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:	**2026/62/91403/W**
Site Address:	57, Norman Road, Birkby, Huddersfield, HD2 2UD
Description:	Change of use from barber shop (use class E) to convenience store / retail mini market (use class E) and installation of replacement shop front (within a Conservation Area)
Recommending Officer:	Nicole Helliwell

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 02 November 2026

Officer Report

Reference No. 2026/62/91403/E

Site Address: 57, Norman Road, Birkby, Huddersfield, HD2 2UD

Proposal: Change of use from barber shop (use class E) to convenience store / retail mini market (use class E) and installation of replacement shop front (within a Conservation Area)

Decision Level

This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.

Site Description

The application relates to 57 Norman Road, a commercial property located within Birkby, Huddersfield. The site is unallocated on the Kirklees Local Plan Proposals Map and the wider area comprises residential properties of similar materials, and architectural styles. The site is not near any listed buildings or public right of ways. However, the site is located within the Birkby Conservation Area.

Description of Proposal

The application seeks retrospective planning permission for the change of use from a barber shop (use class E) to a convenience store / retail mini market (use class E) and the installation of replacement shop front. The premises would be open 0800hrs to 2300hrs Monday to Sunday and Bank Holidays and there would be 2 full time employees.

History of negotiations / amendments received

No amendments were sought or received during the course of the application.

Relevant Planning History

- **2026/91404:** Advertisement Consent for promotional facia sign and installation of upgraded robust low wattage external lighting system (within a Conservation Area. Planning application details | Kirklees Council – Pending Consideration
- **2003/92569:** Erection of attached garage and store (within a conservation area). Planning application details | Kirklees Council – Conditional Full Permission
- **92/02430:** Conservation area consent for demolition of lean-to kitchen and outside W.C. Planning application details | Kirklees Council – Conservation Area Consent Granted
- **92/02429:** Erection of extensions. Planning application details | Kirklees Council – Conditional Full Permission

Representations
The application was publicised by site notice and press advertisement, which expired on 21st August 2026. As a result of the above publicity, no representations have been received.

Parish/Town Council Comments
Not Applicable.

Local Ward Members
Not Applicable.

Consultation Responses
The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Conservation and Design – Objection
KC Highways Development Management – No objection

Planning Policy Background
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, it is located within the Birkby Conservation Area. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies
- **LP 1** - Achieving Sustainable Development
- L**P 2** - Place shaping
- **LP 7** - Efficient and Effective Use of Land and Buildings
- **LP 13** - Town Centre Uses
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 25** - Advertisements and Shop Fronts
- **LP 30** - Biodiversity and Geodiversity
- **LP 35** - Historic Environment
- **LP 52** - Protection and Improvement of Environmental Quality

Supplementary Planning Guidance / Documents:
- Kirklees Highways Design Guide (2019)

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published August 2026, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 3** - Decision-Making Policies
- **Chapter 4** - Achieving Sustainable Development
- **Chapter 5** - Meeting the Challenge of Climate Change
- **Chapter 7** - Building a Strong, Effective Economy
- **Chapter 14** - Achieving Well-Designed Places
- **Chapter 15** - Promoting Sustainable Transport
- **Chapter 19** - Conserving and Enhancing the Natural Environment
- **Chapter 20** - Protecting and Enhancing the Historic Environment

Assessment

1. Principle of Development

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework.

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".*

Chapter 8 of the NPPF seeks to promote the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs, in a way which reflects their locally distinctive roles and opportunities

The NPPF goes on to say that a sequential test should be applied to proposals for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date development plan. Main town centre

uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should of out centre locations be considered.

In this case, Policy LP13 of the Kirklees Local Plan is relevant and 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.

The application seeks planning permission to change the use of the building from a barber shop to a convenience store / retail mini market. The application site is located approximately 135m away from Birkby local centre. Whilst the planning application is not accompanied by a sequential test, it is considered that the existing Class E use of the site has already been established and its proximity to Birkby Local Centre are relevant considerations in assessing the application against the requirements of Policy LP13.

Therefore, in view of the above, 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.

1. Impact on Visual Amenity and Historic Environment

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 14 (achieving well designed places) whereby Paragraph 1 of NPPF Policy DP3 states: “Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features

Paragraph 1 of Policy DP3 of the NPPF sets out that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings. Furthermore, Policy LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to preserve or

enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

LP25 of the Kirklees Local Plans states that *'The development of new or replacement shop front units and display of advertisements will only be permitted if they satisfy the following criteria:*

a. *the design is consistent with the character of the existing building in terms of scale, quality and use of materials;*
a. *proposals respect the character of the locality and any features of historic, architectural, cultural or other special interest;*
b. *the shop fascia is designed to be in scale, in its depth and width, with the façade and street scene of which it forms part.'*

The proposal is for the change of use from a barber shop to a convenience store / retail mini market including the installation of a replacement shop front. The shopfront would be black and would contain blue and white lettering with images of the products sold within the store. KC Conservation and Design were informally consulted on the application and raised concerns regarding the appearance of the shopfront. Given its unsympathetic design, scale and prominent location, the proposal would form a visually jarring, intrusive and incongruous feature within the street scene, to the detriment of visual amenity. The proposal would also fail to preserve or enhance the character and appearance of the Birkby Conservation Area and would result in harm to its significance. Furthermore, there would be limited public benefits arising from the development, and as such it is considered that there is not a clear and convincing justification present in this case which would clearly outweigh the harm of the development.

Having taken into account the above, it is considered that the proposal would be unacceptable from a visual amenity perspective and would fail to comply with Policy LP24 of the Kirklees Local Plan and Chapter 14 of the NPPF. Furthermore, the proposal would result in detrimental harm to the significance of the Birkby Conservation Area and would fail to accord with Policies LP25 and LP35 of the Kirklees Local Plan, Chapter 20 of the NPPF and the requirements of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account 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.

Due to the nature and scale of the exterior alterations proposed, officers consider that the proposal would not cause any additional overlooking, overbearing or overshadowing harm to the residential amenity of the neighbouring occupants, over and above the existing arrangements on site.

Having considered the above factors, the proposals 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 National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies 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 4 of TR6 of the NPPF states that development proposals should be refused if they would have a severe adverse impact on the transport network or an unacceptable impact on highway safety.

The proposal is for a change of use from a barber shop to a convenience store / retail mini market with two employees and no formal on-site car parking. The site is accessible with footway connections and is within 400m of a bus stop with regular Monday to Saturday bus services. To further encourage sustainable travel, mode choice, and support Policy LP20 and Active Travel objectives cycle parking should be considered with the installation of a stand within the forecourt.

The access is to be retained from the junction of Norman Road and Birkby Hall Road with an ‘H’ bar marking on Birkby Hall Road. The forecourt is to be kept which provides a continued place for bin storage for kerbside collection. Other larger collections and deliveries would need to be made from the roadside. Usually, space is available on Birkby Hall Road due to the ‘H’ bar marking.

The application form states that no car parking is available on site which would be appropriate for a junction and an accessible location. Instead, Kirklees seeks to ensure that parking provision is appropriate to the needs of a development and not reduced below a reasonable level given the absence of parking standards. Yet, the forecourt has been used and could continue to be used for car parking if necessary. There is limited on-street parking space available in proximity to the premises on a first come first served basis with high parking demands where few parking and waiting restrictions apply.

The proposal does not raise significant issues for road safety or network functionality to meet Policy LP21 given the small-scale operation and likely to be attractive to those living locally to the premises. There are restrictions along the northernmost section of Norman Road with a one-way northbound and prohibition of motorcycles and cars expect for access. The level of movement is likely to be less intense at times in comparison to the extant barbers albeit patterns would alter with the longer opening hours. As such, KC Highways Development Management have no objection to the application.

On this basis, 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 15 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Biodiversity Net Gain

The application form states that the development subject to the de minimis exemption, would be exempt from providing Biodiversity Net Gain. At this stage, Officers are only able to assess this on the basis of submitted information. Should the proposal be considered not exempt by reason of not being this or other relevant categories for the scale of the development then an appropriate condition, supported by a BNG metric submitted for the approval of the LPA, would be required to ensure on-site BNGs would last for at least 30 years to meet the requirements of this legislation.

Sound Insulation

A higher level of sound insulation is required where commercial and residential uses share a party wall/floor/ceiling. Therefore, should the application be approved, a condition is recommended for a sound insulation assessment to be submitted to consider this in the interests of protecting the amenity of the occupiers of the adjacent dwellings.

Hours of Use

The application form states the proposed hours of use to be 0800hrs to 2300hrs Monday to Sunday and Bank Holidays. Therefore, were permission to be granted, officers have recommended a condition to secure the hours of use in the interest of protecting amenity.

Noise

The site of the proposed development sits adjacent to residential properties. Therefore, officers have concerns about the impact of any noise on the occupiers of the dwellings. On this basis, should the application be approved, a condition is recommended for a noise impact assessment to be submitted.

There are no other matters considered relevant to the determination of this application.

5. Representations

No representations were received during the course of the application.

6. Conclusion

This application for the change of use from a barber shop (use class E) to a convenience store / retail mini market (use class E) and the installation of replacement shop front at 57 Norman Road 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.

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. For the reasons set out above, 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: 2026/91403
Officer Recommendation: Refuse
Reasons for Refusal

1. The proposed shopfront by virtue of its unsympathetic design, scale and prominent location would form a visually jarring, intrusive and incongruous feature within the street scene, to the detriment of visual amenity. The proposal would fail to preserve or enhance the character and appearance of the Birkby Conservation Area and would result in harm to its significance. No public benefits have not been demonstrated to outweigh the harm. Therefore, to permit such development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Chapter 14 and Chapter 20 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	-	-	14/07/2026
Elevations	101	-	14/07/2026
Floor Plan	102		14/07/2026
Block Plan	-	-	14/07/2026
Design and Access Statement	PD-2026-050 / DAS	-	14/07/2026
Heritage Statement	PD-2026-050 / HS	-	14/07/2026

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.

In this instance, it was considered that no amendments could be made to overcome the reasons for refusal outlined above.

Report Dated: 30/10/2026