

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:	2026/62/91690/W
Site Address:	Land adj, 7, Tommy Lane, Linthwaite, Huddersfield, HD7 5SQ
Description:	Demolition of existing stable block and erection of detached dwelling with detached garage 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: 3rd September 2026

Site Description

The site is located to the rear of No. 7 Tommy Lane and is currently used as stables and paddock land associated with the property at No. 7 Tommy Lane. The site is bounded by residential properties to the east and south, with open agricultural fields to the north and west.

The site entrance lies within Linthwaite conservation area, however the majority of the site does not. The site is also not designated Green Belt, and there are no Listed Buildings in the vicinity. It is, however, located within the Strategic Green Infrastructure Network.

Description of Proposal

The applicant is seeking permission for the demolition of existing stable block and erection of detached dwelling with detached garage and associated works.

The applicant seeks to demolish the existing stable block and erect a 2 storey dwelling that will require excavation works so that the dwelling will appear single storey in height from the north and east elevations. A garage is also proposed. The dwelling and garage will be constructed from natural stone and slate roof tiles.

Stone and gabion walls are proposed to facilitate the development.

The existing access and drive is proposed to be widened with a new passing place that will be used by the proposed dwelling and No. 7 Tommy Lane. A new driveway and parking/turning area is proposed to provide access and on site parking for the new dwelling. A patio and garden area is proposed to the east of the proposed dwelling. Timber fencing is proposed along the curtilage of the residential development.

A bin store and collection point is provided on plan.

The paddock to the west of the proposal will be retained.

History of Negotiations

None.

Relevant Planning History

93/01351 – Erection of stable – refused

94/92346 – Erection of stables and food storage building – conditional full permission

Representations

The application has been advertised by site notice and the press. Final publicity expired on 14th August 2026. One representation has been submitted. The comments have been summarised below:

- The property will be in direct views from neighbouring properties.
- Concern of trees being planted near residential properties.
- Concern of publicity. No neighbour letters sent out and site notice not posted on 17th July.

Consultation Responses

KC Highways Development Management – No objections subject to conditions.

KC Environmental Health – no objections subject to conditions relating to reporting of unexpected contamination and construction times.

KC Trees – No objection. Mitigation planting is recommended within the site to offset the environmental impact trees being removed to facilitate the development which can be secured by condition via a landscape plan.

KC Ecology – No objection subject to conditions.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 not within the Strategic Green Infrastructure network as identified within the Kirklees Local Plan and also falls within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan (KLP):

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP11 – Housing Mix and Affordable Housing

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP31 – Strategic Green Infrastructure Network

LP33 – Trees

LP25 – Heritage

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) last published August 2026 and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014 and revised most recently on the 27 February 2025, 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. The following chapters of the NPPF are considered applicable to this enquiry:-

- **Chapter3** – Decision making policies
- **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
- **Chapter18** – Managing flood risk and coastal change
- **Chapter19** – Conserving and enhancing the natural environment

Assessment

1 – Principle of 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.

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 Linthwaite which is an established residential setting, and would contribute towards the delivery of housing within the borough. Whilst small in scale, one dwelling can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

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.

Kirklees Local Plan Policies LP1, LP2 and LP24 all seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: *“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”*

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

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

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The applicant seeks to demolish the existing stable block and erect a detached 2 storey dwelling that will require excavation works so that the dwelling will appear single storey in height from the north and east elevations due to the topography of the site. The footprint of the dwelling would be similar to the existing stable block.

It is considered that the footprint, scale and massing of the proposed dwelling would not appear out of keeping with neighbouring properties. The surrounding area consists of a varied pattern of development, with a mix of detached, semi-detached, and terraced dwellings of differing scales and forms. Against this context, it is considered that a two-storey detached dwelling whereby it will be built into the surrounding landscape will integrate comfortably within the existing landscape and would not appear visually intrusive or dominant when viewed alongside neighbouring properties and from eastwards views of Manchester Road.

The proposed dwelling will be constructed from natural stone with slate roof tiles, matching the materials of the surrounding residential properties and therefore reflecting positively to the prevailing character and appearance of the local area. A condition will be imposed to ensure external walling and roofings materials of the dwelling are submitted prior to construction of the

dwelling. The proposed solar panels on the rear roofscape of the dwelling are considered visually acceptable.

The proposed detached garage to the west of the dwelling is considered to be an acceptable scale and design that will appear as a subservient addition. A condition will be imposed to ensure external walling and roofings materials of the garage also are submitted prior to construction.

The proposed new hardstanding, stone and gabion walls are considered acceptable and are of an appropriate scale to facilitate the proposed development. It is however considered that a soft landscaping plan be conditioned to help soften the appearance of the development site.

The proposed widening of the existing access and drive are considered visually acceptable.

The proposed timber fences, acting as the boundary treatment are considered to be visually acceptable. The scale of the proposed garden area is considered proportionate to the size of the dwelling.

Notwithstanding the above, while the scale of the dwelling is considered acceptable, it is considered appropriate to impose a condition to remove permitted development rights for future extensions, roof alterations, or outbuildings. This is to ensure the overall scale and form of development on the site remains controlled and that the plot does not become overdeveloped over time.

It is noted that the site lies adjacent Linthwaite Conservation area. The proposed development is not considered to result in any harm to the character and appearance of the conservation area due to the above and is therefore compliant with Kirklees Local Plan policy LP35.

The proposal represents conventional but good quality design that is considered both contextual and appropriate within its varied surroundings. The design and layout of the proposal is reflective of the surrounding area and is considered to be acceptable therefore complying with policy LP24 of the Kirklees Local Plan and principles contained within the Housebuilders Design Guide.

3. Impact on residential amenity:

Section 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 Kirklees Housebuilders Design Guide SPD states 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 SPD also provides advised separation distances for two storey dwellings:

- 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
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

The proposed dwelling is located 32m from No. 7 Tommy Lane. Given the considerable separation distance in place, there are no concerns of overlooking, overbearing or overshadowing impact. It is also noted that the garden area is located approx. 12.9m from No. 7, however given the sloping land levels along with the erection of the 1.8m tall boundary fence, there are no concerns to potential loss of privacy to No.7.

The proposed dwelling and garage are located approx. 43m from the properties that are located along Broad Oak. Given the considerable separation distances in place, there are no concerns to potential overbearing, overshadowing or overlooking impact.

It is noted that the land to the west of the site benefits from previous planning permissions for housing. The proposed dwelling is located 11m from the west boundary of the site. Given the separation distances in place, there are no concerns to potential overbearing or overshadowing impact. Due to the topography of the site which is on a higher land level to that of land to the west, it is considered that views from the western windows of the proposed dwelling and within the garden area would overlook the top of future residential development at this site and therefore the loss of privacy to future housing would not be significant to warrant a refusal. It is therefore considered that impact upon future residential housing to the west of the site would not be an adverse impact. In addition, the erection of a 1.2m fence can be done under permitted development and is therefore accepted.

A substantial area of the paddock is to be retained which raises no concern to residential amenity.

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

The amenity of the future occupiers must also be considered. Principle 16 of the Housebuilders Design Guide SPD states that: *“All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan.”* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *“All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces.”*

The proposed dwelling exceeds the minimum recommendations as set out within the NDSS for a 3 bedroom dwelling. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants.

It is acknowledged that the proposed garden area will have a downward slope, which may affect its usability to some extent. However, the scheme includes a patio area, and given the overall generous size of the garden, it is considered that the outdoor amenity space would remain functional and adequate for future occupiers. As such, the proposed garden area is considered acceptable.

Therefore, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 17 of the National Planning Policy Framework.

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.

The proposal has been reviewed by KC Highways and consider the parking arrangement and access acceptable.

The proposal site is conducive to sustainable travel being within 400m of a bus stop with regular Monday to Saturday bus services as well as other local facilities and services.

The traffic impact from the proposal is expected to be immaterial in terms of network functionality with less vehicles than the stables at one trip in the traditional weekday peak hour and five trips daily compared to extant use of up to 12 daily trips at weekends and in summer months and more typically six to eight trips daily. Tommy Lane serves several residencies without reported

issues. The proposal is therefore unlikely to give rise to significant road safety issues.

The submitted Highway Statement notes that there are no recorded personal injury collisions along Tommy Lane in the five-year period to end December 2024 from the verified Police data. There were three incidents nearby of which one was serious involving a child, but no discernible patterns. This remains the case to date. There is likely to be a betterment to existing and proposed users arising from the proposed changes to the main access as well as to the driveway and track.

Access would be taken from the existing field access serving stables and track that serve No 7 Tommy Lane from the adopted Tommy Lane. Tommy Lane is a steep, shared surface street not to modern standards with 6ft (1.8m) vehicle width restriction, and informal two-way route connecting Gillroyd Lane to Royd House Lane. It is street lit with a 30mph speed limit, but due to its constrained width and horizontal and vertical alignment, vehicle speeds are estimated to be less than 30mph, at 10–15mph.

Modifications are to be made to the accesses points and track to reflect a private drive, additional residential use, and emergency vehicle provision by widening the existing access at Tommy Lane from 7.4m to 9.2m on altering the boundary wall. This would better cater for two-way movements and larger vehicle movements and improve lines of sight which is accepted by KC Highways.

The shared driveway serving 7 Tommy Lane is to be widened towards its garage, defined towards the current field and resurfaced in a permeable tarmac with a 3.7m minimum width. There is to be passing place / visitor parking bay c20m after the Tommy Lane access. These changes are suitable to allow access and passage for shared use, including for emergency vehicles.

The existing field access would be regraded, surfaced, and provided with an electric sliding gate. The approved vehicle parking areas would need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. This will be conditioned.

Within the plot, the internal dimensions for the proposed double garage are expected to be suitable for it to count towards car parking and the storage of cycles and other items. Notwithstanding, it would be a slightly shorter than recommended at 5.7m rather than 6.0m but wider at 5.7m than the advised 5.0m.

The exterior parking and turning arrangements would be suitable, including for vans, as well as fire and rescue appliance access as demonstrated by the submitted swept-path analysis indicating reverse manoeuvres within the proposed turning head to show forward gear entry and exit.

The amount of car parking of three / four spaces would be above the advice in the Kirklees Highway Design Guide SPD of two spaces for three bedroomed units but would provide flexibility such as for turning and extra visitor parking to meet policy LP22. It is intended to provide a formal visitor space within the private drive to meet the suggested one space per four units.

An electric vehicle charging point is to be installed within the garage to encourage lower emissions and sustainable travel in line with policies LP20 and LP24 and building control regulations.

Bin storage is demonstrated within the site along with the collection point at the access which is considered acceptable, reflecting the current arrangement for No. 7 Tommy Lane.

Given the above, the proposed development is considered acceptable in regard to highway safety, complying with policy LP21 of the Kirklees Local Plan.

4. 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.

The proposal has been accompanied by a climate change statement, which indicated locally sourced material would be used along with the insertion of solar panels which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 5 of the National Planning Policy Framework.

5. Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The submitted application form outlines that the application falls under the self-build and custom-built exemption. Therefore, BNG is not required under this application.

A Preliminary Ecological Assessment (PEA) has been submitted and has been reviewed by KC ecology and deem the assessment reasonable and acceptable.

The PEA states that the habitats onsite are Modified Grassland, Buildings, and Artificial Unvegetated, Unsealed Surface, which all have low ecological value. The PEA identified that the buildings onsite have negligible potential to support roosting bats, and other protected and priority species are likely absent from the site which is accepted.

It is noted that a bird and bat box is proposed on the dwelling and garage, along with a insect/bee box, however the ecologist has requested that to ensure the site does benefit from biodiversity enhancements, a Biodiversity Enhancement Plan Survey and Report will be conditioned.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will be imposed also if the applicant decides to install any external lighting.

Given the above, an informative will also be imposed to ensure 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.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

6. Land contamination & Drainage

Policy LP53 of the Kirklees Local Plan and Policy P2 of the NPPF seeks to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

This site has been identified as potentially being subject to contamination, due to its proximity to a landfill site.

KC Environmental Health (EH) officers were consulted on the proposed scheme and have raised no objection subject to conditions.

As part of the application, a Phase 1 Environmental Desk Study Report by RGS (06/05/2026. Ref: C5972/26/E/9248) has been received and reviewed by KC Environmental Health.

The Phase 1 Environmental Desk Study provides a comprehensive review of the site history, environmental setting and potential contamination risks associated with the proposed development. KC Environmental Health consider the document submitted to be acceptable and appropriately recommends that a phase 2 intrusive investigation, including gas monitoring is carried out. As such this will be conditioned as such.

Drainage

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.

Subject to the recommended conditions, 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 of the Kirklees Local Plan.

7. Trees

Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.

It is noted that there are existing trees located in the site and as such KC Trees have been consulted with.

Only the entrance and access road to number 7 Tommy Lane are protected under Linthwaite Conservation Area. All other trees within the site but outside of the conservation area are small shrubby category C trees that are acceptable to be removed to facilitate the development or not impacted upon by the development.

Regarding the trees at the entrance, some tree removal would be required to facilitate the widening of the access road and location of the passing place/visitor parking.

All of the trees in this location have either previously been heavily pruned/are dead or dying/ or are poorly formed which would make them all category C or U trees and would not warrant further protection by a TPO. Therefore, their removal would be deemed acceptable to facilitate the development.

KC Trees have however recommended that mitigation planting is required within the site to offset the environmental impact of these trees being removed which can be conditioned via landscape plan. This will be conditioned as such.

As such, subject to the aforementioned condition, there are no objections from KC Trees and the proposal complies with policy LP33 of the Kirklees Local Plan.

8. Representations

One representation has been submitted. The comments have been summarised and addressed below:

- The property will be in direct views from neighbouring properties.

Officer comment: This comment is noted. The proposed dwelling will be situated a considerable distance from neighbouring properties and will be built into the existing landscape and is therefore not considered to result in any adverse visual or residential harm.

- Concern of trees being planted near residential properties.

Officer comment: Planting of trees on land that is within the applicants ownership can be done without planning permission. Nevertheless, a condition has been imposed to ensure a soft landscaping plan is submitted to the Local Planning Authority to ensure visual amenity is protected.

- Concern of publicity. No neighbour letters sent out and site notice not posted on 17th July as stated.

Officer comment: Neighbour notification letters are no longer sent. In line with the development management charter, the application was advertised within the Huddersfield Examiner on the 24th July 2026, and by site notice erected on the 17th July 2026.

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 that the development proposals do accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

Approve

Decision Authorisation: Delegated Powers

Application Number: 2026/91690

Officer Recommendation: Approve

Conditions:

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).

2. 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, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP35, LP52 and LP53 of the Kirklees Local Plan, and 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 as part of the development 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 guidance contained within Chapter 14 of the National Planning Policy Framework.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no development included within class(es) A, AA, B, C, E and F of part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: in the interests of Visual Amenity to accord with policy LP24 of the Kirklees Local Plan and the policies contained within Chapter 13 of the National Planning Policy Framework.

5. The dwelling hereby approved shall not be occupied until all areas indicated to be private drives on Drawing No. 0201, REV P03, received 22/06/2026, 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 Chapter 14 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), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

Reason: In the interests of visual amenity and biodiversity and in accordance with Policies LP24 and LP30 and policies within Chapter 19 of the National Planning Policy Framework 2024.

7. A Biodiversity Enhancement Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works on-site. The content of the BEMP shall include the following.

- Purpose and conservation objectives for the proposed enhancement measures
- Detailed designs to achieve the stated objectives
- Location of the proposed enhancement measures
- Persons responsible for implementing the enhanced measures
- Details of initial aftercare and long-term maintenance.

The Biodiversity Enhancement Management Plan (BEMP) approved by this condition shall be undertaken through the entirety of the construction phase of the development.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and policies within Chapter 19 of the National Planning Policy Framework 2024.

8. The development shall not be brought into use until a scheme detailing soft landscaping, tree/shrub planting, including the indication of all existing trees and

hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the planting of native trees and hedgerows. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing following the first planting season following the development being brought into use. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be

retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity, providing biodiversity measures, to accord with policies LP24 and LP30 of the Kirklees Local Plan, principles 7 & 9 of the Housebuilders Design Guide, and policies within chapters 14 of the National Planning Policy Framework.

9. Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the National Planning Policy Framework (NPPF).

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (9) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the NPPF.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the NPPF.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (11). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning

Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been

submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of the NPPF.

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

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: Should there be need to undertake works in the public road or place items on it, such as equipment and materials, there would be need for a separate permission from Highways for licences / permits. Refer: <https://www.kirklees.gov.uk/beta/licensing.aspx>

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	0200	P02	22/06/2026
Site Layout Plan & Section As Proposed	0201	P03	22/06/2026
Proposed Floor Plans & Elevations	0202	P02	22/06/2026
Fire Appliance Tracking	0001		22/06/2026
Climate Change Statement			22/06/2026
Design and Access Statement			22/06/2026
Highway Statement	2205A		22/06/2026
Preliminary Ecological Appraisal	V1.0		30/06/2026
Phase 1 Environmental Desk Study Report	C5972/26/E/9248		30/06/2026

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. No amendments were submitted as the scheme was considered acceptable as submitted.

