



For and on behalf of
Mr Andrew Simcox

PLANNING STATEMENT (INCLUDES CLIMATE CHANGE STATEMENT)

Land at the Piper Well Lane and Park Head Lane junction, to the south of Shepley

**Prepared by
DLP Planning Ltd
Sheffield**

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by DLP Planning Ltd, on behalf of Mr Andrew Simcox (the “Applicant”), in support of a full planning application for the following development at land at the Piper Well Lane and Park Head Lane junction, to the south of Shepley:

Change of use of a vacant building to residential dwellinghouse (Use Class C3), construction of a new vehicular access point, erection of new built form to create a garage for the dwellinghouse, siting of incidental domestic paraphernalia, and associated works.

1.2 The structure of this Statement is as follows:

- Section 1: Introduction
- Section 2: Site Description and Surrounding Context
- Section 3: Summary of Planning History and Pre-Application Engagement
- Section 4: Proposed Development
- Section 5: Planning Policy Context and Local Authority Supplementary Planning Guidance
- Section 6: Climate Change Statement
- Section 7: Assessment of Proposed Development
- Section 8: Conclusion

1.3 This Statement should be read in conjunction with the following submissions:

- Site location plan, existing and proposed site / block plans, existing and proposed floor plans, and existing and proposed elevation plans (which also include roof details);
- Topographical Survey
- Highway Technical Note (which includes speed survey results and visibility splay details);
- Preliminary Ecological Appraisal and Bat Emergence Survey results (for the 3x surveys that were undertaken in May and June 2026) and Biodiversity Net Gain Statement (all in one report, accompanied by the completed BNG Metric spreadsheet), Preliminary Bat and Owl Roost Assessment, and Barn Owl Mitigation Strategy;
- Phase I Site Investigation report; and
- Structural survey report.

2.0 SITE DESCRIPTION AND SURROUNDING CONTEXT

- 2.1 The application site comprises an existing building and its associated curtilage (as indicated in Figure 1). The building is a vacant farmhouse and associated barns, in a single L-shaped body of built form.



Figure 1: Site location plan extract (left, source Oakleaf Architecture Ltd) and aerial view of the site (right, source Google Maps)

- 2.2 The site area is approximately 0.25 hectares.
- 2.3 The site is located adjacent to a 5-road junction (as can be seen in Figure 1). There is an existing vehicular access point into the site from Park Head Lane.
- 2.4 The site is located entirely within Flood Zone 1 (i.e. the lowest level of flood risk).
- 2.5 There are no listed buildings or ancient scheduled monuments on site, or in close proximity to the site. It is understood that the existing building is not locally listed either.
- 2.6 The site is not within, or in close proximity to, a Conservation Area.
- 2.7 Since purchasing the site in early 2026, the Applicant has undertaken some maintenance (tidy up) works to ensure the existing building and the site as a whole are safe and secure, and to ensure that the instructed consultants could safely access the site to assist preparation of architectural drawings and technical reports. As part of this, a temporary hardcore surface (which can and will be removed) has been laid on the courtyard area to the front of existing building, and two shipping containers have been temporarily sited to securely store reclaimed materials (timbers and stone paving).

- 2.8 “Appleton Quarry” directly surrounds the site’s boundary (to the north and east). It is understood that historically some of the site’s curtilage formed part of the quarry and excavation works were undertaken accordingly, then infilling and restoration works took place in the early 2000s.
- 2.9 To the north-east, within approximately 600 metres of the site, local facilities and services are available including a Co-Op food shop and petrol station, “The Sovereign” public house, “Oragyms” gym, and “Sovereign Garage” car garage.
- 2.10 On Holmfirth Road, to the north / north-east of the site, there are bus stops less than 500 metres distance from the site which provide access to a range of local services, including:
- 90: Barnsley town centre interchange – Holmfirth bus station
 - Monday to Friday this service runs three times per day (at 08:05, 10:00 and 12:25 from Holmfirth Road to Barnsley, and at 10:35, 13:00 and 17:15 from Barnsley back to Holmfirth Road).
 - Saturday this service runs once per day (at 08:55 from Holmfirth Road to Barnsley, and at 15:15 from Barnsley back to Holmfirth Road).
 - Sunday there is no service.
 - 91: Penistone – Holmfirth bus station
 - Monday to Friday there is no service.
 - Saturday this service runs four times per day (at 10:00, 11:00, 12:00 and 13:00 from Holmfirth Road to Penistone, and at 10:24, 11:24, 12:24 and 13:24 from Penistone back to Holmfirth Road).
 - Sunday there is no service.
 - D2 and D3: Huddersfield bus station – Denby Dale train station
 - Monday to Friday the service runs between 07:30 and 17:15.
 - Saturday the service runs between 07:50 and 16:50.
 - Sunday there is no service.
 - 421: School bus only service from Sovereign Junction (Holmfirth Road) to Shelley College
 - 424: School bus only service from Sovereign Junction (Holmfirth Road) to Scissett Middle School
 - SC2: School bus only service from Sovereign Junction (Holmfirth Road) to Shelley College
- 2.11 A range of other local facilities and services are available in Shepley to the north of the site. These include schools, a library, sports clubs, places of worship, food shops, a pharmacy, and eating and drinking establishments. The straight-line distance between the site and the



centre of Shepley is approximately 1.5 kilometres.

- 2.12 Shepley train station is approximately 1.9 kilometres to the north of the site, and Denby Dale train station is approximately 3.3 kilometres to the east of the site. Both stations provide Northern services to Sheffield and Huddersfield.

3.0 SUMMARY OF PLANNING HISTORY AND PRE-APPLICATION ENGAGEMENT

Planning History

- 3.1 There is one historic planning history record for the site on the Local Planning Authority's online Public Access system. Planning permission was granted conditionally in August 1988, under reference 88/62/02739/C5, for change of use of agricultural building to residential.

Pre-Application Engagement

- 3.2 Pre-application engagement is encouraged by the National Planning Policy Framework (the "Framework"). The following references from the Framework are of note:

- *"Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties."* (Paragraph 40)
- *"For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs."* (Paragraph 42)
- *"The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage."* (Paragraph 43)

- 3.3 On 6th November 2025 DLP Planning Ltd submitted a pre-application enquiry to the Local Planning Authority, on behalf of the Applicant, under reference 2025/21120. The enquiry was submitted to facilitate engagement and discussions with the Authority about the overarching principle of the proposed development. Specific design considerations were also raised including whether it would be permissible to block up the existing vehicular access point into the site and construct a new vehicular access point further along Park Head Lane, and whether it would be permissible to build new built form (to create a garage for the dwellinghouse).
- 3.4 The submission comprised existing and proposed plans, a supporting letter, a structural survey report, a preliminary bat and owl roost assessment, and a barn owl mitigation strategy.
- 3.5 A meeting was held with the Local Planning Authority on 18th December 2025 (with the Applicant, a representative from DLP Planning Ltd, and the Planning Officer Elenya Jackson in attendance) to discuss the proposals before the formal written feedback was finalised and

issued. In the meeting the Planning Officer expressed that the Authority are supportive of the overarching principle of the proposed development.

3.6 The formal written feedback from the Local Planning Authority was then received, via email, on 13th March 2026. A copy of the feedback is provided at Appendix 1.

3.7 A summary of the key points raised in the feedback is as follows:

- *“The application site is located within the Green Belt, a low risk coal area, a wildlife habitat network layer and is adjacent to Appleton Quarry.”*
- *“It is considered that due to the main element of the proposal utilising an existing building, the principle of the proposal would be considered acceptable and would accord with the parameters of Policy LP60 of the Kirklees Local Plan; however, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations.”*
- *“The proposal also features the erection of an outbuilding which is proposed to be used as a triple garage. When reviewing the application site, officers consider that there is a stone wall on the eastern boundary of the site that defines the perimeter of the site. However, officers note that there is also stock fencing to the east of the main building that extends around the building to the north, the vegetation is visually different here from the fields to the east. This boundary appears to be determined by Appleton Quarry. Officers do not consider that the proposed garage would be within the curtilage of the existing structure due to the location being outside of the main defensible boundary of the site. ... Officers consider that the introduction of an additional built structure beyond the defined building line and into fields would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. The development of the site would remove defensible boundaries and strong landscape features and its development would diminish the visual and spatial openness that defines the area. While the proposed layout is indicative at this time, the additional built form upon this site would represent an unacceptable extension into the Green Belt and would lead to encroachment of residential development into the Green Belt. ... The proposed garage building would constitute inappropriate development in the Green Belt. ... No very special circumstances have been advanced by the applicant. In the absence of any such justification and given the identified harm to the Green Belt by reason of inappropriateness and encroachment into the countryside, the proposal remains contrary to paragraphs 153 and 155 of the NPPF. The relocation of the garage would be recommended should a full application be received.”*
- *“To determine whether the land could be considered as Grey Belt, consideration should first be given to where [sic, whether] or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would*

fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as a whole, as required by Paragraph 155 of the NPPF. ... The areas with the closest proximity to the site are Shepley (village) and Upper Cumberworth. The site is located a substantial distance away from Upper Cumberworth, which is not classified as a large built-up area nor is it near to a large built-up area as such the land does not contribute to Green Belt purpose (a). ... Although the land contributes to maintain separation between the dispersed rural settlements, it forms only a very small part of the gap between surrounding towns in Kirklees, as well as those outside the borough boundary to the south and east. The land therefore makes a weak contribution to purpose (b). ... The site is not visually or physically connected to any settlement that would meet the definition of a historic town for the purposes of (d). As a result, the land does not contribute to purpose (d). It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply. ... Paragraph 155(a) of the NPPF states that development in the Green Belt may not be regarded as inappropriate where it would utilise 'grey belt' land and development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. ... Officers consider that the introduction of an additional built structure beyond the defined building line and into fields would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. ... Under Paragraph 155(a) of the NPPF, development may be acceptable where it does not fundamentally undermine the purposes of the Green Belt; however, the proposal would erode a rural edge, lacking containment, and would undermine the Green Belt's function in this location."

- *"it is reasonable to note that 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"*
- *"It is acknowledged that the site has limited access to local transport services and local amenities. There is a bus stop approximately 12 minute walk from the application providing routes towards Huddersfield Town Centre and Holmfirth. Local amenities such as shops would require vehicular access to surrounding local and district centres. The site is in a moderately sustainable location in terms of access to amenities and it is acknowledged that it would be dependent on private vehicle use, which would not be uncommon in a semi-rural/rural setting."*
- *"Officers consider that utilising an existing building of the development would be considered acceptable from a design perspective. The scale and location of the proposed dwelling has largely been delineated by existing structures on site and the proposed materials are considered to be in-keeping with Pennine vernacular."*
- *"In principle the design of the garage would be considered acceptable due to its materials and dimensions; however, as the proposed garage would be considered to represent encroachment into the green belt, it would be recommended that this is removed from the development or the garage is integrated into the host building."*

- *“Due to the size of the existing plot, a satisfactory layout which has sufficient amenity space, parking provision, safe access is likely to be possible on site. Therefore, the proposal would largely accord with Policy LP24 of the Kirklees Local Plan.”*
- *“It is considered that there is sufficient separation distance between the proposal and neighbouring properties that no significant issues regarding residential amenity would be required.”*
- *“National space standards demonstrate the required gross internal floor area for dwellings.”*
- *“Due to the property having access to outdoor amenity space, the proposal is considered to accord with Principle 17.”*
- *“The proposal would include the re-location of the existing site access to the east of the street, visibility splays would need to be provided based on The Design Manual for Roads and Bridges and speed surveys would be required up to 85th percentile as the road is a national speed limit road. Details of bin storage and collection details would be required to be provided on a plan and any new access gate would need to be set back 5m into the site. As the proposal has proposed a dedicated parking area, a swept path analysis would be required to be provided on final plans to ensure vehicles can exit and enter site in a forward gear.”*
- *“Whilst it is noted that Kirklees Council has not set local parking standards for residential and non-residential development, as an initial point of reference for residential developments it is considered that new 2 to 3 bedroom dwellings provide a minimum of two off-street car parking spaces, 4+ bedroom dwellings provide three off-street spaces.”*
- *“In order for the development to be assessed against Policy LP30 of the Kirklees Local Plan and to meet the mandatory requirements of the Town and Country Planning Act 1990, the application should be supported by a BNG metric, BNG assessment, and PEA”*
- *“The site has been identified on our mapping system as potentially contaminated land due to its proximity to a quarry and industrial waste site (73/22). Contaminated land conditions would therefore be likely to be imposed should a subsequent full application be approved, or a Phase 1 Report could be provided at validation stage in accordance with Policy LP53 of the Kirklees Local Plan.”*
- *“The site is identified as being located within a low risk Coal Mining Area. As such, a Coal Mining Risk Assessment would not be required as part of any future planning application.”*
- *“The LPA seeks applications to be supported by a statement from the applicant which details how climate change, its contributors and impacts have been considered as part of a development proposal.”*

- *“In line with the Council’s objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, an electric car charging point should be provided for the dwelling. This will ensure the proposal complies with LP20, LP21, LP24, LP51 and LP52 of the Kirklees Local Plan, Principle 18 of the Housebuilders Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.”*
- *“The site does not lie within a flood zone and there are no known watercourses crossing the site. As such, there are no concerns raised in terms of Flood Risk, however drainage of the site should be considered. Please note that in preparing the drainage strategy for the site, this should be undertaken having regard to the hierarchy of drainage to ensure that the most sustainable options for surface water drainage are explored and discounted first, before discharging to the sewer. This is in accordance with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.”*
- *“Officers understand that a large tree on the boundary of the site is required to be removed to facilitate the development. This approach has been discussed with KC Trees. In this instance the removal of the tree has been deemed acceptable due to its close proximity to the host building and a suitable mitigation scheme will be required to justify this.”*

3.8 Details about how the proposed development and its design have positively evolved in response to the pre-application feedback are provided throughout the planning assessment commentary in Section 7 of this Statement.

4.0 PROPOSED DEVELOPMENT

4.1 The development proposal comprises:

Change of use of a vacant building to residential dwellinghouse (Use Class C3), construction of a new vehicular access point, erection of new built form to create a garage for the dwellinghouse, siting of incidental domestic paraphernalia, and associated works.

4.2 The dwelling will be a 3 bedroom property.

- On the ground floor there will be an open plan kitchen / dining / living room, a snug, a bedroom with an en-suite, a study, a utilities room with a WC, storage space with a WC, and a plant room.
- On the first floor there will be two bedrooms (both with en-suites, and one with a dressing room), a mezzanine study, and an attic / loft.
- The floor area of the new residential dwellinghouse meets (exceeds) Nationally Described Space Standards for 3 bedroom, 2 storey dwellings.
- Bat boxes, and a barn owl box, are proposed within the property's external walls.
- Minor alterations are proposed to the building's external appearance to facilitate it being converted into a residential dwellinghouse that meets modern design standards and is energy efficient. For example:
 - Where replacement is required, stone will be used to match the existing walls.
 - Grey aluminium double glazed windows and doors are to be installed (the colour of which is in keeping with windows and doors on some of the nearby properties).
 - "Bradclad Energi-Roof" integrated thin film solar cells, and Brad clad aluminium panels are proposed on the roofscape. Also in relation to the roofscape, where replacement is required slate will be used to match the existing. The Bradclad solar cells film sits within the roof sheets, so it is much less visually prominent and obtrusive on the roofscape than 'typical' PV solar panels would have been.
- Private residential amenity space (front and rear garden space) which is accessible and useable is proposed.

4.3 The new proposed vehicular access is approximately 35 metres from the 5-road junction (indicated previously in Figure 1), it is designed to modern standards in relation to access width and also provides a 5 metre set back to create sufficient space for vehicles entering / exiting the site to stop clear of the highway and be able to open / close the gate, and it has significantly improved visibility compared to the existing vehicular access point (which is circa 20 metres closer to the 5-road junction, is flush with the highway boundary, and has severely restricted visibility in both directions).

4.4 The proposed garage is a triple garage to provide three off-street car parking spaces (one of which will have an electric vehicle charging point). The spaces provided each measure 6

metres long x 3 metres wide.

- 4.5 The external appearance of the garage is proposed to be horizontal timber cladding with stone at only the lowest ‘course level’ (because the timber cannot directly touch the ground), with timber doors, so that it will read clearly as being ancillary to the dwellinghouse, and so that it has somewhat of a ‘typical wooden agricultural barn’ appearance that will not appear incongruous next to a farmhouse (which is what the existing building historically used to be).
- 4.6 The siting of incidental domestic paraphernalia will comprise of a greenhouse and a chicken shed, both of which will have no solid foundations.
- 4.7 The associated works will comprise of the provision of boundary treatments and landscaping, the provision of drainage, and the installation of ground source heat pumps, which includes the following:
- Removal of 1 existing sycamore tree is proposed.
 - 16 new trees, and new native hedgerow along all site boundaries, are proposed as part of the soft landscaping scheme.
 - For surface water drainage, a soakaway is proposed.
 - For foul drainage, a below ground foul water treatment unit (a septic tank) is proposed.
 - The pipes for the ground source heat pumps are proposed to be within the land to the rear of the existing building where biodiversity net gain provision is also proposed (because the pipes should not require any maintenance after they have been installed, meaning that the land should not need to be disturbed thereafter).
- 4.8 Further comprehensive details about the development proposals are provided throughout the remainder of this Statement, particularly in Sections 6 and 7.

5.0 PLANNING POLICY CONTEXT AND LOCAL AUTHORITY SUPPLEMENTARY PLANNING GUIDANCE

- 5.1 Section 70 (2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications to be in accordance with the adopted Development Plan, unless material considerations (such as the National Planning Policy Framework) indicate otherwise.
- 5.2 The adopted Development Plan document that is applicable to this planning application is the Kirklees Local Plan (adopted February 2019).

Kirklees Local Plan

- 5.3 The site is located within the Green Belt and within a Minerals Safeguarding Area on the Local Plan policies maps (as indicated by the green hatching and the yellow hatching respectively in Figure 2).

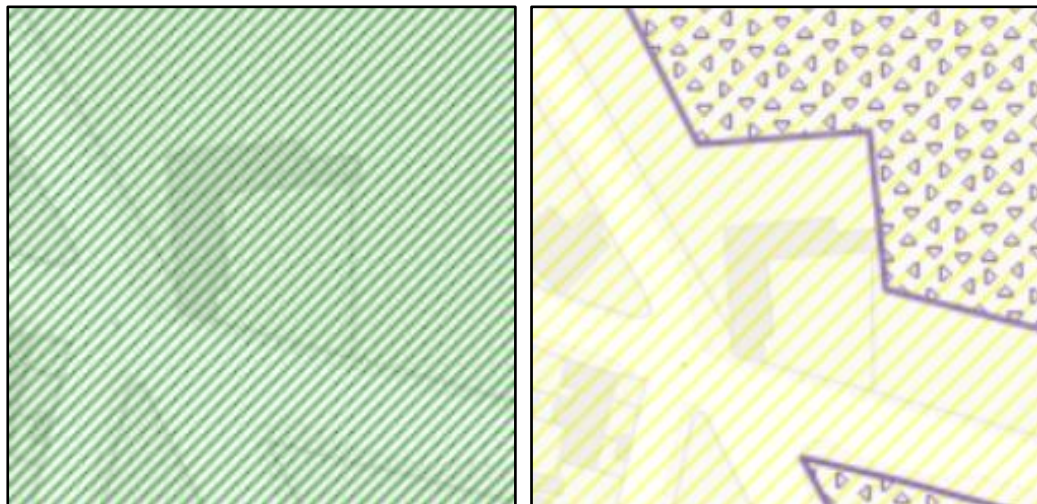


Figure 2: Local Plan policies map extracts

Principle of Development

- 5.4 Policy LP7 explains that, to ensure the best use of land and buildings, proposals for development should (inter alia) “*encourage the reuse or adaptation of vacant or underused properties*”.
- 5.5 Policy LP38 explains that the Minerals Safeguarding Area does not need be considered in detail for some types of development because they are unlikely to lead to the long-term sterilisation of viable mineral resources. These types of development include (inter alia):

- *extension to existing buildings and the erection of ancillary buildings within their curtilages*
- *minor development (such as walls, gates and access)*

5.6 Policy LP57 explains that proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that (inter alia):

- *in the case of extensions the original building remains the dominant element both in terms of size and overall appearance*
- *the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access*
- *the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting*

5.7 Policy LP60 stipulates that proposals for conversion or re-use of buildings in the Green Belt will normally be acceptable where:

- a. *the building to be re-used or converted is of a permanent and substantial construction;*
- b. *the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary or curtilage buildings;*
- c. *the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.*

Highways and Accessibility

5.8 Policy LP20 states:

“The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.”

5.9 Policy LP21 stipulates that *“new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe”*. The policy also requires all development proposals to (inter alia) *“take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely”*.

5.10 Policy LP22 sets out a range of principles that the provision of parking will be based on. The most relevant, in relation to the proposed development, are:

- *“car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type mix and use of the development”*
- *“new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance”*

Design

5.11 Policy LP24 stipulates that development proposals should promote good design by ensuring (inter alia):

- *the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*
- *they provide a high standard of amenity for future and neighbouring occupiers*
- *extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers*
- *high levels of sustainability, to a degree proportionate to the proposal, through [inter alia]:*
 - *The re-use and adaptation of existing buildings, where practicable*
 - *Considering the use of innovative construction materials and techniques, including reclaimed and recycled materials*
 - *Where practicable, minimising resource use in the building by orientating buildings to utilise passive solar design. This includes encouraging the incorporation of vegetation and tree planting to assist heating and cooling and considering the use of renewable energy*
 - *Providing charging points to encourage the use of electric and low emission vehicles*

Ecological and Environmental Considerations (Including Trees)

5.12 Policy LP30 stipulates that *“the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees”*, and it states that development proposals will be required to (inter alia):

- *result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement*
- *minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist*

- 5.13 Policy LP33 explains that planning permission will not be granted for developments that either directly or indirectly threaten trees or woodlands of significant amenity, and it stipulates that *“proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment”*.

Drainage

- 5.14 Policy LP28 stipulates that there is a presumption that Sustainable Drainage Systems (SuDS) will be used to assist in achieving (inter alia) typical greenfield run-off rates for proposals on greenfield sites and on brownfield sites where new surface water connections are proposed.
- 5.15 Policy LP34 explains that development proposals must dispose of surface water appropriately, adhering to the following order of preference:
- a. *to an infiltration based system wherever possible (such as soakaways)*
 - b. *discharge into a watercourse with the prior approval of the landowner*
 - c. *discharge to a public sewer*

Land Contamination

- 5.16 Policy LP53 states:

“Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment.

For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which project the well-being of residents or protect the environment will not be permitted.”

National Planning Policy Framework (the “Framework”)

- 5.17 The Framework sets out the Government’s planning policies for England and how they should be applied (paragraph 1). At the heart of the Framework is a presumption in favour of sustainable development (paragraph 10). Paragraph 7 states that *“the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.

5.18 Paragraph 11 states that the presumption in favour of sustainable development means the following for decision-taking:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination*

5.19 Footnote 8 explains that, for planning applications involving the provision of housing, “out-of-date” includes situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

5.20 Paragraph 39 explains that “*local planning authorities should approach decisions on proposed development in a positive and creative way*” and that “*decision-makers at every level should seek to approve applications for sustainable development where possible*”.

5.21 Paragraph 56 states:

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

Principle of Development

5.22 Paragraph 124 states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

5.23 Paragraph 125 then stipulates that planning policies and decisions should (inter alia) promote and support the development of under-utilised land and buildings.

5.24 Similarly, paragraph 129 explains that planning policies and decisions should support development that makes efficient use of land, taking a range of factors into account including (inter alia) the identified need for different types of housing and other forms of development.

5.25 Paragraph 153 states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

5.26 Paragraph 154 lists the limited types of development that are appropriate in Green Belt locations. These include:

- c) *the extension or alteration of a building provided that it does not result in disproportionate additions¹ over and above the size of the original building*
- h) *other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: ...*
 - iv. *the re-use of buildings provided that the buildings are of permanent and substantial construction.*

Highways and Accessibility

5.27 Paragraph 115 lists a range of criteria for Local Planning Authorities to ensure new developments provide, the most relevant of which is *“safe and suitable access to the site can be achieved for all users”*.

5.28 Paragraph 116 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

Design

5.29 Paragraph 135 explains that planning policies and decisions should ensure that developments (inter alia):

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*

¹ Note, “disproportionate additions” is not defined in the Framework.

- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development*

Ecological and Environmental Considerations

5.30 Paragraph 136 stipulates that “*trees make an important contribution to the character and quality of urban environments*”, and that planning policies and decisions should ensure that existing trees are retained wherever possible.

5.31 Paragraph 187 states that planning decisions should contribute to, and enhance, the natural and local environment in a number of ways, including (inter alia):

- *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs*

Land Contamination

5.32 Paragraph 197 explains that it is the landowner / developer’s responsibility to ensure the site and future development is safe, if the site is affected by contamination or land stability issues.

Draft Version of Updated National Planning Policy Framework (dated December 2025)

5.33 In December 2025 the Government published a draft (revised and restructured) National Planning Policy Framework for public consultation. The consultation was open until 10th March 2026, and the Government are now reviewing the responses they received and creating a final version that they will then formally publish (adopt). The formal publication (adoption) is anticipated later this year.

5.34 Although the draft does not carry any weight in decision-making, it is useful to be aware of when considering the overarching principle of development because it indicates the Government’s intended direction of travel for national policy.

5.35 Draft policy DM3 explains that, when considering development proposals, local planning authorities should (inter alia):

- *Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact*
- *Take account of planning matters raised during any pre-application engagement,*

including any positive responses to this engagement, as well as representations on the proposals

- *Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations*
- *Not refuse applications for development which should clearly be approved, having regard to its accordance with the development plan, the policies in this Framework and any other material considerations*

5.36 Draft policy S3 stipulates that *“development proposals that accord with an up-to-date development plan and also the decision-making policies in this Framework should be approved without delay”*.

Principle of Development

5.37 Draft policy S5 stipulates that *“only certain forms of development should be approved outside settlements”*. The draft policy then lists the acceptable types of development. The list includes *“the re-use, extension, alteration or replacement of an existing building, so long as the existing building is of permanent and substantial construction, and any extension or alteration will not result in a disproportionate increase² in size compared to the existing building”*. Draft policy S5 also states:

“Any other development proposals which do not fall within one of the categories set out above should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.”

5.38 Similarly to the above, draft policy GB6 states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness.”

5.39 Draft policy GB7 then explains that some types of development are not inappropriate in the Green Belt. These include (inter alia):

- *The re-use, extension, alteration or replacement of an existing building, provided that:*
 - *the existing building is of permanent and substantial construction; and*
 - *the extension or alteration will not result in a disproportionate increase³ in*

² Note, “disproportionate increase” is not defined in the draft Framework

³ See footnote 2

size over and above the size of the original building

- 5.40 Draft policy HO7 stipulates that *“substantial weight should be given to the benefits of providing accommodation that contributes towards meeting the evidenced needs of the local community, taking into account any up-to-date local housing need assessment, and other relevant evidence (including the extent to which there is a five year supply of deliverable housing and traveller sites, and performance against the Housing Delivery Test)”*.
- 5.41 Draft policy L2 explains that substantial weight should be given where a development proposal would (inter alia) make better use of vacant and under-utilised land and buildings, such as bringing empty homes and other suitable buildings into residential use.
- 5.42 Similarly, draft policy L3 explains that development proposals should make an efficient use of land, taking a range of factors into account including (inter alia) the identified need for different types of housing and other development.

Design

- 5.43 Draft policy CC2 sets out that development proposals should (inter alia) *“use design approaches which conserve energy and other resources”*. Draft policy CC2 also states:

“Substantial weight should be given to the benefits of improving energy efficiency of existing buildings and / or drawing energy from district heat networks, renewable and low carbon sources (including through the installation of heat pumps and solar panels where these do not already benefit from permitted development rights).”

- 5.44 Draft policy DP3 explains that development proposals should (inter alia) *“contribute to climate change mitigation and adaptation and the transition to net zero, by using building layouts, building orientation, massing, landscaping and materials which conserve energy and other resources”*.

Ecological and Environmental Considerations

- 5.45 Draft policy N2 sets out a range of ways that development proposals can contribute positively to the natural environment, including (inter alia):
- *Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply)*
 - *Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) wherever*

possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings

- *Minimise impacts on biodiversity and include features for species which support priority or threatened species such as swifts, bats and hedgehogs*

5.46 Draft policy N3 explains that the benefits that trees can provide for biodiversity, climate change mitigation and adaptation, and the character and quality of the built environment, should be recognised. Ways to achieve this include incorporating trees in suitable locations into layout designs.

Land Contamination

5.47 Draft policy P2 stipulates that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

Kirklees Housebuilders Design Guide Supplementary Planning Document (2021)

5.48 This SPD sets out a range of good design principles for developments to seek to achieve. The principles of most relevance to the development proposals are referenced below.

5.49 Principle 2 stipulates that new residential development proposals will be expected to respect and enhance the local character of the area by (inter alia):

- *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*

5.50 Principle 5 stipulates (inter alia) that *“effective boundary treatments should be used to form defensible space and delineate between public and private realm”*.

5.51 Principle 6 states:

“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”

5.52 Principle 9 stipulates that *“proposals are required to provide net gains in biodiversity, with ecological enhancement integral to the design of the development”*.

5.53 Principle 12 sets out that any car parking provision should (inter alia):

- *Not dominate street frontages through parking arrangements that place cars at*

the front of all dwellings and with overly dominant integral garages at the front of dwellings

- *Ensure that any garages are set back from the front door of the house or are carefully designed in terms of materials so that they are not the dominant feature; any garage must be large enough to accommodate a large family car following guidance set out in the Highway Design Guide SPD*

5.54 Principle 13 stipulates that development proposals should (inter alia) *“consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area”*.

5.55 Principle 14 states:

“The design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction.”

5.56 Principle 15 explains that *“the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types”*.

5.57 Principle 16 states (inter alia):

“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. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).”

5.58 Principle 17 stipulates 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 the context of the site”*.

5.59 Principle 18 explains that development proposals should (inter alia) *“contribute to the Council’s ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their resilience on sources of non-renewable energy”*.

5.60 Principle 19 stipulates 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 impact on the development”*.

Kirklees Highway Design Guide SPD (2019)

- 5.61 This SPD sets out a range of “good design drivers” and guidance for how to achieve them. Those of most relevance to the proposed development are discussed below.
- 5.62 Key design driver 6 stipulates that *“to ensure that residents can access their properties, a private drive serving five dwellings or fewer should be a minimum of 4.5m wide (5.0m wide if there are structures along its initial length for example walls) for the first 5.0m of its length”*.
- 5.63 Key design driver 20 firstly explains that Kirklees Council does not have set local parking standards. However, it is considered that new 2 to 3 bedroom dwellings should provide a minimum of two off-street car parking spaces, and that 4+ bedroom dwellings should provide three off-street car parking spaces.
- 5.64 In relation to garages, the SPD also states the following:

“For a garage to be treated as a parking space, the minimum internal dimensions should be: single garage 6.0m long x 3.0m wide; double garage 6.0m long x 5.0m wide.”

6.0 CLIMATE CHANGE STATEMENT

- 6.1 Kirklees Council's local validation checklist for planning applications sets out that the policy drivers for requiring a Climate Change Statement are primarily Local Plan policies LP23, LP26, LP27, LP28, LP30, LP31, LP33, LP35, LP42, LP43, LP47, LP51 and LP52. As such, those policies have been referred to in this Statement.
- 6.2 The local validation checklist also explains that the amount of information in the Climate Change Statement should be proportionate to the scale of the proposed development. Nevertheless, it should at least include details about:
- How a layout has been designed to minimise the consumption of energy e.g. orientation, connection to sustainable forms of transport, use of renewable / low carbon energy sources
 - How a building is designed to reduce energy consumption e.g. orientation, solar gain, insulation, renewable energy, waste minimisation, water management (including climate adaptation and resilience) and sustainable sourcing of materials
- 6.3 Policy LP23 relates to the core walking and cycling network that is identified on the Policies Map. The application site is not located within, or in close proximity to, the network area. Therefore, policy LP23 is not applicable.
- 6.4 Policy LP26 relates to renewable and low carbon energy proposals. The proposed development does not fall within this category. Therefore, policy LP26 is not applicable.
- 6.5 Policy LP27 relates to flood risk. It explains how the Sequential Test process should be followed where development is proposed outside of Flood Zone 1, it explains what additional local restrictions will be imposed on proposals in Flood Zone 3, and it explains that Flood Risk Assessments must be provided in line with national planning policy. The application site is located entirely within Flood Zone 1, and the site area does not meet the 1 hectare threshold that would mean a Flood Risk Assessment is required irrespective of the Flood Zone 1 location. Therefore, policy LP27 is not applicable.
- 6.6 Policy LP28 relates to drainage. It stipulates that there is a presumption that Sustainable Drainage Systems (SuDS) will be used to assist in achieving (inter alia) typical greenfield run-off rates for proposals on greenfield sites and on brownfield sites where new surface water connections are proposed.
- 6.7 For surface water drainage, a soakaway is proposed (subject to detailed percolation testing

confirming this is feasible). Further details about this topic are provided in Section 7 of this Statement.

6.8 Policy LP30 relates to biodiversity and geodiversity. It firstly explains that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. It then sets out specific requirements in relation to the South Pennine Moors, Statutory Designated Sites, the Dark Peak Nature Improvement Area, Local Designated Sites and Important Local Ecological Features, and Habitats and Species of Principal Importance (none of which are applicable to the application site and the proposed development). Lastly, it states that development proposals will be required to (inter alia):

- *result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement*
- *minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist*

6.9 A Preliminary Ecological Appraisal and Bat Emergence Survey results (for the 3x surveys that were undertaken in May and June 2026) and Biodiversity Net Gain Statement (all in one report, accompanied by the completed BNG Metric spreadsheet), a Preliminary Bat and Owl Roost Assessment, and a Barn Owl Mitigation Strategy, have been submitted as part of the application package.

6.10 The barn owl mitigation strategy will ensure that owls are protected during and post development. No mitigation strategy is required for bats; nevertheless, as a good practice measure, bat boxes are proposed. A proposal which demonstrates how the entirety of the required biodiversity net gain could be achieved on site has been provided.

6.11 Further details about this topic are provided in Section 7 of this Statement.

6.12 Policy LP31 relates to the Strategic Green Infrastructure Network. It sets out requirements for development proposals within and adjacent to the Network. The application site is not within or adjacent to the Network. Therefore, policy LP31 is not applicable.

6.13 Policy LP33 relates to trees. It explains that trees or woodland of significant amenity should not be lost, and that any valuable or important trees should normally be retained.

6.14 Removal of 1 existing sycamore tree is proposed. The tree is not subject to a Tree

Preservation Order, and the ecological survey work found that there were no potential bat roost features in the tree, Also, the Local Planning Authority indicated in the pre-application feedback that the loss of the tree is acceptable, subject to a suitable mitigation scheme being proposed. In terms of mitigation, 16 new trees are proposed as part of the soft landscaping scheme.

- 6.15 Further details about this topic are provided in Section 7 of this Statement.
- 6.16 Policy LP35 relates to the historic environment and heritage assets (both statutorily designated assets, and non-designated (locally listed) assets). There are no listed buildings or ancient scheduled monuments on site, or in close proximity to the site. It is understood that the existing building on site is not locally listed either. Also, the site is not located within, or in close proximity to, a Conservation Area. Therefore, policy LP35 is not applicable.
- 6.17 Policy LP42 relates to proposals for the production of hydrocarbons. It sets out criteria for how such proposals will be considered. The proposed development does not include the production of hydrocarbons. Therefore, policy LP42 is not applicable.
- 6.18 Policy LP43 relates to the waste management hierarchy. It sets out principles to be considered in proposals for facilities to manage waste within the Kirklees District. The proposed development does not include a waste management facility. Therefore, policy LP43 is not applicable.
- 6.19 Policy LP47 relates to healthy, active and safe lifestyles. It sets out a range of ways that these lifestyles can be enabled, including (inter alia) *“supporting energy efficient design and location of development”*.
- 6.20 In relation to the proposed residential dwellinghouse, the proposed re-slating of the roof, the installation of “Bradclad Energi-Roof” integrated thin film solar cells on the roof, and the installation of double glazing will increase the energy efficiency of the building.
- 6.21 Further to the above, the additional windows and roof lights will maximise the amount of daylight occupiers receive. As daylight is a renewable form of energy that can provide both light and warmth for occupiers without needing to use electricity and heating, by maximising the amount of daylight occupiers receive the need to use non-renewable energy at the site will be reduced.

- 6.22 In addition, the proposed ground source heat pumps are a further sustainable design feature that will reduce the need to use non-renewable energy at the site.
- 6.23 In relation to the proposed garage, an electric vehicle charging point is proposed in the garage (as requested by the Local Planning Authority in the pre-application feedback).
- 6.24 In addition to being policy compliant, the design details discussed above are also in accordance with Principle 18 of the Kirklees Housebuilders Design Guide SPD and with draft policies CC2 and DP3 from the draft Framework.
- 6.25 Policy LP51 relates to protection and improvement of local air quality. It stipulates that *“development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people”*.
- 6.26 Policy LP52 then relates to protection and improvement of environmental quality. It stipulates that proposals which have the potential to increase pollution (from noise, vibration, light, dust, odour, shadow flicker and chemicals, or to soil), and proposals where sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to demonstrate that pollution has been considered and suitably mitigated (if required).
- 6.27 The proposed residential occupation of the existing building as a 3 bedroom property, and the limited amount of vehicle movements that will be associated with it, will not create types / levels of pollution that would cause an adverse impact on nearby properties or for the future occupiers of the property.

7.0 ASSESSMENT OF PROPOSED DEVELOPMENT

Principle of Development

- 7.1 In relation to the site being located within a Minerals Safeguarding Area, this does not require consideration as part of the decision-making process for this planning application. Policy LP38 is clear that extensions to existing buildings and erection of ancillary buildings in their curtilage, and minor development (such as walls, gates and access), do not need to be considered because they are unlikely to lead to long-term sterilisation of viable mineral resources.

Residential Dwellinghouse

- 7.2 The existing building and its associated curtilage are currently underutilised, because the site is vacant even though the building is of substantial construction and can feasibly be converted and brought back into an active use (as confirmed in the Structural Survey that has been submitted as part of the application). Therefore, the proposed change of use is encouraged by policy LP7 and paragraph 125 of the Framework, and it is in accordance with requirements of policy LP60 and paragraph 154 of the Framework.
- 7.3 Further to the above, there are several residential dwellings along Wall Nook Lane, Haddingley Lane and Dearne Dike Lane in immediate proximity to the site. Therefore, the re-use of the existing building to create a residential dwelling will not appear visually incongruous in the street scene, and it is thereby in accordance with policy LP60.

Garage

- 7.4 Erection of new built form is also proposed to create a garage to provide 3x secure off-street car parking spaces for the occupiers of the residential dwelling. Notwithstanding that the garage will be new built form in the Green Belt, it is directly associated with, and will be used incidentally to, the existing building that is to be converted to residential use.
- 7.5 As discussed in Section 3 of this Statement, as part of the pre-application feedback the Local Planning Authority assessed whether the application site could be deemed “grey belt” and whether the development proposals would adhere to paragraph 155 of the Framework (which sets out criteria for development on grey belt sites to achieve to not be considered “inappropriate development”). The Authority concluded that the application site is grey belt, but that it would not meet the requirements of paragraph 155 because *“Officers consider that the introduction of an additional built structure beyond the defined building line and into fields*

would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment". On that basis, the Local Planning Authority requires Very Special Circumstances to be demonstrated to justify the proposed garage.

- 7.6 In accordance with paragraph 153 of the Framework, Very Special Circumstances exist when the potential harm to the Green Belt is clearly outweighed by other considerations. In regard to this, it is crucial to note that there is no exhaustive list (in planning case law for example) that stipulates what can or cannot be considered as Very Special Circumstances, meaning it must be considered on an individual case-by-case basis.
- 7.7 The Local Planning Authority's pre-application feedback recommended removal of the garage from the development proposals, or relocation of it (to being integrated into the host dwelling) if it is going to remain part of the proposed development. At the pre-application stage, the garage was proposed to be directly adjacent to the proposed new access point (in a visually prominent location next to the Park Head Lane boundary wall) and all gravel surfacing was proposed next to the garage (again, in a visually prominent location). In the meeting with the Planning Officer (prior to the feedback being issued) the Officer indicated that proposing the garage next to the existing building would be a better location. Whilst the overall size and scale of the garage is very similar to the pre-application stage, it is now positioned next to the existing building. Grasscrete is proposed as surfacing for much of the space between the vehicular access point and the garage to create a more natural landscape appearance. Gravel is then proposed in immediate proximity to the garage, but any views of it from public vantage points (i.e. the public highway Park Head Lane) will be significantly screened by the stone boundary walls, the proposed hedgerows, and the access gate at the vehicular access point). The external appearance of the garage (which is similar to the previous pre-application design) is proposed to be horizontal timber cladding with stone at only the lowest 'course level' with timber doors, so that it will read as being ancillary to the dwellinghouse. This takes a cue from a 'typical wooden agricultural barn' appearance that is appropriate next to a farmhouse.
- 7.8 Furthermore, the design of the garage was broadly considered acceptable due to its materials and dimensions, in pre-application discussions.
- 7.9 It is acknowledged that the Local Planning Authority's pre-application feedback indicates that

the Authority considers the existing stone wall directly to the east of the existing building to be the perimeter of the site / the main defensible boundary of the site, despite the fact that there is stock fencing further to the east of that wall. The Authority consider that the garage being beyond the stone wall boundary line would be unacceptable encroachment into the countryside (thereby Very Special Circumstances are required). The stock fencing separates the Applicant's landownership from the Appleton Quarry, and (as the Authority acknowledged themselves in the feedback) the vegetation is visually different between the two landownerships. It is fundamental that all of the application site's context is considered as a whole. The existing stone wall is being retained as part of the proposed development, in the interest of retaining an existing design feature in the Green Belt. However, due to site constraints (namely relating to vehicular access as discussed below) the only feasible location where the proposed garage can be located is on the land between the stone wall and the stock fencing (all of which is in the Applicant's landownership).

- 7.10 In terms of other considerations that clearly outweigh the harm, the most fundamental consideration is that the proposed new vehicular access point and the new garage facilitates the re-use of the vacant (and thereby underutilised) building as a residential dwellinghouse being able to come forward, which is particularly important at a time when the Local Planning Authority do not have a sufficient 5 Year Housing Land Supply position.
- 7.11 As is explained in detail in the Highway Technical Note prepared by Sanderson, the existing field gate access is located approximately only 15 metres from the 5-road junction, it is flush with the highway boundary, and it has severely restricted visibility in both directions. In comparison, the new proposed vehicular access is approximately 35 metres from the 5-road junction, it is designed to modern standards in relation to access width and also provides a 5 metre set back to create sufficient space for vehicles entering / existing the site to stop clear of the highway and be able to open / close the gate, and it has significantly improved visibility, all of which are highway safety benefits.
- 7.12 Proposing the new vehicular access point and garage also means that the existing courtyard area between the property and Park Head Lane can be retained as a landscaped (which will be in-keeping with the existing character).
- 7.13 Opportunities to viably re-use the existing building could be sterilised if it is not possible to safely access the site and provide off-street car parking spaces (via the new access point as

proposed), and if the existing building is not brought back into use in the short term then it could fall into a state of disrepair (which would have a negative impact on the character and appearance of the street scene and of the Green Belt).

- 7.14 In light of the above, it is our view that Very Special Circumstances have been sufficiently demonstrated because the other considerations (which in this case are significant benefits) clearly outweigh the limited harm to the Green Belt.

Commentary about the current and draft Framework regarding the Green Belt / the principle of development

- 7.15 The principle of the conversion of the existing building to become a residential dwellinghouse, and the principle of the erection of the garage (in light of Very Special Circumstances being demonstrated), are in accordance with draft policies S5, GB6 and GB7 from the draft Framework. In addition, making efficient use of the existing building and the site - particularly given that Kirklees Council do not have a sufficient Five Year Housing Land Supply position – is in accordance with paragraphs 124 and 129 of the current Framework, and with draft policies HO7, L2 and L3 from the draft Framework.

Siting of Incidental Domestic Paraphernalia

- 7.16 A greenhouse and a chicken shed are proposed within what will become the Applicant's residential curtilage. Whilst the Applicant's intention is for them to be there indefinitely as part of their incidental enjoyment of the dwellinghouse, they are temporary structures in the sense that they will have no solid foundations and will therefore have no lasting impact upon the Green Belt landscape if / when they are removed. Also, the greenhouse will be largely screened from view from public vantage points (i.e. the public highway Park Head Lane) by the stone boundary wall and the proposed soft landscaping scheme, and similarly views of the chicken shed (which is proposed to be directly behind the garage) will be largely screened by the proposed hedgerows along the site boundaries.

Highways and Accessibility

- 7.17 A Highway Technical Note (which includes speed survey results and visibility splay details) has been submitted as part of the application package.
- 7.18 The Note explains that the number of vehicle trips generated by the single residential dwellinghouse will be low, and are expected to be commensurate with the number of vehicle trips generated by the former use of the site (with no significant intensification anticipated).

- 7.19 The speed survey results (based on automatic traffic count “ATC” data) indicate that for westbound travel the required visibility splay is 2.4 metres x 94.9 metres. For eastbound travel the achievable visibility from the site access to the existing 5-road junction is 35 metres.
- 7.20 The visibility splay details confirm that some of the existing boundary wall fronting Park Head Lane should be marginally set back to be behind the visibility splay (because the alternative would be removal of the wall) to ensure that the required visibility splays can be achieved.
- 7.21 A planning condition could be imposed to require further details about the boundary wall to be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The details could include a methodology for deconstructing and reconstructing the relevant parts of the wall.
- 7.22 The provision of the new vehicular access point will ensure that access to the site is safe and suitable, in accordance with Local Plan policy LP21 and paragraph 115 of the Framework.
- 7.23 In light of the information provided (and contained within the Note) - in accordance with paragraph 116 of the Framework – it is considered that there are no highways grounds upon which the planning application should be delayed or refused, because there will not be an unacceptable impact on highway safety or severe impacts on the existing road network.

Proposed New Vehicular Access Point – Further Details and Benefits

- 7.24 The proposed vehicular access is a standard private drive access arrangement with a 5 metre access width and a 4 metre access radii, which is in accordance with the Kirklees Highway Design Guide SPD.
- 7.25 The existing field gate access is located approximately only 15 metres from the 5-road junction, it is flush with the highway boundary, and it has severely restricted visibility in both directions. In comparison, the proposed vehicular access is approximately 35 metres from the 5-road junction, it is designed to modern standards (as referred to in the paragraph above), a 5 metre set back has been incorporated into the design to create space for vehicles entering / exiting the site to stop clear of the highway and be able to open / close the gate, and it has significantly improved visibility, all of which are highway safety benefits.

Parking

- 7.26 A triple garage is proposed to provide three off-street parking spaces. The Kirklees Highway

Design Guide SPD does not provide guidance specifically in relation to triple garages, but it does provide guidance about single and double garages. On the basis that each of the three spaces in the garage could be considered as 'self-contained' spaces (because they are all accessed by separate doors), the spaces are each 6 metres long x 3 metres wide. These dimensions meet the SPD requirement for single garages. The proposed garage is also in accordance with Principle 12 of the Kirklees Housebuilders Design Guide SPD.

- 7.27 The size of the garage is in accordance with the SPD dimensions, it will be safe and secure, and it will be sited away from the site frontage so that it is not visually obtrusive in the street scene. Therefore, the proposed garage is in accordance with Local Plan policy LP22.
- 7.28 An electric vehicle charging point is proposed in the garage, in accordance with Local Plan policy LP24.

Site Accessibility

- 7.29 In the pre-application feedback the Local Planning Authority stipulated *"the site is in a moderately sustainable location in terms of access to amenities and it is acknowledged that it would be dependent on private vehicle use, which would not be uncommon in a semi-rural/rural setting"*. The Authority's feedback takes into account that Local Plan policy LP20 stipulates that the Council *"will accept that variations in opportunity for this [for new residential development to be located close to local facilities or incorporate opportunities for day to day activities on site] will vary between larger and smaller settlements in the area"*.

Design

Residential Dwellinghouse

- 7.30 The proposed alterations to the existing building are minor in scale and are namely to ensure the former stable and store spaces can become useable living space with sufficient ceiling heights, and to ensure that the design of the roofscapes across the building are consistent throughout. This is considered to be in accordance with policy LP57 and paragraph 154 of the Framework.
- 7.31 Further to the above, the alterations proposed to the external appearance of the existing building are considered to be in keeping with the character of the existing residential properties in immediate proximity to the site. For example, stone will be used to match the existing walls, the existing slate roof is to be re-slatted to match the existing roof, and grey aluminium double glazed windows and doors (the colour of which is in keeping with windows

and doors on some of the nearby properties). Therefore, the external appearance is considered to be in accordance with Local Plan policy LP60, and with principles 2, 13 and 14 of the Kirklees Housebuilders Design Guide SPD.

- 7.32 The floor area of the new residential dwellinghouse meets (exceeds) Nationally Described Space Standards for 3 bedroom, 2 storey dwellings. This is in accordance with principle 16 of the Kirklees Housebuilders Design Guide SPD.
- 7.33 The separation distances between the proposed residential dwellinghouse and the neighbouring residential properties exceed the minimum requirements set out in the Kirklees Housebuilders Design Guide SPD. As such, the proposed development is in accordance with principle 6 of the SPD which requires adequate privacy and high standards of residential amenity (no overlooking, for example) for residential occupiers.
- 7.34 Private residential amenity space (front and rear garden space) which is accessible and useable is proposed as part of the development proposals, in accordance with principle 17 of the Kirklees Housebuilders Design Guide SPD.
- 7.35 The household bins are to be stored in close proximity to the residential dwellinghouse and the garage, screened from view from public vantage points (i.e. Park Head Lane) by the boundary wall and hedgerows. This is in accordance with principle 19 of the Kirklees Housebuilders Design Guide SPD.

Garage

- 7.36 As is explained previously in this Statement, the external appearance of the garage (which is similar to the previous pre-application design) is proposed to be horizontal timber cladding with stone at only the lowest 'course level' (because the timber cannot directly touch the ground), with timber doors, so that it will read clearly as being ancillary to the dwellinghouse, and so that it has somewhat of a 'typical wooden agricultural barn' appearance that will not appear incongruous next to a farmhouse (which is what the existing building historically used to be). The design of the garage is considered to be in accordance with Local Plan policy LP60, and with principles 2 and 13 of the Kirklees Housebuilders Design Guide SPD
- 7.37 Further to the above, the roof pitch of the garage has been designed to replicate the roof pitch (at a lower overall height to ensure the garage is subservient to the host building), in accordance with principle of the Kirklees Housebuilders Design Guide SPD.

- 7.38 In our view it is clear from the information provided (on the architectural drawings and in this Statement) that the existing character of the surrounding context, and local and national planning policies in relation to good design principles (set out in policy LP24 and paragraph 135 of the Framework), have been thoroughly considered and have informed the design of the residential dwellinghouse and the garage.

Ecological and Environmental Considerations (Including Trees)

Preliminary Ecological Appraisal and Associated Surveys

- 7.39 A Preliminary Ecological Appraisal has been submitted as part of the application package. The following findings and conclusions from the Appraisal are of particular note:

- *“No badger setts or field evidence was identified within the survey area.”*
- *“No watercourses were present within the survey area to provide potential habitat for otters, water voles or white-clawed crayfish.”*
- *“The two ponds to the east of the survey area are located within a working quarry, and will be surrounded by constant movement of plant and machinery, providing an ecological barrier to the movement of great crested newts. Therefore, it is highly unlikely that great crested newts are present within the survey area.”*
- Former farmhouse element: *“The building has a stone construction, and the walls are in poor condition with multiple cracks, gaps or crevices throughout all aspects of the building which were suitable for roosting bats. Additionally, at least one of the windows was cracked, providing a potential access point into the building. ... Furthermore, there are gaps between the timber boards used to construct the frame [on the southern gable end of the building], providing further potential roost features within the frame itself. ... The roof is a pitched roof with stone tiles, which is in poor condition with many lifted, slipped, broken or missing tiles providing multiple potential roost features or entry points into the building for bats. There are also gaps underneath many of the ridge tiles providing potential roost features for bats. In addition, a stone chimney stack is present which has gaps in the mortar, providing further potential roost features for bats. ... The gable end [on the southern aspect] has multiple gaps in the stonework and multiple areas of missing mortar beneath the roof tiles, providing potential roost features and/or potential access points into the building for roosting bats. ... due to the large number of potential access points into the loft space [unlined roof with several gaps], and also many potential roost features under tiles or within gaps in the stonework of the walls, the farmhouse is assessed as having high potential for roosting bats. ... No evidence of nesting birds was identified within the building. However, the gaps in the roof could provide potential nesting habitat for birds.”*
- Former barn element: *“The building has a stone construction, and the walls are in poor condition with multiple cracks, gaps or crevices throughout all aspects of the building which were suitable for roosting bats. The walls are cavity walls, and several gaps lead to potentially large gaps within the cavity, providing potential*

roost features for multiple bats. The windows and doors were generally well-sealed by plywood boards. However, a purpose-built owl entry point is present on the eastern gable end, providing a potential entry point into the building for bats. ... A stone-built column is present on the northern aspect of the building, which is partially covered with mortar. Most of the mortar has weathered away, leaving exposed gaps within the stonework and gaps underneath the mortar itself, providing potential roost features for bats. ... The roofing sheets extend on to the eastern gable end, where they are lifted away from the wall. The gaps between the sheets and the walls provide potential roost features for bats. ... The gable end [on the eastern aspect] has multiple gaps in the stonework, as well as a large owl access point, providing potential roost features and/or potential access point for bats. ... There is a large gap in the roof where it has partially collapsed, providing potential access for bats. ... where the stone walls remain, there are gaps within the stonework which could be accessed by roosting bats. ... Overall, due to the large number of potential access points into the barn, and also many potential roost features under tiles or within gaps in the stonework of the walls, the barn is assessed as having high potential for roosting bats."

- Former stables element: *"The building has a stone construction, and the walls are in poor condition with multiple cracks, gaps or crevices throughout all aspects of the building which were suitable for roosting bats. Part of the wall on the northern aspect has collapsed, exposing cavities in the wall and also large entry points for bats. In addition, there is a smaller barn owl entry point on the southern aspect of the building, providing further access into the building. ... the roof was poorly sealed to the building, providing access to any potential roost features internally or into the cavity walls. ... Multiple gaps leading into the cavity walls could be seen internally. ... Overall, due to the large number of potential access points into the walls or within gaps in the stonework of the walls, the stables are assessed as having high potential for roosting bats."*
- Former storage element (1 of 2): *"The building has a stone construction with metal brackets around the eastern, southern and western aspects. The walls are in poor condition with multiple cracks, gaps or crevices throughout all aspects of the building which were suitable for roosting bats. A small open window was present on the eastern aspect, providing potential entry into the building for bats. ... The roof is a pitched roof with stone tiles, which is in poor condition with many lifted, slipped, broken or missing tiles providing multiple potential roost features or entry points into the building for bats. ... The gable end [on the southern aspect] has multiple gaps in the stonework and multiple areas of missing mortar beneath the roof tiles, providing potential roost features and/or potential access points into the building for roosting bats. However, barbed wire is also spread across this gable end where the roof meets the walls, potentially limiting the suitability of these features for bats. ... Overall, due to the large number of potential access points into the roof or within gaps in the stonework of the walls, the storage is assessed as having high potential for roosting bats."*
- Former storage element (2 of 2): *"A cellar was present underneath the farmhouse. This had an open doorway, providing potential access for bats, but also exposing the cellar to winds and changing temperatures. The walls and ceiling were limewashed, and no potential roost features were identified. No bats,*

droppings or field evidence was identified in the cellar. Therefore, the cellar was assessed as having negligible potential for roosting or hibernating bats."

- *"No potential roost features were identified in the tree [the sycamore on the western side of the building]."*
- *"The vegetation on site provides some foraging habitat for bats. However, due to the surrounding agricultural land, there is very little ecological connectivity between the buildings and any other suitable foraging/commuting habitats. The survey area is therefore assessed as providing low value habitat for commuting/foraging bats."*
- *"There is potential for nesting birds within the vegetation of the survey area between March and August (inclusive). In addition, barn owl pellets and feathers were identified throughout the open section of the barn. The number of pellets found was more than ten, which suggests that the barn is a regular roost."*
- *"The survey area provided some value for reptiles, particularly the grassland to the north of the survey area. However, the survey area is surrounded by roads to the south and west. Therefore, it is likely that suitability of the site is limited to low numbers of common reptile species. Therefore, it is unlikely that the proposed works will have any impact on reptiles, but precautionary measures will ensure that this is the case."*
- *"The survey area lies outside the natural range of hazel dormouse and red squirrel and there are no records of these species within 2km of the survey area."*
- *"The survey area provides potential commuting routes for hedgehogs through the site and neighbouring properties. All vegetation on the site will initially be cut down to a minimum of 150mm and left for twenty-four hours before clearing to ground level to prevent any harm to any animals at ground level and to make the area unattractive for any fauna species before the ground clearance. This will prevent harm to any hedgehogs."*
- *"No invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were identified within the survey area."*
- *"The survey area lies far enough away from any statutory designated sites to avoid any impacts."*
- *Bat dusk emergence survey undertaken on 12th May 2026: "During the survey, surveyor 4 heard a brief bat call very early in the survey at 20:42. No further bat activity was noted by any of the surveyors throughout the duration of the survey. None of the surveyors observed any bats emerge from the building during the survey, this was confirmed through subsequent analysis of the video footage captured on the night. After acoustic analysis of the Anabats, it was noted that no bat calls were recorded throughout the duration of the survey."*
- *Bat dusk emergence survey undertaken on 2nd June 2026: "The levels of bat activity observed or recorded during this survey were noticeably higher than the*

first dusk emergence survey, but still low. The first bat was heard but not seen by Surveyors 2 and 3 at 21:56. This was followed by intermittent passes of bats across the site and occasional foraging in the courtyard and over the road. None of the surveyors observed any bats emerge. With increase to the number of thermal cameras used, fewer infra-red cameras were utilised during this survey as the thermal cameras have a squarer field of view (FOV) this allowed for more of the building to be placed within the cameras view. Analysis of the video footage of all cameras across the site did not capture any bats emerging from the buildings. Common pipistrelle bat calls were predominantly recorded during the survey, a maximum of 86 calls recorded on one Anabat likely attributed to one bat consistently foraging around the building. One soprano pipistrelle and one noctule bat were also recorded during the survey.”

- Bat dusk emergence survey undertaken on 23rd June 2026: *“The levels of bat activity observed or recorded during this survey were slightly less compared to the activity recorded during the second emergence survey. The first bat was heard and seen by surveyor 2 at 22:20. This was followed by intermittent passes of bats across the site and the occasional foraging in the courtyard and over the road. None of the surveyors observed any bats emerge. Analysis of the video footage of all cameras across the site did not capture any bats emerging from the buildings. The Anabats recorded only common pipistrelle bats, with a maximum of 35 calls on one Anabat throughout the survey.”*
- Bat dusk emergence surveys conclusions summary: *“To summarise, no bats were seen to emerge from the buildings during any of the surveys. The bat activity levels were generally low, with activity restricted to one or two bats foraging around the area. The bats showed no interest in the buildings.”*

7.40 A Preliminary Bat and Owl Roost Assessment was undertaken in the existing building in October 2025. The Assessment identified part of the building as a barn owl roost, so a mitigation strategy has subsequently been prepared and will be implemented as part of the development (subject to planning permission being granted) to protect owls during and after the works. The proposed mitigation includes providing alternative provision for during the construction process (a barn owl nest box within 200 metres of the existing building), avoiding undertaking works on site that have the potential to disturb barn owls between March and August inclusive, undertaking a nesting birds survey no more than 3 days prior to works commencing and not commencing work until it has been confirmed no birds are present, and providing permanent nesting provision in the dwellinghouse for when the works are complete (which includes retaining the existing entrance hole on the eastern elevation). The permanent nesting provision will be maintained by the occupiers of the dwellinghouse.

7.41 The Preliminary Bat and Owl Roost Assessment also identified high potential for bat roosts, so there was a requirement for 3x bat emergence surveys to be undertaken (within the

optimal season May – September). The surveys were undertaken in May and June 2026, and (as explained in the quotes listed in paragraph 7.39 above) no bats were seen emerging from the existing building in any of the surveys. Therefore, no mitigation strategy is required for bats. Nevertheless, as a good practice measure in case there are any bats in the surrounding area, bat boxes are proposed on the south, east and west elevations of the existing building (that is proposed to become the residential dwellinghouse).

- 7.42 The undertaking of the preliminary roost assessment and the bat emergence surveys, the production of the barn owl mitigation strategy, and the proposed introduction of bat boxes in the existing building as a good practice measure for bats, are considered to be in accordance with paragraph 187 of the Framework which explains that new developments should (inter alia) incorporate features that support priority or threatened species.

Biodiversity Net Gain

- 7.43 The Applicant acknowledges that delivering 10% biodiversity net gain is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Part 1 point 1(1) of Schedule 7A explicitly stipulates that *“this schedule makes provisions for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective [i.e. 10% net gain] is met”*. Part 2 point 13(2) of Schedule 7A then states:

*“The condition is that the development may not be begun unless –
a) a biodiversity gain plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.”*

- 7.44 In light of the above, the only biodiversity net gain information that the Local Planning Authority can require an Applicant to submit with a planning application is the baseline value of the site as existing (calculated using the Natural England Metric), and whether or not the 10% gain is going to be provided on or off site (or a mixture of both) cannot be a consideration in determining the planning application.
- 7.45 A Biodiversity Net Gain Assessment and the completed metric spreadsheet have been submitted as part of the application package. The Assessment determined that the baseline habitats value is 0.75 units.
- 7.46 A proposal which demonstrates how the entirety of the required biodiversity net gain could be achieved on site has also been submitted as part of the application. The proposal

demonstrates that 15.12% net gain (0.11 habitat units) can be achieved on site through the provision of new tree planting (as discussed further below) and species-rich modified grassland. Feedback is sought from the Local Planning Authority's ecologist at this stage about the proposal, so that it can be revised / finalised accordingly before compliance with the standard condition for BNG is submitted and discharged (subject to planning permission being granted).

- 7.47 Providing initial proposal details for how more than 10% biodiversity net gain can be achieved on site is in accordance with Local Plan policy LP30, paragraph 187 of the Framework, and Principle 9 of the Kirklees Housebuilders Design Guide SPD. It is also in accordance with draft policy N2 from the draft Framework.

Trees and Proposed Landscaping Scheme

- 7.48 Removal of 1 existing sycamore tree is proposed, due to its immediate proximity to the existing building and the associated risk that it could cause harm to occupiers and / or damage to the property if it is damaged during adverse weather for example. The tree is not subject to a Tree Preservation Order, and the ecological survey work found that there were no potential bat roost features in the tree. Also, the Local Planning Authority indicated in the pre-application feedback that the loss of the tree is acceptable, subject to a suitable mitigation scheme being proposed. 16 new trees (a mixture of 1x English Oak, 1x Aspen, 1x Mountain Ash, 3x Crab Apple, 1x White Beam, 1x Silver Birch, 1x Guelder Rose, 2x Hazel, 1x Horn Beam, 2x Wild Cherry, 1x Common Elder, and 1x Goat Willow) are proposed as part of the soft landscaping scheme. New native hedgerow (a mixture of Hawthorn, Sea Buckthorn and Holly) is also proposed along all site boundaries as part of the soft landscaping scheme.
- 7.49 As it is not feasible to retain the existing tree, and given that the Local Authority have agreed that the tree can be removed, the requirement to retain existing trees wherever possible from Local Plan policy LP33 and paragraph 136 of the Framework is not applicable.
- 7.50 The provision of the new tree planting as part of the proposed soft landscaping scheme is in accordance with draft policy N3 from the draft Framework.
- 7.51 The provision of the new hedgerows along the site boundaries is in accordance with principle 5 of the Kirklees Housebuilders Design Guide SPD which supports the use of effective boundary treatments to create defensible spaces.

Drainage

- 7.52 For surface water drainage, a soakaway is proposed (subject to detailed percolation testing confirming this is feasible).
- 7.53 For foul drainage, a below ground foul water treatment unit (a septic tank) is proposed. Connecting to the existing sewer was the preference, but initial searches indicate that the previous connection has been abandoned.
- 7.54 A planning condition can be imposed to require full drainage strategy details to be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The details will include percolation test results.
- 7.55 Infiltration based systems such as soakaways are first in the Council's order of preference for disposal of surface water; therefore, the development proposals are in accordance with Local Plan policy LP34. The full drainage strategy will ensure that typical greenfield run-off rates are achieved, in accordance with Local Plan policy LP28.

Land Contamination

- 7.56 A Preliminary Phase I Site Investigation report has been submitted as part of the application package. The report firstly identifies that the northern and eastern extent of the site has been subject to surface quarrying in the late 1990s – early 2000s. Restoration works and infilling subsequently took place. Also, the site is underlain by past underground coal mining but it is not within a High Risk Area, and the site is at low risk of unexploded ordnance ("UXO").
- 7.57 The report then identifies that, based on the site's legacy use (farmhouse agricultural building with barns and workshops) that the following contaminants could be present at the site:
- Metals and metalloids;
 - Polyaromatic hydrocarbons;
 - Total petroleum hydrocarbons;
 - Asbestos;
 - pH / sulphates; and
 - Ground gases (methane and carbon dioxide) associated with the infilled quarry.
- 7.58 In light of the above, the report deems that there is a potential medium risk for contamination. There is also potential risk of ground instability associated with the made ground where the land has been restored and infilled after the quarrying works discussed above. On that basis, a Phase II Investigation is recommended to fully identify any contamination and ground

instability issues. The Phase II works will include sample boreholes, ground gas monitoring and soil testing. If any issues that require remediation are identified, then a Remediation and Verification Strategy will also be prepared accordingly.

7.59 The requirement for a Phase II, and potentially a Remediation and Verification Strategy, is not a reason to delay or refuse to grant planning permission because the need to undertake the work can be secured via planning conditions (in accordance with paragraph 56 of the current Framework, and draft policy DM3 from the draft Framework). It is commonplace for only the Phase I work to be undertaken at the initial planning application stage. The planning conditions could be worded as follows:

- No development shall commence until a Phase II Site Investigation report has been submitted to and approved in writing by the Local Planning Authority.
- Where remediation measures are shown to be necessary in the Phase II Report, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the end use has been submitted to and approved in writing by the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.
- Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site shall not be brought into use until such time that all verification information has been approved in writing by the Local Planning Authority.
- If remediation is unable to proceed in accordance with the approved Remediation Statement, and / or if unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. A revised Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to any further remediation works (which shall thereafter be carried out in accordance with the approved revised Statement).
- Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.



- 7.60 Requiring the Applicant (the landowner) to submit the Phase II report, and a Remediation and Verification Strategy if applicable, is in accordance with Local Plan policy LP53, paragraph 197 of the current Framework and draft policy P2 from the draft Framework.

8.0 CONCLUSION

8.1 This Planning Statement has been prepared by DLP Planning Ltd, on behalf of Mr Andrew Simcox (the “Applicant”), in support of a full planning application for the following development at land at the Piper Well Lane and Park Head Lane junction, to the south of Shepley:

Change of use of a vacant building to residential dwellinghouse (Use Class C3), construction of a new vehicular access point, erection of new built form to create a garage for the dwellinghouse, siting of incidental domestic paraphernalia, and associated works.

8.2 A summary of the key conclusions is as follows:

- The principle of converting the existing vacant (and thereby underutilised) building into a residential dwellinghouse is supported by national and local planning policy, because the building is of substantial construction and can feasibly be brought back into an active use. It also represents an efficient use of an existing building and associated land to provide residential accommodation, which is particularly important given Kirklees Council do not currently have a sufficient Five Year Housing Land Supply position.
- It is our view that sufficient Very Special Circumstances (i.e. other considerations and benefits that clearly outweigh the potential harm to the Green Belt) have been demonstrated to justify the provision of new built form to create a garage, because opportunities to viably re-use the existing building could be sterilised if it is not possible to safely access the site and provide off-street car parking spaces.
- The existing character of the surrounding context, and local and national planning policies in relation to good design principles, have been thoroughly considered and have informed the design of the residential dwellinghouse and the garage.
- The proposed new vehicular access point has been designed to provide a safe and suitable access, with sufficient visibility splays, to meet modern standards.
- It is our view that any resulting harm to the Green Belt from the siting of incidental domestic paraphernalia will be limited, because the structures are temporary in that they will have no solid foundations and will therefore have no lasting impact upon the Green Belt landscape if / when they are removed, and because they will be largely screened from view from public vantage points.
- No protected species will be adversely impacted by the development proposals, and the information submitted with the application demonstrates how more than 10% biodiversity net gain could be provided on site.

8.3 In light of the case presented in this Statement, and the information provided in the other documentation that forms part of the application package, it is respectfully requested that planning permission is granted without delay.

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