

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:	2026/62/91468/W
Site Address:	Land Adj, 18, Broadacres, Honley, Holmfirth, HD9 6ND
Description:	Erection of one dwelling and associated works
Recommending Officer:	Danielle Cooper

DECISION – CONDITIONAL FULL PERMISSION

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

John Holmes

AUTHORISED OFFICER

Date: 4th September 2026

Officer Report – 2026/91468

Land Adj, 18, Broadacres, Honley, Holmfirth, HD9 6ND

Site Description

The application site relates to a parcel of land that is situated adjacent to no. 18 and Broadacres. A grassed area is situated to the west of the site, and open fields are situated to the south. The site is bound by a low stone wall and shrubbery.

The site is located within character area 6 (Honley Village Centre) of the Holme Valley Neighbourhood Development Plan.

Description of Proposal

The Scheme

The application seeks full planning permission for the construction of a detached two storey, two bedroom dwelling.

The dwelling would feature two gables to the front elevation with an integral garage and single storey rear element. The dwelling would be constructed with stone with yorkshire stone slate roof tiles. Solar panels are proposed on the roof of the garage and the dwelling.

The proposal benefits from 4 on site parking spaces with a rear private amenity space.

Part of the proposal is to extend the existing road from Broadacres to allow access to the site. The agent has confirmed the proposed extended road will be built to an adoptable standard.

The agent has submitted a planning statement which provides comment on the planning history of the site and the previous public open space designation. The statement concludes that:

The application site formed part of the wider residential development approved under planning permission 99/93218 and was historically subject to obligations contained within earlier Section 106 Agreements and multiple Deed of Variations.

However, planning permission 2025/90297 was approved under a section 73 application, on 7 April 2026 following completion of a new Section 106 Agreement between Kenneth Hall (Builder) Limited and Kirklees Council.

That Agreement expressly reviewed and superseded the previous planning obligations affecting the remaining undeveloped land within the development.

History of Negotiations and Amendments Received

Concern was raised in regard to the proposals dominant impact on the street scene due to its larger scale and size compared to the surrounding residential dwellings. The agent reduced the scale of the dwelling. Officers considered the revised scale to be acceptable, reflecting similar scaled properties within the wider residential area (discussed in more detail in the 'Assessment' section of this report).

Relevant Planning History

The most relevant planning history relates to the following planning applications:

2025/90297 Variation condition 2 (plans) on previous permission 99/93218 for erection of 34 dwellings with garages – Approved – Deed of variation

99/93218 Erection of 34 no. dwellings with garages – Approved - Section 106 full permission

Representations

Consultation for the application has been carried out in accordance with the Council's Development Management Charter 2024 and Article 15 of Town and Country Planning (Development Management Procedure) (England) Order 2015.

The application was publicised by way of site notice and via the Council's website. The statutory publicity period expired on 17th July 2026.

22 letters of objection received, including from the Parish Council with the matters raised summarised as follows:

- The land is public open space and should not be developed on.
- The site is used by local residents as a safe children's play, a communal area for residents, a dog walking area for those residents who are not able to walk too far and a thoroughfare to Honey Head Lane Public Open Space.
- A public right of way is located at the site and has been used for over 20 years.
- The development would lead to an increase in risk of flooding
- The proposal would result in increased overlooking, loss of sunlight/daylight to neighbouring residential properties and will be overbearing.

- Lack of meaningful screening to prevent overlooking
- The submitted application did not undertake a transparent consultation process when Kirklees Council (KC) agreed to discharge the section 106 Agreement under 99/931218 where this land was designated as open space. The lack of due process and effective consultation by KC has directly impacted residents as part of the 106 change process during the 2025/90297 undermines public confidence. The site history should be given weight to the sites historic and ongoing community use.
- Concern of removal of Section 106 open space obligations linked to the wider site.
- The application has not been advertised correctly.
- The proposal would have a negative impact on visual amenity of the site and wider area.
- The size of the building is out of scale with the size of the plot, leading to over intensification and a lack of space for amenities.
- The proposal constates overdevelopment of the plot.
- The proposal would have a negative impact on existing wildlife.
- The proposed dwelling would not have adequate private amenity space.
- The extended highway raises concern of incremental future expansion of housing development within the green belt which could cause vehicle congestion.
- The proposed development extends significantly beyond the development area explicitly defined on the planning constraints plan. This breach is particularly pronounced at both the front and rear elevations of the property.
- The proposed development would increase noise and general disturbance, both during construction and once occupied, affecting neighbouring residents.
- The proposal has potential to increase congestion and reduce highway safety for residents, visitors and pedestrians.
- There are unresolved questions regarding the ownership and long-term maintenance of the boundary shrubs adjoining the neighbouring property.

Consultation Responses

The following consultation responses were received:

KC Ecology: No objections subject to conditions relating to a lighting strategy and a Construction Environmental Management Plan.

KC Highways (verbal comments provided): No objection subject to conditions.

KC PROW: The Council has received an application for a definitive map modification order (DMMO) to add a public footpath at Broadacres to the definitive map and statement of public rights of way (the legal record). The application reference is DMMO-app-360.

Should the development receive planning permission, and it is found that a public right of way subsists through this site, it would be necessary for any public right of way within this site to be stopped up or diverted. Should the route be diverted and enclosed by fences or walls, we advise that the minimum width required would be 2 metres.

This definitive map modification order application is not currently under investigation due to a backlog of other high priority cases. No advice can be offered at present on the likelihood of a definitive map modification order being made or confirmed.

Allocation and Policy

The site is unallocated within the Kirklees local Plan (Adopted 2019)

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
- LP7 Efficient and effective use of land and buildings
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP26 Renewable and Low Carbon Energy
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP33 Trees
- LP43 Waste Management Hierarchy
- 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 17th 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.

- Chapter4 Achieving sustainable development
- Chapter5 Meeting the challenge of climate change
- Chapter6 Delivering a sufficient supply of homes
- Chapter12 Making effective use of land
- Chapter14 Achieving well designed places
- Chapter15 Promoting sustainable transport
- Chapter17 Pollution, public protection and security
- Chapter19 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Housebuilders Design Guide SPD (June 2021)
Kirklees Highway Design Guide (adopted November 2019)
The Biodiversity Net Gain Technical Advice Note (June 2021)

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

- Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 10 Protecting Local Green Space
- Policy 12 Promoting Sustainability
- Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017
Biodiversity Net Gain Technical Advice Note 2021

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
2. Visual Amenity
3. Residential Amenity
4. Highways Impacts
5. Contaminated Land
6. Flood and Drainage
7. Ecology and Biodiversity
8. Climate Change
9. Other matters
10. Representations
11. Conclusion

1. Principle of Development

Sustainable Development

Policy S3 of the National Planning Policy Framework 2026 (NPPF) establishes a presumption in favour of sustainable development and provides that proposal which accord with the development plan and relevant national decision-making policies should be approved without delay.

Policy LP1 of the Kirklees Local Plan (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 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, with the relevant dimensions of sustainable development considered throughout the proposal.

Whether the land can be redeveloped for residential housing

The application site was indicated as Public Open Space under the approved layout associated with planning permission ref. 99/93218, with this designation secured through a Section 106 Agreement dated 7 August 2000. Since that time, the agreement has been subject to a number of Deeds of Variation dated 28 August 2006, 12 January 2007, 5 July 2007, 11 June 2008, 29 July 2009, 2 February 2010, 11 August 2011, and 26 March 2026.

The obligations and contributions originally secured through the Section 106 Agreement comprised:

- 1) Play equipment – A sum of £10,793.00
- 2) On site open space in accordance with drawing no. 1537.01
- 3) On space maintenance costs – A Sum of £4,290

4) Affordable housing – Four ‘low cost’ affordable units

The most recent Deed of Variation relates to planning application ref. 2025/90297 (Land adjacent to 20 Honey Head Lane / Plots 1-34, off Bradshaw Road/Long Lane, Honley, Holmfirth, HD9 6RW - Variation of Condition 2 of permission 99/93218). The Deed of Variation sets out how the above financial contributions were to be applied.

1.3. The Council will use:

- 1.3.1. the Additional First Homes Contribution (if applicable) for the provision of affordable housing in its administrative area; and
- 1.3.2. the Off-Site POS Contribution paid by the Owner to the Council in accordance with the Previous Planning Agreements for the provision of play equipment in the Honley area.

In addition, all obligations contained within the previous Section 106 Agreement(s) were satisfied through financial contributions towards off-site provision. The Section 106 Agreement associated with application ref. 2025/90297 confirmed that these obligations had been fully discharged. Consequently, the following position was established in relation to the on-site public open space:

4.4. **FOR THE AVOIDANCE OF DOUBT** the Council further covenants that:

- 4.4.1. all obligations in relation to public open space in the Previous Planning Agreements are hereby discharged and Of No Effect; and
- 4.4.2. all off-site or on-site public open space planning obligations (including financial contributions) set out in the Previous Planning Agreements have been discharged and are Of No Effect from the date of this Agreement

As a result of the most recent Deed of Variation, the application site is no longer the subject of a legal agreement requiring its retention as public open space. The agreement confirms that all obligations relating to public open space contained within the previous planning agreements have been fully discharged and are therefore of no further effect. Accordingly, there is no longer a planning obligation requiring the site to remain as public open space, and on this basis the principle of residential redevelopment is therefore concluded to be acceptable.

Housing Land 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 policy S3 of the NPPF which triggers a presumption in favour of sustainable development.

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.

Policy LP3 of the Kirklees Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way. Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land.

The application site is located within the built-up area of Honley and comprises grassland within an established residential setting. In addition, the proposal would contribute towards the delivery of housing within the borough.

The principle of residential development in this location is therefore considered acceptable, subject to the proposal satisfactorily addressing all other material planning considerations.

2. Impact on Visual Amenity

National policy DP3 of the NPPF requires development to respond positively to its context and contribute to the creation of well-designed places, having regard to matters including local character, built form, appearance and materials. Development which is not well designed should be refused when assessed against national and local design policies and guidance. Policy DP4 further requires design quality to be considered throughout the assessment and delivery of development proposals.

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.

Of key importance, 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'.

The Housebuilders Design Guide SPD seeks to ensure that new residential development responds appropriately to its surroundings and contributes positively to local character and visual amenity.

Policy 1 of the Holme Valley Neighbourhood Development Plan sets out that development proposal should demonstrate how they have been informed by the key characteristics of the Local Character Assessment (LCA), in this case Honley Village Centre (LCA 6). Policy 2 of the Holme Valley Neighbourhood Development Plan states that new development should protect and enhance local built character and distinctiveness, strengthen the local sense of place by respecting the existing grain of development in the surrounding area, use local materials and detailing which add to the quality or character of the surrounding environment, respect the scale, mass, height and form of existing buildings in the locality and their setting.

The proposal involves the development of an existing area of grassed land at the end of Broadacres to accommodate a new detached dwelling and associated hardstanding. Whilst the proposal would see the loss of this grassed area the proposal would deliver an additional dwelling, contributing towards the Council's housing supply and helping to address the identified housing shortfall, as outlined in the Principle of Development section of this report.

Although the proposed dwelling would be larger than some of the detached properties along Broadacres, particularly through the wider gable features incorporating three-window arrangements on both, its scale is considered acceptable in this context. This conclusion is drawn on the basis that the site occupies a position at the end of Broadacres, and the dwelling would reflect the scale and presence of similarly positioned detached properties located at the end of nearby streets, such as those on Honey Head Lane. The proposed wraparound single storey front/side extension, incorporating an integral garage, is considered subordinate to the main dwelling and would not appear visually dominant. Likewise, the single storey rear element represents a modest part of the building which is not considered to result in any adverse visual impact. Overall, the scale and massing of the proposed dwelling is considered appropriate and acceptable.

The proposed design and choice of materials are considered to respond positively to the character and appearance of surrounding properties within the street scene. Consequently, the design is considered acceptable. To ensure the development integrates successfully with its surroundings, a condition will be imposed requiring the submission and approval of external material samples prior to construction.

In terms of siting, the proposed dwelling would broadly align with the established building line formed by neighbouring dwellings on the north eastern side of Broadacres. Whilst the single storey garage element would project slightly forward of No. 18 Broadacres, the principal two storey elevation of the proposed dwelling would remain set behind the principal front elevation of that property. Furthermore, adequate spacing would be

maintained to both side boundaries, ensuring that a sense of openness is retained. As such, the siting of the dwelling is considered acceptable and would not result in harm to the character or appearance of the immediate street scene. The proposed dwelling would also be higher than No. 18 Broadacres, however, its height would integrate acceptably within the street scene, reflecting the stepped ridge line characteristic of the properties along Broadacres to the north east of the site.

The inclusion of a lawned front garden area is welcomed and would help to soften the appearance of the development when viewed from the public realm. Soft landscaping is also proposed along the side boundaries and within the rear garden area. The extent of soft landscaping proposed is considered satisfactory and would contribute positively to the visual amenity of the site.

Details of the proposed boundary treatments have not been provided as part of the application. Accordingly, a condition is recommended requiring the submission and approval of boundary treatment details to ensure that the visual amenity and character of the site and surrounding area are appropriately safeguarded. A condition to require the development to be undertaken in accordance with the submitted levels plan (drawing no(35)001revB) is also recommended to ensure the development sits within the site as detailed in the submitted plans.

Officers therefore consider that subject to conditions the proposal would not cause detrimental harm to the visual amenities of the locality. The proposal is therefore considered to be in accordance with Policy 1 and 2 of the Holme Valley Neighbourhood Development Plan, Policy LP24(a) of the Kirklees Local Plan and Chapter 14 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.”

Policy P3 of the NPPF requires development to provide acceptable living conditions for existing and future occupiers and, amongst other matters, not give rise to unacceptable impacts on daylight and sunlight for neighbouring residents. Regard should also be had to potential impacts arising from noise, artificial light and other forms of pollution where relevant.

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 this principle states that:

“For two storey houses typical minimum separation distances are advised:

- *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 a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and f*
- *or a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.”*

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 floor space of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The properties mostly likely to be affected by the proposed development are considered to be No's 18 and 20 Broadacres. The impact upon these properties will be discussed below.

No. 18 Broadacres is the detached neighbouring property located to the north east of the application site. The property sits at a slightly lower ground level than the host dwelling and contains two side facing windows serving secondary and non-habitable spaces (a landing/WC). The proposed dwelling would be positioned approximately 2.7m from the side elevation of No. 18. Given the siting of the proposed dwelling, the separation distance between the properties, and the presence of only secondary windows on the neighbouring elevation, the proposal is not considered to result in any unacceptable overbearing impact or loss of light through overshadowing. It is also noted that the proposed single storey rear element would be set approximately 3.6m from the shared side boundary. Taking into account its single storey scale, modest projection, and separation from the boundary, the proposal is no considered to give rise to any unacceptable overbearing or overshadowing impacts on the occupants of No. 18.

Furthermore, no side-facing windows are proposed within the new dwelling. As such, it is concluded that the development would not result in any harmful overlooking or loss of privacy to No. 18.

Given the above, it is considered that the proposal would not cause undue harm to No.18 in terms of loss of light, loss of outlook or the creation of an overbearing effect.

No. 20 Broadacres is the detached neighbouring property located east of the application site. The proposed dwelling will be situated 16m opposite the side elevation of No. 20. Given the considerable separation distance, there are no concerns to potential overbearing or overshadowing impact.

It is noted that the first floor front window serving a bedroom will provide views towards the rear garden area of No. 20. The separation distance is 16.8m, this is considered to be an adequate separation distance and would not result in detrimental loss of privacy to No. 20 that would warrant a refusal. It is therefore considered, that the proposal would not cause undue harm to No.20 in terms of privacy impact, loss of light, loss of outlook or the creation of an overbearing effect.

To the west, opposite the rear, is an area of public open space which has been formally adopted with a dwelling beyond (no.9 Honey Head Lane). No.9 is over 21m from the rear of the proposal, and as such no significant impact to this property is considered to arise. No.7 Honey Head Lane is to the north of the site, although does not occupy a direct relationship with the proposal and is off set with the side elevation of no.7 facing the proposal, as such it is considered there would not be a significant impact to this dwelling.

Overall, the proposal is considered acceptable in residential amenity terms in relation to neighbouring occupiers and would not result in undue harm to the occupiers of neighbouring properties through loss of light, loss of outlook, overlooking, or the creation of an overbearing impact.

Amenity of future occupiers

The proposed dwelling would allow an acceptable outlook and receipt of natural light to its occupants, the landscaping of the site would ensure that a commensurate amount of outdoor amenity space would be provided in relation to the size of the dwellin. The floorspace would be in accordance with that required under the Nationally Described Space Standards for a four-bedroom dwelling.

In conclusion, it is considered that the proposals are acceptable with regard to impacts on residential amenity, in accordance with policies LP24 of the Kirklees Local Plan and policies within Chapter 17 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

An informative will be attached to control the hours of construction to protect residential amenity of surrounding residential properties.

4. Impact on Highway Safety

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

Principle 12 of the Housebuilders Design Guide SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. Principle 19 of the Housebuilders Design Guide SPD also states that 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.

Informal discussions have been undertaken with KC Highways, who have raised no objections to the proposed development.

The proposal would provide four on-site parking spaces, comprising two spaces within the integral garage and two spaces located in front of the garage. This level of provision is considered acceptable and would provide sufficient parking to serve the proposed dwelling. Furthermore, the layout allows adequate space for vehicles to manoeuvre within the site, enabling safe entry and exit.

The proposal also includes an extension of the existing road from Broadacres to provide access to the site. The agent has confirmed that the extended section of road would be constructed to an adoptable standard. KC Highways have confirmed that the proposed access arrangement is acceptable and that a dropped kerb would be required. Any works necessary to form or alter the access would need to be undertaken under a Section 184 Agreement with the Local Highway Authority. An informative to this effect is therefore recommended.

The approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government and Environment Agency document *Guidance on the Permeable Surfacing of Front Gardens (Parking Areas)*, published on 13 May 2009 (ISBN 9781409804864), as amended or superseded. A planning condition is recommended to secure this requirement.

A bin storage and collection point is shown on the submitted plans and is considered acceptable.

The proposal is therefore considered to provide satisfactory parking provision and access arrangements, while maintaining highway safety and appropriate waste management facilities. As such, it is considered to accord with Policies LP21, LP22 and LP24.

5. Contaminated Land

Chapter 17 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or results in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediate to ensure that sites are suitable for their intended use.

The application site is not identified as being within a potentially contaminated land designation and no contamination constraints have been identified in relation to the proposed development. The site is located in the development low risk area in respect of coal mining legacy issues.

Having regard to the nature of the site, the scale of development proposed and the absence of identified contamination constraints. It is considered proportionate to include an unexpected contamination condition to address any unforeseen contamination encountered during development. With respect to coal mining legacy issues, the Coal Authority Standing advice applies.

Subject to the recommended condition, officers are satisfied that the site can be made suitable for the proposed end use and the proposal is therefore considered acceptable in accordance with Policies LP53 and LP51 of the Kirklees Local Plan and Chapter 17 of the NPPF.

6. Flood and Drainage

Chapter 18 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

Provision of an adequate system of foul water drainage is a requirement of the Building Regulations and the applicant should contact their Building Control Provider for further information.

The site is located within Flood Zone 1, with a very low risk of fluvial and pluvial flooding and a very low risk of surface water flooding. Having regard to the scale and nature of the development, which comprises one dwelling, the proposal is not considered to give rise to flood risk concerns. The development is therefore considered to accord with Policy LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

7. Biodiversity and Ecology

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:

Policy 13 (Protecting Wildlife and Securing Biodiversity Net Gain) of the Home Valley Neighbourhood Plan sets out that development proposals should demonstrate how biodiversity will be protected and enhanced including the local wildlife, ecological networks, designated Local Wildlife Sites and habitats.

Chapter 19 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.

KC Ecology have been consulted with and raised no objection to the proposed development. From a desk based assessment, it is considered that there is a low likelihood of the site having ecological significance. There are no Priority Habitats identified within 500m of the site, the proposed development is small scale, and there is unlikely to be any protected species present onsite. As such no ecological surveys are required.

However, to ensure sufficient mitigation is undertaken to protect any existing habitats, a Construction Environmental Management Plan is recommended to be included as a condition upon any grant of permission. In addition, to protect existing habitats surrounding the site, an artificial lighting strategy condition is also recommended to be imposed by the Ecology Team.

It is recommended that any approval is subject to inclusion of the recommended conditions.

As such, subject to conditions, the proposal is considered to comply with Policy LP30 of the Kirklees Local Plan. An informative will be added to the condition to advise the applicant of their responsibilities in relation to protected species in accordance with the Wildlife Act and Chapter 19 of the NPPF.

8. 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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

A Climate Change Statement has been submitted confirming the dwelling would secure appropriate energy efficient measures in relation to insulation and thermal performance. The applicant has advised that materials would be sourced locally where possible in order to reduce transport-related emissions associated with construction. Solar panels are also proposed to the roofscape of the dwelling. Whilst limited in scale, the measures proposed are considered proportionate to a single dwelling and these measures demonstrate a proactive approach to addressing climate change and align with the aims of Chapter 5 of the NPPF, Policies LP24(d) and LP26 of the Kirklees Local Plan and the wider aims of the Council.

9. Other Matters

DMMO – between Broadacres and Honey Head Lane

Officers acknowledge that at present there is a claim for an access between Broadacres and Honey Head Lane to become a public footpath. The route claimed starts from the adopted highway at the cul-de-sac adjacent to 18 Broadacres and continues over land lying generally to the south and west and through a gap in a wall and along a pathway to join the adopted highway at the cul-de-sac adjacent to 5 Honey Head Lane.

The Council's Public Right of Way (PROW) officers have stated that this definitive map modification order application is not currently under investigation due to a backlog of other high priority cases. No advice can be offered at present on the likelihood of a definitive map modification order being made or confirmed.

Therefore, whilst the claim has been made and is digitised, it has not been confirmed that this is a formal right of way and is going through a process outside the remit of the planning system. Furthermore, no objections for the proposed development have been received from the Council's Highways and Public Rights of Way team.

Should the claim be accepted, the onus will be on the developer/landowner to ensure that a linked footway can be provided across the site. This may result in revisions to the scale, size and location of the dwelling to allow the footway to be provided. As such an informative to inform the agent of the above is recommended.

It is considered that it would be unreasonable to withhold planning permission to await the outcome of the DMMO claim in this instance on the basis that an informative note is put in place upon any grant of permission making the developer / applicant aware of the potential for a DMMO to be successful.

Subject to inclusion of the recommended informative, it is considered there is no reason the LPA should withhold planning permission in relation to this matter.

10. Representations

21 letters of objection received, matters raised were regarding:

- The land is public open space and should not be developed on.

Officer comment: This comment is noted and has been accessed within the principle of development section of this report. As a result of the most recent Deed of Variation, linked to planning application ref: 2025/90297, the application site is not legally required to be used as public open space. The agreement confirms that all obligations relating to public open space contained within the previous planning agreements have been fully discharged and are therefore of no further effect. Accordingly, there is no longer a planning obligation requiring the site to remain as public open space, and the principle of residential redevelopment is considered acceptable.

- The site is used by local residents as a safe children's play, a communal area for residents, a dog walking area for those residents who are not able to walk too far and a thoroughfare to Honey Head Lane Public Open Space.

Officer comment: This comment is noted and has been addressed within the principle of development section of this report.

- A public right of way is located at the site and has been used for over 20 years.

Officer comment: Officers acknowledge that at present there is a claim for an access between Broadacres and Honey Head Lane to become a public footpath. This is addressed in the 'Other Matters' section of this report.

- The development would lead to an increase in risk of flooding.

Officer comment: The site is located within Flood Zone 1, with a very low risk of fluvial and pluvial flooding and a very low risk of surface water flooding. Having regard to the scale and nature of the development, which comprises one dwelling, the proposal is not considered to give rise to flood risk concerns. Provision of an adequate system of foul water drainage is a requirement of the Building Regulations and the applicant should contact their Building Control Provider for further information.

- The proposal would result in increased overlooking, loss of sunlight/daylight to neighbouring residential properties and will be overbearing.
- Lack of meaningful screening to prevent overlooking

Officer comment: This comment is noted and has been assessed within the residential amenity section of this report. It is considered that the impact on neighbouring properties would not result in any adverse harm to residential amenity as a result of the separation distances in place and location of the proposed dwelling.

- The submitted application did not undertake a transparent consultation process when Kirklees Council (KC) agreed to discharge the section 106 Agreement under 99/931218 where this land was designated as open space. The lack of due process and effective consultation by KC has directly impacted residents as part of the 106 change process during the 2025/90297 undermines public confidence. The site history should be given weight to the sites historic and ongoing community use.
- Concern of removal of Section 106 open space obligations linked to the wider site.

Officer comment: The 2025 application was advertised in accordance with the Council's adopted Development Management Charter 2024. This was done by site notice on the 24th February 2025 and within the Huddersfield Examiner on the 14th March 2025. The removal of the section 105 open space obligations linked to the original planning consent of the residential estate has been addressed within the principle section of this report.

- The application has not been advertised correctly.

Officer comment: The application has been advertised by site notice in accordance with the development management charter 2024.

- The proposal would have a negative impact on visual amenity of the site and wider area.

- The size of the building is out of scale with the size of the plot, leading to over intensification and a lack of space for amenities.
- The proposal constitutes overdevelopment of the plot.

Officer comment: This comment is noted and has been addressed within the visual amenity section of this report.

- The proposal would have a negative impact on existing wildlife.

Officer comment: This comment is noted and has been addressed within the ecology section of this report.

- The proposed dwelling would not have adequate private amenity space.

Officer comment: This comment is noted and has been addressed within the residential amenity section of this report.

- The extended highway raises concern of incremental future expansion of housing development within the green belt which could cause vehicle congestion.

Officer comment: The proposal is for one dwelling only and therefore the application can only be assessed based on the information provided. The extent of the alterations to the highway to create the access to serve the dwelling are noted, in this case these are considered to be acceptable to serve the development which is proposed.

- The proposed development extends significantly beyond the development area explicitly defined on the planning constraints plan. This breach is particularly pronounced at both the front and rear elevations of the property.

Officer comment: This comment is noted. The visual impact of the proposal has been addressed within the visual amenity section of this report. The siting and scale of the dwelling is considered acceptable as submitted.

- The proposed development would increase noise and general disturbance, both during construction and once occupied, affecting neighbouring residents.

Officer comment: This comment is noted. Given that the proposal is for one dwelling, it is not considered that noise and general disturbance would be significant. In regard to noise from construction, the scale of this proposal is such that it is considered a proportionate approach to include an informative drawing the applicants attention to the requirements of separate legislation in relation to noise. It is considered the scale of the proposal is such that to include conditions requiring a scheme of noise / dust control measures would not be reasonable in this case.

- The proposal has potential to increase congestion and reduce highway safety for residents, visitors and pedestrians.

Officer comment: This comment is noted. This application has been discussed with the Council's Highways Team. Given that the proposal is for one dwelling, it is not considered that the site will result in an unacceptable intensification and is therefore concluded to be acceptable in this regard.

- There are unresolved questions regarding the ownership and long-term maintenance of the boundary shrubs adjoining the neighbouring property.

Officer comment: Matters relating to boundaries and ownership of them are not a material planning consideration and are private civil matters that would need to be discussed between the relevant land owners.

Holme Valley Parish Council – Oppose - the size of the building is out of scale with the size of the plot, leading to over intensification and a lack of space for amenities.

Officer comment: This comment is noted and has been addressed within the visual and residential amenity section of the officer report.

11. 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 constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2026/91468

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP35, LP52 and LP53 of the Kirklees Local Plan, and policies contained within chapters 4, 6, 12, 14, 17, 18 and 19 of the National Planning Policy Framework 2026.
3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.
Reason: In the interests of visual amenity and to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and policies contained within chapter 14 of the National Planning Policy Framework.
4. Prior to the first occupation of the dwelling hereby approved, details of all boundary treatments associated with the private amenity space, including any walls, fences, gates or screening, shall be submitted to approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to the first occupation and retained thereafter.
Reason: In the interests of residential amenity of neighbouring and future occupiers and visual amenity and to accord with policy LP24 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and policies within chapter 14 of the National Planning Policy Framework 2026.
5. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on the Proposed Site Plan Drawing No. (20)002, rev B, received 21/08/2026, are laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.
Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space

within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and policies within chapters 14 and 15 of National Planning Policy Framework.

6. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been drafted and agreed with the council. The Sensitive Lighting Strategy will demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented, subject to any variations approved in writing by the planning authority. All external lighting shall be installed strictly in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and policies within policies contained within chapter 19 of the National Planning Policy Framework 2026.

7. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of biodiversity and in accordance with policy LP30 of the Kirklees Local Plan and policies within chapter 19 of the National Planning Policy Framework 2026.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either:

- a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or,
- b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

- 9. The finished floor and slab levels of the development shall be in accordance with those shown on submitted drawing (35)001revB. The development shall not be brought into use until the finished floor and slab levels approved by this condition have been completed. The approved finished floor and slab levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy LP 24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and policies contained within chapter 14 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street

Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.'

For larger sites and those with more involved access arrangements, it is likely that we will have more in depth planning conditions and informative, and HDM will advise on this for each site. However, if we can ensure that the above is included for all site, including those that HDM have not been formally consulted on, this would be helpful to try and avoid developers undertaking unauthorised works in the highway.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021.

Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

NOTE: No construction related noise should 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 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.

NOTE: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity

must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb, or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

NOTE: The land within the application red line boundary carries a route that is the subject of a definitive map modification order application claiming the existence of a public right of way. The application, made under the section 53 of the Wildlife and Countryside Act 1981, seeks to record a public footpath on the definitive map and statement of public rights of way, by legal order. The grant of planning permission, and any development further to that planning permission would have no effect on the recording of any public right of way that may subsist, and any interference with or obstruction of the way in question would be at the risk of the developer, and landowner. There are separate legal processes subject to separate fees to stop up or divert any public right of way that may subsist within the site. For further information, please contact the Council's public rights of way team at publicrightsofway@kirklees.gov.uk or by post to Kirklees Council, Public rights of way, PO Box 1720, Huddersfield HD1 9EL or telephone 01484 221000. Application reference DMMO-app-360.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	(EX)001	A	29/05/2026
Proposed General Arrangements	(20)001	B	21/08/2026
Proposed Site Plan	(20)002	B	21/08/2026
Site Sections	(35)001	B	21/08/2026
Climate Change Statement			05/06/2026
Planning Statement			15/06/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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. Concern was raised in regard to the proposals dominant impact on the street scene due to its larger scale and size compared to the surrounding residential dwellings. The agent reduced the scale of the dwelling slightly. Officers considered the revised scale to be acceptable, reflecting similar scaled properties within the wider residential area.

