

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2026/62/92089/E
Site Address:	north of, 5, Field Head Farm Court, Shepley, Huddersfield, HD8 8FH
Description:	Erection of single storey detached dwelling and associated access
Recommending Officer:	Danielle Cooper

DECISION – Full Conditional Permission

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

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-SEP-2026

Officer Report

2026/92089

Site Description

The application forms part of the private rear garden space of 5 Field Head Farm Court, Shepley. The host dwelling is a two storey dwelling which is located within a small courtyard development. To the North and West of the application site are predominantly open fields. Boundary treatment consists of hedges. A shepherds hut is located within the site which will be relocated as part of the development.

To the South and East are residential dwellings which vary in form, size and design.

Description of Proposal

The application seeks planning permission for the erection of a single storey detached dwelling and associated access.

A single storey detached dwelling is proposed to be located within the rear garden of 5 Field Head Farm Court. The dwelling would have an overall height of 5.1m due to the sloping topography of the site with eaves of 3.6m. The dwelling would have an overall floor area of 124.6m² and provide 2 bedrooms. The dwelling will be constructed from natural stone with a gabled roof. Solar panels are located along the rear roofscape of the dwelling. A raised decking area is proposed in front of the dwelling.

An air source heat pump is located to the rear of the dwelling.

Access is to be provided to the side of No. 5 Field Head Farm Court, and the new driveway will be laid by using heavy-duty cellular paver (grass mat system). 2 on-site parking spaces are proposed to the south of the dwelling. A garden area is also shown to the north of the dwelling.

No. 5 Field Head Farm Court will retain a portion of the site for their private rear amenity space.

Bin storage is shown to the south of the dwelling and a bin collection point is shown at the access point.

The existing boundary hedges will be retained. Part of the hedge within the site will be removed to facilitate the proposed development.

History of Negotiations

No amendments were sought by the case officer. The agent did submit additional information in rebuttal to the letter of objection.

Relevant Planning History

2019/93351 - Erection of detached dwelling and formation of vehicle parking and storage - Refused and Appeal dismissed

Appeal summary: *"The proposal would be inappropriate development, which is, by definition, harmful to the Green Belt. It would also result in a loss of openness in the Green Belt. The Framework advises that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

The proposal would introduce permanent development in a position where currently none exists. The deliberate alteration of the landform to accommodate the dwelling, together with the mass of the dwelling, retaining wall and enclosures, would all have a physical presence within the site. Some aspects like the bund, roofs and new enclosures would be visible from the upper windows of the neighbouring properties. The glass may reflect light during the day and internal lighting would be visible during the hours of darkness. I am also mindful that the screening currently provided by the boundary hedges could be reduced in height through normal maintenance, or even removed. Thus, notwithstanding the efforts to reduce the visual impact of the development through its design, more of the land would be developed and openness would be reduced. 9. I therefore conclude that there would be a moderate loss of openness in the Green Belt, in conflict with the fundamental aim of Green Belt Policy."

Officer comment: The previous comments made by the inspectorate are acknowledged. However, it is important to note that the assessment of openness is no longer applicable in this instance, as the site is classified as grey belt land in accordance with policy GP7 of the NPPF published August 2026.

Matters relating to visual impact and the impact on residential amenity will be assessed within the officer report.

2015/90513 - Erection of detached dwelling with integral garage and formation of new access – Refused and Appeal dismissed

Representations

The application has been advertised by site notice. Publicity expired on 19th September 2026. 2 letters of representation have been submitted, one in objection and one in support. The comments have been summarised below:

Comments in Objection:

- The proposal would introduce backland development that would erode the openness of the green belt site.
- Residential development within this garden has previously been considered by two independent Planning Inspectors. Although national Green Belt policy has changed, those site-specific findings remain relevant to the physical character and visual impact of the current proposal.
- The illustrated hedge height shown on the proposed section drawings are not accurate. New section drawings showing the accurate height of the hedge should be provided.
- A substantial proportion of the dwelling would remain visible above and through the vegetation. The previous Inspector specifically noted that development on this site would remain visible from neighbouring upper floors and that the hedges could not reasonably be relied upon as permanent screening.
- Concern regarding loss of sunlight to neighbouring gardens.
- The loss of vegetation could result in direct overlooking impact to neighbouring gardens.
- The submitted drawing shows the area around the proposed entrance as an unobstructed manoeuvring space. This is not representative of the Court in normal use. The application should show the existing parking arrangements and demonstrate how vehicles would enter, leave and manoeuvre when these areas are occupied.
- Turning the existing secondary gate into the regular vehicular access for a separate dwelling would introduce repeated emerging and manoeuvring movements at an already busy and constrained point, increasing conflict between moving vehicles, parked vehicles and pedestrians.
- Concern the proposed access and construction of the development would result in harm to the existing hedge and wildlife.

Comments in Support:

- The proposed access arrangements will not cause any adverse traffic impact, congestion, or safety issues within the courtyard.
- The single storey design is modest in scale and position.
- The proposal will not cause any loss of light, overshadowing, or loss of privacy to surrounding homes.
- The scale and proposed materials fit comfortably within the established residential setting of Field Head Farm Court.
- The proposal is sustainably friendly.

Only material planning considerations can be taken into consideration for the assessment of this application. The above comments will be addressed within the assessment of this application.

Consultation Responses

KC Highways Development Management – No objection.

KC Ecology – No objection subject to conditions.

KC Waste – No objections subject to conditions.

Policy

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

Part of the site is located within Holmfirth Conservation Area and the Green Belt.

Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality
- **LP 53** – Contaminated and Unstable Land

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

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

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) last published August 2026 and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014 and revised most recently on the 27 February 2025, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. The following chapters of the NPPF are considered applicable to this enquiry:-

- **Chapter 3** – Decision making policies
- **Chapter 4** – Achieving Sustainable Development
- **Chapter 5** – Meeting the challenge of climate change
- **Chapter 6** – Delivering a sufficient supply of homes
- **Chapter 12** – Making effective use of land
- **Chapter 13** – Protecting Green Belt land
- **Chapter 14** – Achieving well designed places
- **Chapter 15** – Promoting sustainable transport
- **Chapter 17** – Pollution, public protection and security
- **Chapter 18** – Managing flood risk and coastal change
- **Chapter 19** – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact upon the character, appearance and heritage significance of the area
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

1. Principle of Development

The National Planning Policy Framework which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

Housing land supply

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 3 of Annex A.

Therefore, the council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test typically weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal.

Notwithstanding the above, it should be noted that Policy S4 (Principle of development within settlements) of the NPPF identifies exemptions to when the presumption of sustainable development applies, when the benefits of granting planning permission would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

Policy S4 details that where a site falls within the Green Belt, any development proposal must be assessed against the policies within Chapter 13 of the NPPF, in particular in this case is policy GB7.

Green Belt

The application site is within the Green Belt as located on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Policy GB7 of the NPPF states:

“The following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances:

- a) Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement;*
- b) The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building⁴⁰. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;*
- c) Limited infilling in villages lying within the Green Belt;*
- d) Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site);*
- e) The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;*

- f) *Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are:*
- I. Mineral extraction and processing, engineering operations, and transport, electricity network, water and telecommunications infrastructure required in a Green Belt location);*
 - II. Development brought forward under a Community Right to Build Order or Neighbourhood Development Order;*
 - III. Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - IV. The provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.*
- g) *Development where all of the following apply:*
- I. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - II. There is an evidenced unmet need for the type of development proposed⁴¹;*
 - III. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework⁴²; and*
 - IV. In the case of major development involving the provision of housing, the development proposed complies with policy GB8.”*

The application is for a new dwelling within the residential curtilage of an existing dwelling and as such would not fall under exceptions a, b, c, d, e or f.

However, the site could be identified as grey belt land, in line with policy GB7 (g).

The NPPF defines Grey Belt as:

Grey belt: *For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously*

developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in policy GB2.

Of note, the above includes both previously developed land and/or other land, which is taken to include greenfield sites, such as the enquiry site. Per the above, the relevant Green Belt purposes from GB2 are:

- a. Check the unrestricted sprawl of large built-up areas;
- b. Prevent neighbouring towns merging into one another;
- d. Preserve the setting and special character of historic towns; and

These are assessed below.

Purpose a) To check the unrestricted sprawl of large built-up areas

Planning Practice Guidance states assessment areas that make a weak contribution are likely to include those not adjacent to a large built-up area, or which are adjacent to a large built-up area but contain or are largely enclosed by significant existing development. Assessment areas that contribute moderately are likely to be adjacent to a large built-up area, but include features that weaken the land's contribution to this purpose, such as physical features that could restrict and contain development. It goes on to say the land may be partially enclosed by development, such that new development would not result in an incongruous pattern, that the site contains existing development, or is subject to urbanising influences. Areas that contribute strongly are likely to be free of development and lack physical features that could restrict and contain development. They are also likely to be adjacent to a large built-up area and if developed, result in an incongruous pattern of development.

The application site is located on the outskirts of Shepley Village, with Huddersfield lying north-west, Holmfirth to the south west, and Penistone further to the south-east. These settlements are separated by substantial distances, and the site's position ensures it is both physically and visually detached from them. As a result, the proposed development would not contribute to the outward sprawl of nearby towns or villages, nor does the site form part of a settlement edge that could influence urban expansion. Accordingly, the land is considered to make only a weak contribution to Green Belt Purpose (a): checking the unrestricted sprawl of large built-up areas.

Purpose b) To prevent neighbouring towns merging into one another

The application site relates to a residential curtilage, which consists of a detached two storey dwelling and has a rear garden area, which is well

defined by tall hedgerows. As such, the site is considered capable of accommodating development without affecting the broader landscape buffers and open fields that maintain clear physical and visual separation between surrounding settlements. Consequently, it is assessed as making only a weak contribution to Green Belt Purpose (b).

A well-considered redevelopment of the site in isolation would not materially affect the visual or perceived separation between towns or lead to any realistic sense of coalescence.

Purpose d) To preserve the setting and special character of historic towns

The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of policy GB2.

Meeting Green Belt Purposes – Development

i) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purposes a and b and no contribution to Purpose d. This indicates that the site forms a small, visually and physically contained parcel of land within a small cluster of existing residential properties within the Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.

In respect of Purpose (c) (safeguarding the countryside from encroachment), as noted above, the site relates to a residential curtilage, which consists of a detached two storey dwelling and has a rear garden area, which is well defined by tall hedgerows. The proposed dwelling would be situated inside of the residential curtilage and is therefore not considered to encroach into the countryside.

It is also noted that there is other back land development located within the immediate area as seen by No. 6 Field Head Farm Court. On this basis, the proposal would not result in material encroachment or fundamentally

undermine the purposes of the Green Belt taken together across the plan area, The proposal therefore satisfies policy GB7 (g) of the NPPF.

ii) that there is an evidenced unmet need for the type of development proposed

Footnote 41 of the NPPF directly relates to this test. It states that:

in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Test result was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the relevant local planning authority cannot demonstrate a five year supply of deliverable traveller sites

Officers can confirm that the council is currently unable to demonstrate a 5-year supply of deliverable housing sites, and the Housing Delivery Test was below 75%. Therefore, having regard to footnote 41 of the NPPF, there is currently a demonstrable unmet need for the type of development proposed (housing) in this case.

iii) that the development would be in a sustainable location, with particular reference to policy TR3 of this Framework;

TR3 reads:

1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;

c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

e. In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.

2. The Connectivity Tool (<https://www.gov.uk/guidance/connectivity-tool>) should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.

In regard to TR3(2), the sites score is 46 on the connectivity tool, which is within the very low national distribution category and there indicates that, when considered against location nationally, accessibility by non-car modes is relatively low.

However, the application site would have reasonable access to public transport and local services and facilities. The site is located within 400m of bus stops with a regular Monday to Saturday bus service and within an 800m reasonable walkable distance of Shepley railway station and other local services and facilities within Shepley. These provide realistic opportunities for future residents to access services, employment and other destinations without reliance solely on the private car. In addition, a range of services, amenities and nearby schools are in proximity such that they can be considered accessible by non car modes of transport.

Taking these factors together, notwithstanding the relatively low national comparative scores identified by the Connectivity Tool, the site is considered

to have reasonable access to services and sustainable transport options and is considered to be in a sustainable location for the purposes of Policy GB7(1)(g)(iii) of the NPPF.

Principle of development – Conclusion

The land makes a weak to moderate contribution to Green Belt purposes (a), (b) and (d) due to its small scale. While the change of the land to residential use would result in domestication through additional glazing and associated activity, the scale, massing and footprint of the development would remain modest and well confined, safeguarding the wider countryside from encroachment given that the site is clearly bounded by hedging.

There is a demonstrable unmet need for housing in the borough due to the lack of a five year housing land supply, and the site is in a reasonably sustainable location.

Taking these factors together, the proposal is considered satisfy policy GB7 (g) of the NPPF and is therefore acceptable in principle.

2. Impact upon the character and appearance

Policies DP3 and DP4 contained in Chapter 14 of the NPPF and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the council's Housebuilders Design Guide SPD and the National Design Guide.

Local Plan policy LP24 sets out that "Good design should be at the core of all proposals in the district ..." and that proposals should promote good design by ensuring "the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape".

The overall design, scale and massing of the dwelling are considered acceptable. The proposed materials reflect the established palette of the surrounding rural area, which is characterised by natural stone and stone slate roofs. A condition is recommended to be attached, should planning permission be approved, for samples of all external materials to be submitted to the Local Planning Authority prior to commencement of construction. The solar panels proposed to the western elevation are considered visually acceptable and raise no concern to the overall character of the dwelling. An air source heat pump is also proposed to the western elevation of the building which raises no visual concern.

The proposed dwelling due to its single storey nature will be hidden from public vantage points. To add to this, as a result of the existing hedging, which is of a significant the height, the dwelling will not appear overly dominant. It is also noted that the siting of the dwelling would align with No. 6 Field Head Farm, and as such the location of the dwelling is not considered to be out of character within the wider streetscape.

The proposed driveway is proportionate to the scale of the development and the material proposed to lay the driveway of heavy-duty cellular paver (grass mat system) will ensure the openness of the soft landscaped area will remain which is welcomed. A condition is recommended to be attached, should planning permission be approved, to ensure the driveway is laid from heavy-duty cellular paver (grass mat system). The proposed raised decking area in front of the dwelling is considered to be a relatively small area and would not raise any detriment to the visual amenity of the site.

The proposal represents conventional but good quality design that is considered both contextual and appropriate within its varied surroundings. The design and layout of the proposal is reflective of the surrounding area and is considered to be acceptable therefore complying with policy LP24 of the Kirklees Local Plan, and policy DP3 and DP4 of the NPPF.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

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

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;

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

As a result of the proposed dwelling being single storey and contained by existing hedgerows, and situated a generous distance from neighbouring properties, there are no concerns to potential overbearing, overshadowing or loss of privacy impact.

It is considered necessary to impose a condition to ensure the existing boundary hedge along the eastern side boundary is retained and maintained at its current height as also shown on drawing ref: 26/1360/04a for the lifetime of the development to ensure the proposal does not result in any loss of privacy to No. 4 Field Head Farm.

Whilst it is noted that the proposal will produce increased lighting to the area, given the small scale nature of the development, it is not considered that the increase in light generated from the building would be so significant to warrant a refusal on this basis. It is also noted that the existing hedgerows, which are shown to be retained as per the submitted block plan, will also limit the view of the dwelling from neighbouring properties.

To ensure residential properties are protected from noise, the applicant should be made aware of construction hours in order to protect residential amenity and will be added by informative.

The retained garden area for Marshlands House is considered to be an adequate size to serve the existing property.

It is noted that an air source heat pump (ASHP) is proposed. A condition is recommended to be attached, should planning permission be approved, to ensure the ASHP is installed in line with the noise standards set out in the document 'MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises'. This condition will ensure the noise of the ASHP is controlled and will not exceed existing background noise levels.

In conclusion, the outlined details accord with Principle 6 of the Kirklee Housebuilders Design Guide, and Policy LP24 b) of the Kirklees Local Plan.

Amenity of the Proposed Occupiers

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

The proposed dwellings (1 storey, 2 bed), measure 124.6sqm and therefore meets the required 50sqm recommendations as set out within the NDSS for such a dwelling. The proposed garden and terrace are considered to be a good size for a dwelling of this scale. It is considered the proposed windows would have sufficient outlook and natural light for the amenity of future occupants. Accordingly, the living accommodation provided is considered acceptable.

Taking the above into consideration the impact on residential amenity is considered acceptable on balance and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 17 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

These policies are underpinned by Chapter 15 of the NPPF which requires that development proposals ensure safe and suitable access for all users,

mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

KC Highways Development Management have reviewed the proposal. They note that the proposal is for a two bedroomed dwelling to be served from Field Head Farm Court with a permeable surfacing for pedestrian and vehicle shared use driveway, parking for two cars, and turning point, plus an electric vehicle charging point, bin storage and collection point and domestic misting system for fire prevention.

Whilst the proposal scores low on the DfT's Connectivity Tool as mentioned within the Principle of Development section of this report. KC Highways Development Management do consider the site accessible being within 400m of bus stops with a regular Monday to Saturday bus service and within an 800m reasonable walkable distance of the railway station and other local services and facilities with Shepley and as such is considered to be a reasonable sustainable location.

Whilst cycle storage has not been provided for the dwelling, it is considered that there is ample space within the site to provide cycle storage and as such is considered acceptable as submitted.

Access into the site is to be taken from the unadopted Field Head Farm Court and it is proposed to setback the existing gated entrance to the side of No. 5 by 6m to ensure vehicles can pull off the street and reduce the risk any obstruction within the highway.

Access and on site parking for No. 5 will be retained as existing to the front of the dwelling.

The proposal outlines that a porous, heavy duty grass mat driveway will be laid of a c3.7m width extending some 70m northwards towards a parking and turning area where there is ample space for shared use by pedestrians and vehicles, and for at least two cars to park and manoeuvre. The amount of car parking at two spaces would meet the required spaces for a two-bedroomed dwelling, as well as providing space for visitors.

It is proposed also to install a domestic misting system to negate the need for fire and rescue appliance to get within 45m of the dwelling entrance. This is welcomed by KC Highways Development Management and it is noted that this matter would be dealt with via building regulations to ensure it is installed.

Bin storage is demonstrated on the proposed block plan, showing space for 3 bins which is accepted. It is noted that KC Waste have suggested that a

condition should be imposed to require details to be submitted for BCPs and RCV access for the disposal of waste. However, the agent has confirmed within the submitted planning statement that bins would be collected at the site entrance on Field Head Farm Court. Whilst this would be an excessive pull distance, given that the proposal is for one dwelling only, it is considered that this arrangement would be acceptable in this instance.

Although the submitted plans indicate that an electric charging vehicle point will be installed, an informative will be inserted to encourage the installation of this electric charging vehicle point to support sustainable transport.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF.

5 – Other matters:

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The submitted climate change statement notes that materials to construct the dwelling will be locally sourced, along with the dwelling to have an air source heat pump and solar panels which will reduce the dwelling's carbon footprint. The proposed development would therefore comply with Chapter 5 of the National Planning Policy Framework.

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to

have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

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

No ecological information has been submitted in support of the application, and however only small section of an ornamental laurel bush will be removed to facilitate the development. All other hedges will be retained. Whilst it is not expected that any protected species will be present onsite, given the wider landscape and hedgerow connectivity, it is possible that small mammals and birds are present within the development site. As such KC Ecology have recommended that a Construction Environmental Management Plan should be conditioned to ensure no wildlife will be harmed during the construction phase of the development.

The inclusion of the swallow nesting boxes and bat box, as show on the proposed elevation drawings are welcomed and will be conditioned to be installed.

If any lighting is to be erected, this will need to be agreed with Local Planning Authority to ensure any lighting will not impact upon ecological networks and/or sensitive features. This is also recommended to be conditioned should planning permission be approved.

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

Contaminated Land

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

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

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

Having regard to the nature of the site, the scale of development proposed and the absence of identified contamination constraints. It is considered proportionate to recommend an unexpected contamination condition to address any unforeseen contamination encountered during development.

The application site falls within the defined Development Low Risk Area and as such raises no concern in this regard.

As such, subject to the inclusion of aforementioned conditions the proposal complies with LP51 and LP52 of the Kirklees Local Plan.

Flood risk and drainage

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

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

The site is located within Flood Zone 1, with a very low risk of fluvial and pluvial flooding and a very low risk of surface water flooding.

The submitted plans indicate that the drainage will be dealt with via soakaway and package treatment plants which would be dealt with via building regulations and is therefore accepted.

The proposal is not considered to give rise to flood risk concerns. The development is therefore considered to accord with Policy LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

6 – Representations:

2 letters of representation have been submitted. The comments have been summarised and addressed below:

Comments in Objection:

- The proposal would introduce backland development that would erode the openness of the green belt site.
- Residential development within this garden has previously been considered by two independent Planning Inspectors. Although national Green Belt policy has changed, those site-specific findings remain relevant to the physical character and visual impact of the current proposal.

Officer comment: *The above comments are noted and have been addressed within the Principle of Development section of this report.*

- The illustrated hedge height shown on the proposed section drawings are not accurate. New section drawings showing the accurate height of the hedge should be provided.

Officer comment: *The submitted proposed site sections are considered acceptable as submitted. Whilst the case officer was on site it was evident that these hedges were of a significant height.*

- A substantial proportion of the dwelling would remain visible above and through the vegetation. The previous Inspector specifically noted that development on this site would remain visible from neighbouring upper floors and that the hedges could not reasonably be relied upon as permanent screening.

Officer comment: *This comment is noted. Whilst the development may be seen from upper floors of neighbouring properties, given the small scale nature of the single storey development, it is not considered to give rise to any visual or residential concern.*

- Concern regarding loss of sunlight to neighbouring gardens.
- The loss of vegetation could result in direct overlooking impact to neighbouring gardens.

Officer comment: *The above comments are noted and have been addressed within the Impact on Residential Amenity section of this report.*

- The submitted drawing shows the area around the proposed entrance as an unobstructed manoeuvring space. This is not representative of the Court in normal use. The application should show the existing parking arrangements and demonstrate how vehicles would enter, leave and manoeuvre when these areas are occupied.
- Turning the existing secondary gate into the regular vehicular access for a separate dwelling would introduce repeated emerging and

manoeuvring movements at an already busy and constrained point, increasing conflict between moving vehicles, parked vehicles and pedestrians.

Officer comment: *The above comments are noted. KC Highways Development Management have reviewed the proposed development and have raised no concern in regard to the proposed access for the new dwelling. A full assessment is outlined in the Impact on Highway Safety section of this report.*

- Concern the proposed access and construction of the development would result in harm to the existing hedge and wildlife.

Officer comment: *The existing hedges along the site boundaries will be retained as noted on plan. As discussed within the Other Matters section of this report, a condition is recommended to be attached to ensure a Construction Environmental Management Plan is submitted prior to commencement of works to ensure any existing wildlife on site will be protected.*

Comments in Support:

- The proposed access arrangements will not cause any adverse traffic impact, congestion, or safety issues within the courtyard.
- The single storey design is modest in scale and position.
- The proposal will not cause any loss of light, overshadowing, or loss of privacy to surrounding homes.
- The scale and proposed materials fit comfortably within the established residential setting of Field Head Farm Court.
- The proposal is sustainably friendly.

Officer comment: *The above comments are noted.*

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2026/92089

Officer Recommendation: Approve

Conditions and reasons:

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP52 and LP53 of the Kirklees Local Plan, and Chapters 4, 6, 12, 14, 17, 18, and 19 of the National Planning Policy Framework 2026.

3. Notwithstanding the submitted details, development above slab/foundation level shall not commence until details of all external walling and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity to accord with Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 14 of the National Planning Policy Framework.

4. The approved driveway shall be constructed in accordance with the approved plan ref: 26/1360/03c, using a heavy-duty cellular paver (grass mat system). The driveway shall thereafter be retained and maintained as such for the lifetime of the development.

Reason: To preserve the openness of the Green Belt and protect the visual amenity of the area, in accordance with the Policy LP24 of the Kirklees Local Plan, the Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 14 of the National Planning Policy Framework.

5. The existing boundary hedge along the eastern site boundary, as shown on drawing ref. 26/1360/04A, shall be retained and maintained at its current

height for the lifetime of the development. Any section of the hedge which is removed, dies, becomes seriously damaged or diseased shall be replaced within the next planting season with hedging of a similar species and maintained at the approved height thereafter.

Reason: To safeguard the privacy and residential amenity of neighbouring occupiers, in the interests of Policy LP24 of the Kirklees Local Plan, The Kirklees Housebuilders Design Guide SPD and guidance contained within Chapter 14 of the National Planning Policy Framework.

6. The Air Source Heat Pump annotated upon drawing ref: 26/1360/05b, shall be installed in accordance with the noise standards set out in the document 'MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises' and retained as such thereafter.

Reason: to ensure the development has an acceptable impact as a result of noise emissions to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapter 14 and 17 of the National Planning Policy Framework.

7. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

8. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features. External lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

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

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

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

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

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

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

Reports must be prepared in accordance with the following guidance:

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

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

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

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays with no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: The applicant is reminded that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist. It is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 to disturb, or harm protected species or their habitats. Failure to comply with the legislation could result in prosecution.

NOTE: We note that parking is proposed at this development. We would encourage any electric vehicle charging points installed as part of this

development to meet the requirements of the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. The applicant should note the information in the recommended Electric Vehicle Charging Points Footnote.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable

electrical requirements in force at the time of installation.

Approval of EVCPs under the Building Regulations may also be required, and the

applicant should contact their Building Control Provider for further information in

relation to Approved Document S.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	26/1360/01b		30/07/2026
Proposed Block Plan	26/1360/03c		30/07/2026
Proposed Plans and Elevations	26/1360/05b		30/07/2026
Proposed Site Sections	26/1360/04a		30/07/2026
Climate Change Statement			30/07/2026
Planning Statement			30/07/2026
Addendum to Planning Statement			27/08/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were requested as the submitted information was considered acceptable.