grove.

As such, the proposed development is considered acceptable, complying with LP24 of the Kirklees Local Plan and guidance set out within the Councils House Extensions and Alterations SPD.

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 Supplementary Planning Document (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.

The proposal will increase the number of bedrooms in the property from two to three, however, the scale of existing hardstanding area will provide 2 on site parking spaces which is considered sufficient. Access into the site will remain as existing.

It is therefore considered that in terms of access and highway safety/parking the proposed extension 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. Furthermore, it is considered that the proposal would also comply with Principle 19 of the adopted House Extensions & Alterations SPD.

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.

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. Whilst it is acknowledged that the site is located within an identified bat roosting area and twite buffer, the proposals are relatively modest, and in this case would not significantly impact upon the existing roof space which has the potential for providing a roost for bats or twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat and twite populations. An informative would be included making the applicant aware that if bats 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.

7. Representations

- The applicant has stated that an access point to the neighbouring property will be removed and a second access to the neighbouring dwelling will be moved.

Officer Comment: This does not appear to be part of the submitted application and thus has not been assessed, however, this would likely constitute a civil matter rather than a planning matter.

- The building works and noise would be very intrusive and create an unsafe environment.

Officer Comment: In the event of an approval being issued, KC Environmental Health can exercise powers to ensure a safe and non-intrusive environment is adhered to when carrying out development. An informative note will be added to the end of the report if permission is granted.

- The plans will remove privacy from the neighbouring dwelling and create issues regarding residential amenity.

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

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 approval.

**Recommendation
PERMISSION**

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/91382

Officer Recommendation: Conditional Full Permission

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).

1. 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, and LP30 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 12, 14 and 15 of the National Planning Policy Framework.

2. The proposed ensuite window in the North East facing elevation shall be fitted with obscure glazing to at least Level 3 on the Pilkington Scale (or equivalent) and be non-opening to a height of no less than 1.7m above floor level and retained as such thereafter.

Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles 3 and 4 of the House Extensions and Alterations SPD, and policies contained within Chapter 12 of the NPPF.

3. The terrace shall not be brought into use until an obscurely glazed screen (to a minimum privacy level of Grade 4 or equivalent) to a height of 1.8m high has been constructed to the North East and South West facing elevations of the raised terrace. The obscure glazed screen shall thereafter be retained.

Reason: To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan the Key Design Principles of the House Extensions and Alterations SPD and policies within Chapter 12 of the National Planning Policy Framework.

No construction related noise shall be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing Site & Location Plan	26_801 104	-	26/05/2026
Proposed Site & Location Plan	26_801 105	-	26/05/2026
Existing Elevations	26_801 101	-	26/05/2026
Existing Floor Plans	26_801 100	-	26/05/2026
Proposed Elevations	26_801 103	A	21/07/2026
Proposed Floor Plans	26_801 102	-	26/05/2026
Application Forms	-	-	26/05/2026
Climate Change Statement	-	-	26/05/2026
Planning Statement	-	-	26/05/2026
Design and Access Statement	-	-	26/05/2026

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. Revised plans were received to increase the height of the glass terrace screen and to ensure balustrades to the open terrace area were obscure glazed. The amended plans were considered acceptable by the case officer.

Report Dated:

23/07/2026