

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:	2026/62/92358/W
Site Address:	Toy Barn, 71A, Main Gate, Hepworth, Holmfirth, HD9 1TJ
Description:	Alterations to existing rear windows and install new windows (within a Conservation Area)
Recommending Officer:	Joshua Merriman

DECISION – Conditional Full Permission

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

Danielle Cooper

AUTHORISED OFFICER

Date: 16-Oct-2026

Officer Report – 2026/92358

Site Description

The application site refers to Toy Barn, 71A, Main Gate, Hepworth, Holmfirth, HD9 1TJ, a two-storey semi-detached property located to the rear of neighbouring properties 71-74 Main Gate. The application property is faced in natural stone, with a itched stone slate roof, and uPVC windows and doors. The dwelling lies in a relatively uniform street scene, surrounded by properties of a similar size, scale, character, appearance, and age. Furthermore, the property benefits from a hard-standing parking area to the West as well as amenity space to the North.

Description of Proposal

The Scheme

The applicant is seeking permission for Alterations to existing rear windows and install new windows (within a Conservation Area).

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Conservation/Heritage Assessment

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

88/04642 - Change of use of existing barn to form residential unit – Refused.

89/01061 - Change of use of existing barn to form residential unit with new access – Granted Conditionally.

93/01867 - RE-USE OF EXTENSION OF BARN TO FORM DWELLING – Conditional Full Permission.

99/90875 - RE-USE OF EXISTING BARN AND NEW EXTENSION TO FORM DWELLING (WITHIN A CONSERVATION AREA) – Conditional Full Permission.

2004/92289 - RE-USE OF EXISTING BARN AND NEW EXTENSION TO FORM DWELLING (WITHIN A CONSERVATION AREA) (MODIFIED PROPOSAL) – Conditional Full Permission.

2009/90948 - Erection of single storey agricultural implement and feed store (within a Conservation Area) – Conditional Full Permission.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter

The application has been publicised as affecting the setting of a conservation area, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 09/10/2026.

Consultation Responses

No consultations considered necessary.

Officer Note: Although the application property is located within a Conservation Area, as the proposal is to the rear of the property and is not significant in scale, it is considered that there will be no significant impact upon the Conservation Area, therefore, a consultation with KC Conservation & Design is not considered necessary in this case.

Allocation and Policy

The site is allocated in the Hepworth Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer and twice buffer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access

LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP35 Historic Environment

Holme Valley Neighbourhood Development Plan

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

- Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.
- Policy 3 – Conserving and Enhancing Heritage Assets
- Policy 12 – Promoting Sustainability.
- Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is located within Landscape Character Area 7 (River Holme Wooded Valley) of the Holme Valley Neighbourhood Development Plan. The key characteristics of which are below:

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

National Policies and Guidance

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

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter4 Achieving Sustainable Development
- Chapter5 Meeting the challenge of climate change
- Chapter14 Achieving well designed places

- Chapter19 Conserving and enhancing the natural environment
Chapter20 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)
Holme Valley Neighbourhood Development Plan – 2021

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas)
Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Assessment

1 – Principle of Development

Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

National decision-making policy S3: Presumption in favour of sustainable development 1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means: a. Policy S4 in this Framework should be applied when considering development proposals within settlements; b. Outside settlements, policy S5 should be applied; and c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.

The site is located within the Hepworth Conservation Area in the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

National decision making Policy: S4: Principle of development within settlements 1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

As the site is located within the Hepworth Conservation Area; therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

The dimensions of sustainable development will be considered throughout the proposal.

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 14 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Considering the above policy, the principle of the development is considered to be acceptable.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

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

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'*.

Key Design Principles 1 and 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Historic Environment

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 20 of the NPPF.

LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

The objective of Chapter 20 of the NPPF is set out as being to conserve and enhance the historic environment. Heritage assets are an irreplaceable

resource, and range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Policy HE4(2) of the NPPF sets out that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.

Policy HE5(1) of the NPPF details that development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. HE2 details that the assessment will need to identify if the proposal will have a positive effect, no effect, result in harm and whether this would be less than substantial or substantial or whether the proposal would cause the total loss of the significance. HE5(4) confirms that decision-makers should be satisfied that assessments accurately reflect the effects on heritage assets caused by development proposals

Policy HE6 relates to proposals affecting designated heritage assets and sets out that substantial weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance. HE6 confirms that proposals which would have a positive effect on a designated heritage asset should be supported and that any harm to a designated heritage asset will be a matter of considerable importance and weight, which should be dealt with in accordance with paragraphs 4 to 6 of this policy.

HE6(4) confirms where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building and enabling energy efficiency and low carbon heating measures to be employed.

The alterations to the application property involve the installation of larger windows in the rear elevation where openings are existing in the dwelling.

Given the nature of the operations, and the use of uPVC windows to match those existing in the property, it is considered that there will be no significant impact upon the application property or the surrounding street scene given the alterations are to the rear of the dwelling and thus will not be visible from the street scene.

In order to protect the character and appearance of the host building, it is considered necessary that the replacement windows and doors are recessed to match the fenestration openings on the existing building. This will be conditioned as such.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and Policies within Chapters 14 and 20 of the National Planning Policy Framework.

3. Impact on Residential Amenity

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

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

Policies within Chapter 17 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers

Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

As the footprint of the dwelling will not increase during the development, it is considered that the works are not of a great enough scale to cause overshadowing, overbearing, light, or outlook impacts onto neighbouring dwellings. Furthermore, as there are existing openings in the rear elevation of the dwelling, it is considered that those proposed will not facilitate overlooking or privacy impacts greater than what are existing, thus there would be no detrimental impact upon the residential amenity of neighbouring occupants.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policies LP24 and LP35 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the adopted House Extensions and Alterations SPD, and Policies within Chapter 14 of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

It should be noted that although nothing specific is detailed on the submitted plans, the site will retain adequate space for waste storage.

The number of bedrooms in the property will not increase as a result of the development, therefore, the number of off-street spaces in the property is not required to increase, as the hard-standing parking area on site will not be reduced in scale, the current parking arrangements are acceptable to remain.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

5. Climate Change

Chapter 5 of the NPPF sets out policies relating to meeting the challenge of climate change. The objective of the policies in Chapter 5 are to support the transition to net zero by 2050 and to shape places in ways which are more resilient to the effects of climate change. It does this by setting out policies to shape places in ways that contribute to radical reductions in greenhouse gas emissions and adapt to the full range of current and potential impacts of climate change, by minimising vulnerability and improving resilience.

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.

6. Other Matters

Ecology

Chapter 19 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area and twite buffer, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats or twites.

Therefore, it is considered unlikely that the proposals would have a significant impact on the bat or twite population. An informative would be included making the applicant aware that if bats or twites are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

7. Representations

No representations have been received.

8. Conclusion

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

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

Recommendation
PERMISSION

CONDITIONAL FULL

Decision Authorisation: Delegated Powers

Application Number: 2026/92358

Officer Recommendation: Conditional Full Permission

Conditions

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

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

1. 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 to accord with Policies LP01, LP02, LP21, LP22, LP24 & LP35 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 15 of the Council's adopted House Extensions & Alterations Supplementary Planning Document and Policies within Chapters 4, 5, 14, 15 and 20 of the National Planning Policy Framework.

2. Notwithstanding the submitted plans, all new external window and door frames shall be set back in the reveal by 100-150mm and shall not be fitted flush with the external wall. The colour of the frames shall match the colour of the existing frames on the host property.

Reason: To ensure the character and appearance of the host property is protected and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 20 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The applicant is advised that under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2018, the developer is required to take account of the timing of works in relation to the bird breeding season. An inspection to check for the presence of nesting birds is advised if demolition and/or site/vegetation clearance works are likely to take place during the bird breeding season (1st March to 31st August inclusive). If twites are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2676-d-20-001	-	21/08/2026
Existing and Proposed Site Plans	2676-d-20-002	-	21/08/2026
Existing and Proposed Elevations	2676-d-20-003	-	21/08/2026
Application Forms	-	-	21/08/2026

Plan Type	Reference	Version	Date Received
Conservation/Heritage Assessment	-	-	21/08/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated:

12/10/2026