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:	**2026/62/92440/W**
Site Address:	Bolster Moor Farm Shop, 1A, Bolstermoor Road, Bolster Moor, Huddersfield, HD7 4JU
Description:	Re-surfacing of car park with permeable tarmac
Recommending Officer:	Joshua Merriman

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: 27-OCT-2026

Officer Report – 2026/92440

Site Description

The application site relates to an area of land located adjacent to the existing car parking areas belonging to Bolster Moor Farm Shop and Coffee Shop. The wider site comprises of a large farm shop, agricultural buildings, coffee shop and a large car parking area.

The site is accessed to the west from the existing car parking area. Residential dwellings can be found to the north and east of the site. To the south is open countryside. Bolster Moor Playgroup is also located to the north-east.

The application site is located within the Green Belt.

Description of Proposal

The Scheme

The application is seeking planning permission for Re-surfacing of car park with permeable tarmac.

Supporting Information

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

- Climate Change Statement
- Supporting Statement

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

2006/91383 – Outline application for erection of farm shop. *Approved 25th May 2006*

2007/92042 – Reserved matters application for erection of farm shop. *Approved 13th July 2007*

2010/91279 – Outline application for tea toom for existing farm shop. *Approved 23rd June 2010*

2010/92958 – Erection of tea room for existing farm shop. *Approved 26th November 2010*

2012/92014 – Reserved matters application for erection of single storey extension to existing farm shop. *Approved 5th September 2012*

2014/91515 – Erection of single storey extension. *Approved 2nd October 2014*

It is noted this permission is subject to condition restricting the hours of operation to 08:00 to 17:30 Monday to Saturdays and 10:30 to 16:00 Sundays and Bank Holidays

2017/93306 – Erection of external store room for tea room. *Approved 20th November 2017*

2018/93639 – Erection of extension to tea room. *Approved 16th May 2019*

It is noted this permission is subject to condition restricting the hours of operation to 08:00 to 17:30 Monday to Saturdays and 10:30 to 16:00 Sundays and Bank Holidays

2022/93967 – Erection of extension to tea room. *Approved 23rd March 2023.*

2023/92537 - Certificate of lawfulness for proposed temporary use of land for parking. *Certificate of Lawful Use Granted 24th October 2023*

2024/93556 - Change of use of land and creation of customer car park. *Approved 30th April 2025.*

2025/91747 - Discharge of details reserved by conditions 2 (landscaping scheme) and 3 (parking scheme) of previous permission 2024/93556 for change of use of land and creation of customer car park. *Discharge of Conditions Approved 17th November 2025*

2026/91520 - Certificate of lawfulness for proposed re-surfacing of extension to customer car park. *Cert of Lawful Opps Refused 30th July 2026*

It is noted that the proposed re-surfacing of the car park to permeable tarmac would be contrary to Condition 2 imposed on planning permission 2024/93556, hence the certificate of lawfulness application was refused.

Representations

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

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 16/10/2026. Five letters of representation were received, all in objection. The comments raised are as follows:

- The application site is designated as protected Green Belt land. National planning policy (such as the National Planning Policy Framework - NPPF) establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A commercial car park does not fall within the limited categories of appropriate development (such as essential facilities for outdoor sport or recreation). The applicant has failed to demonstrate any "very special circumstances" that outweigh the substantial harm caused by developing this protected land.

- Openness is an essential characteristic of the Green Belt, encompassing spatial as well as visual aspects. The introduction of permanent hardstanding will urbanise an open, rural landscape. This will permanently erode the physical and visual openness of the Green Belt, creating an undesirable precedent for creeping commercialisation and suburbanisation in the countryside.

- The proposed development will, no doubt, generate increased traffic to the farm shop, on local rural roads that are unsuited to increased capacity. The local road network is already badly deteriorated due to the amount of traffic already using it to visit, and also service, this farm shop.

- The construction of a hard-surfaced car park will result in the loss of permeable green space. Furthermore, the removal of vegetation will have a detrimental impact on local biodiversity and protected wildlife habitats contrary to environmental policies.

- I am not aware of any site notices being displayed relating to this application and would like to query whether correct planning application

rules have been followed. The Kirklees Development Management Charter December 2024 states that site notices are a statutory requirement. It does appear that whenever this applicant submits a planning application, site notices never seem to be displayed, yet whenever other village residents submit a planning application (No 11 Bolster Moor Road for instance), site notices are clearly and correctly displayed on nearby lampposts.

- The applicant stated in his application in 2024 that this new section of car park would stop cars from parking on Bolster Moor Road – this has not happened. As was pointed out in numerous objections to the 2024 application – the cars parked on this road belong to his staff not his customers. Therefore, granting the applicant permission to tarmac the field will not alleviate any parking issues on Bolster Moor Road as he continues to refuse to let his staff park on-site – instead insisting they park on the road. The highway safety concerns highlighted in the 2024 application have not gone away and tarmacking this field will not mitigate these safety concerns.

- In June the applicant applied for a Certificate of Lawfulness for the re-surfacing of this field (2026/CLD/91520/W). This application was refused stating that it would be "contrary to condition 2 imposed on planning permission 2024/93556 (Change of use of land and creation of car park) and the subsequent details approved to discharge this condition (application ref: 2025/91747). As such this is not permitted by virtue of Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)." Having had an application to tarmac the field already refused, I cannot see how permission can now be granted, given that this application seems to be identical to the one submitted in June.

- I have spoken to numerous people who live near/regularly walk past this car park and no-one has ever noticed anyone slipping in the mud or falling in puddles. Nor have they seen cars stuck in any mud. The existing "egg box" hardstanding that was installed before any planning permission was sought in 2024 makes it impossible for a car to become stuck in any mud, as there will never be more than a thin veneer of mud on the hardstanding.

- Laying tarmac on a greenfield site completely transforms its nature from agricultural land to industrial land. Sealing the soil destroys the local ecosystem, topsoil structure and biodiversity which directly conflicts with current UK planning policies. Planning permission should

therefore be refused in order to protect the open nature of the countryside in our village.

- Time really does need to be called on any further expansion of this farm shop, café and car park. The car park has more spaces than the local large supermarkets which is ridiculous given its rural village location. There has been continual expansion on this green belt site since planning was first granted for the original farm shop. It has now outgrown its site and allowing the applicant to permanently tarmac over yet another green belt field will only add to the huge amount of traffic already coming into the village to visit this shop. The local roads are already suffering greatly from the current traffic generated by this shop.

- This field was originally used for agriculture and village residents do not want to see yet another one of the applicant's green belt fields covered over in black tarmac. At the moment grass is able to grow in this field even though cars are parking in there and it is much nicer to be able to see green grass than it would be to see black tarmac.

- The applicant is wanting to tarmac the bottom half of this field which is currently used for car parking. It is obvious to those who know the applicant that, if this application is approved, it will not be long before he tarmacs the remainder of the field. He is well known for carrying out building work without obtaining planning permission first so it will not be a surprise if this happens without him obtaining planning permission. In fact, this area of the field contains picnic tables and I am not aware of him applying for a change of use from agricultural land to a picnic area for this piece of the field.

- Kirklees Council refused the Certificate of Lawful Development application 2026/CL/91520/W because the proposed replacement of the grass-reinforced car park surface with permeable tarmac would breach Condition 2 of planning permission 2024/93556 and the landscaping details subsequently approved under application 2025/91747. The approved scheme specifically required the parking spaces to incorporate cellular reinforcement allowing grass to grow through, helping to soften the visual impact of the car park and protect the Green Belt and visual amenity. Permeable tarmac is not equivalent to a grassed surface and would remove this landscaping benefit.

- The application site is situated within the designated Green Belt. Laying permanent tarmac over a green field constitutes inappropriate development that is harmful to the Green Belt. It would urbanise the field and undermine the open and rural character of the

area. Under the National Planning Policy Framework (NPPF), inappropriate development is by definition harmful and should not be approved except in "very special circumstances". The applicant has failed to demonstrate any “very special circumstances” that would outweigh the harm caused to the Green Belt.

- The commercial benefit to the farm shop of providing additional tarmacked parking spaces, including the potential to attract more customers and increase revenue, should not take precedence over the protection of Green Belt land.

- The permanent surfacing of the field would result in the loss of remaining vegetation, natural soil and habitat value, with potential consequences for local wildlife. I ask the Council to establish the site's existing ecological value and assess the proposal's effects on biodiversity, including any applicable statutory biodiversity net-gain requirements. Any claimed mitigation or biodiversity enhancements should be properly assessed rather than assumed.

- The farm shop already has approximately 90 tarmacked parking spaces, which raises the question of why further permanent hardstanding is necessary. The proposed expansion would increase the amount of land given over to permanent parking at the expense of the Green Belt. The resulting total tarmacked parking provision would be circa 127 spaces and would far exceed that of local supermarkets, which calls into question whether the scale of the additional tarmacked parking proposed is proportionate to the needs of a rural farm shop. I ask the Council to require clear evidence that the existing parking provision is inadequate and that further tarmacking is necessary, rather than allowing additional Green Belt land to be lost to accommodate the continued expansion of the business.

Consultation Responses

No consultations considered necessary.

Allocation and Policy

The site is allocated in the Green Belt within the Kirklees Local Plan (adopted 2019). The site is also located within a twite 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
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP57 The extension, alteration or replacement of existing buildings

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.

Chapter 4 Achieving Sustainable Development
Chapter 5 Meeting the challenge of climate change
Chapter 13 Protecting Green Belt land
Chapter 14 Achieving well designed places
Chapter 19 Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

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

Legislation

The Town & Country Planning Act 1990 (as amended).
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

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.

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.

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

Green Belt

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph GB7.

Within Paragraph GB7(1) the exception listed as part e) is for *'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'.*

As the land subject of this application has already been developed as a car park, and the proposed alterations would not see the provision of built form on this parcel of land, it is considered that the harm caused on the openness of the Green Belt would remain as current, and the Green Belt would not be substantially harmed as a result of redeveloping this land.

The proposal would not have any significant impact upon the five green belt purposes set out in paragraph GB2 of the NPPF as the application seeking advice is not of a great enough scale to have major effects on a green belt dwelling.

In terms of making alterations to the application site, Policy LP24 of the KLP is relevant, in conjunction with 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

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'.*

Whilst the use of tarmac as a replacement for the current soft landscaping in this area of the site creates some visual impact, it is not considered that the overall appearance of the area would be significantly harmed given the site currently hosts car parking arrangements and will not be largely changed in this sense.

Given the tarmac would be placed within an area situated amongst existing urban forms and other areas of car parking space which are laid with tarmac, it is not considered that the changes would appear out of character within the setting of the site, in particular when the area of land is read in the context of the existing commercial site and tis current use as a car park.

Furthermore, it is noted that there is to be an increase in the amount of hedging placed in this area of the site to offset the impact from using tarmac in this area, therefore, on balance, it is considered that there would be no significant impact upon visual amenity as a result of this alteration.

Therefore, the proposed development is considered to comply with Policies LP1, LP2 and LP24 of the Kirklees Local Plan, and Policies within Chapter 14 of the National Planning Policy Framework.

3. Impact on Residential Amenity

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

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

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

Given the nature of the development, the absence of any additional built form on the site, and the continued same usage of the site as a car park, it is considered that there will be no impact upon neighbouring properties regarding overshadowing, overbearing, light, outlook, or privacy.

As the number of parking spaces will not increase as a result of the development, it is also considered that the site will not experience significantly greater amounts of noise, fume odours, or a decrease in air quality. Furthermore, as per previous application 2024/93556, the car park retains restricted usage hours to ensure a high standard of residential amenity is retained for neighbouring occupants.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, 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 seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

As there will be no increase in the number of parking spaces on site, and the car park arrangements remaining have been previously accepted by KC Highways Development Management under application 2024/93556, it is considered that these comments remain and the area of development would continue to be acceptable regarding highway safety and parking provision.

The development is not considered to solely increase traffic to the site and local area, however, in this event, it is considered that the area of development will be better suited to dealing with this event and preventing stress on the local roads via on-street parking.

The development is set back adequately from the highway and as a result will have no significant impact upon highway safety.

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 15 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 twite buffer area, the proposals are relatively modest, and in this case being for a single storey extension would not impact upon the existing roof space which has the potential for providing a roost for twites. Therefore, it is considered unlikely that the proposals would have a significant impact on the twite population. An informative would be included making the applicant aware that if 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

- The application site is designated as protected Green Belt land. National planning policy (such as the National Planning Policy Framework - NPPF) establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved

except in very special circumstances. A commercial car park does not fall within the limited categories of appropriate development (such as essential facilities for outdoor sport or recreation). The applicant has failed to demonstrate any "very special circumstances" that outweigh the substantial harm caused by developing this protected land.

Officer Comment: This has been addressed within the Principle section of this report, with the development meeting relevant Green Belt exceptions.

- Openness is an essential characteristic of the Green Belt, encompassing spatial as well as visual aspects. The introduction of permanent hardstanding will urbanise an open, rural landscape. This will permanently erode the physical and visual openness of the Green Belt, creating an undesirable precedent for creeping commercialisation and suburbanisation in the countryside.

Officer Comment: This has been addressed within both the Principle and Visual Amenity sections of this report.

- The proposed development will, no doubt, generate increased traffic to the farm shop, on local rural roads that are unsuited to increased capacity. The local road network is already badly deteriorated due to the amount of traffic already using it to visit, and also service, this farm shop.

Officer Comment: This has been addressed within the Highways Safety section of this report.

- The construction of a hard-surfaced car park will result in the loss of permeable green space. Furthermore, the removal of vegetation will have a detrimental impact on local biodiversity and protected wildlife habitats contrary to environmental policies.

Officer Comment: The development is not of a great enough scale to be required to deliver Biodiversity Net Gain (BNG) and benefits from the de minimis exemption.

- I am not aware of any site notices being displayed relating to this application and would like to query whether correct planning application rules have been followed. The Kirklees Development Management Charter December 2024 states that site notices are a statutory requirement. It does appear that whenever this applicant submits a planning application, site notices never seem to be displayed, yet whenever other village residents submit a planning application (No 11

Bolster Moor Road for instance), site notices are clearly and correctly displayed on nearby lampposts.

Officer Comment: A site notice was erected outside the site on 25/09/2026, inviting comments from the public for 21 days.

- The applicant stated in his application in 2024 that this new section of car park would stop cars from parking on Bolster Moor Road – this has not happened. As was pointed out in numerous objections to the 2024 application – the cars parked on this road belong to his staff not his customers. Therefore, granting the applicant permission to tarmac the field will not alleviate any parking issues on Bolster Moor Road as he continues to refuse to let his staff park on-site – instead insisting they park on the road. The highway safety concerns highlighted in the 2024 application have not gone away and tarmacing this field will not mitigate these safety concerns.

Officer Comment: The 2024 application considered the parking arrangements to be acceptable with regard to highway safety, and given the parking arrangements are not changing in this case, those comments are considered to remain.

- In June the applicant applied for a Certificate of Lawfulness for the re-surfacing of this field (2026/CLD/91520/W). This application was refused stating that it would be "contrary to condition 2 imposed on planning permission 2024/93556 (Change of use of land and creation of car park) and the subsequent details approved to discharge this condition (application ref: 2025/91747). As such this is not permitted by virtue of Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)." Having had an application to tarmac the field already refused, I cannot see how permission can now be granted, given that this application seems to be identical to the one submitted in June.

Officer Comment: This previous refusal related to a Certificate of Lawfulness concluding the development would not benefit from permitted development and therefore requires planning permission. As such the applicant has applied for planning permission and taken the correct steps to implement this development lawfully.

- I have spoken to numerous people who live near/regularly walk past this car park and no-one has ever noticed anyone slipping in the mud or falling in puddles. Nor have they seen cars stuck in any mud. The existing "egg box" hardstanding that was installed before any planning

permission was sought in 2024 makes it impossible for a car to become stuck in any mud, as there will never be more than a thin veneer of mud on the hardstanding.

Officer Comment: This is not considered to constitute a material planning consideration.

- Laying tarmac on a greenfield site completely transforms its nature from agricultural land to industrial land. Sealing the soil destroys the local ecosystem, topsoil structure and biodiversity which directly conflicts with current UK planning policies. Planning permission should therefore be refused in order to protect the open nature of the countryside in our village.

Officer Comment: The land is not currently used as agricultural land and will remain as part of a farm shop. Moreover, the site benefits from a de minimis exemption and thus is not required to provide BNG.

- Time really does need to be called on any further expansion of this farm shop, café and car park. The car park has more spaces than the local large supermarkets which is ridiculous given its rural village location. There has been continual expansion on this green belt site since planning was first granted for the original farm shop. It has now outgrown its site and allowing the applicant to permanently tarmac over yet another green belt field will only add to the huge amount of traffic already coming into the village to visit this shop. The local roads are already suffering greatly from the current traffic generated by this shop.

Officer Comment: The development has previously been considered acceptable by KC Highways Development Management, and these comments remain relevant. Further details can be found in this report under the Impact on Highway Safety section.

- This field was originally used for agriculture and village residents do not want to see yet another one of the applicant's green belt fields covered over in black tarmac. At the moment grass is able to grow in this field even though cars are parking in there and it is much nicer to be able to see green grass than it would be to see black tarmac.

Officer Comment: This has been addressed within the Visual Amenity section of this report.

- The applicant is wanting to tarmac the bottom half of this field which is currently used for car parking. It is obvious to those who know the

applicant that, if this application is approved, it will not be long before he tarmacs the remainder of the field. He is well known for carrying out building work without obtaining planning permission first so it will not be a surprise if this happens without him obtaining planning permission. In fact, this area of the field contains picnic tables and I am not aware of him applying for a change of use from agricultural land to a picnic area for this piece of the field.

Officer Comment: The potential further works on the site are not subject of this application and would be subject to enforcement action or seeking the correct permissions at the time of development. Upon the case officers site visit on 25/09/2026, no picnic tables were seen to be placed in this area of the site, with the area of land being solely used as parking.

- Kirklees Council refused the Certificate of Lawful Development application 2026/CL/91520/W because the proposed replacement of the grass-reinforced car park surface with permeable tarmac would breach Condition 2 of planning permission 2024/93556 and the landscaping details subsequently approved under application 2025/91747. The approved scheme specifically required the parking spaces to incorporate cellular reinforcement allowing grass to grow through, helping to soften the visual impact of the car park and protect the Green Belt and visual amenity. Permeable tarmac is not equivalent to a grassed surface and would remove this landscaping benefit.

Officer Comment: As the application site is considered to constitute previously developed land, and there are to be no structures erected on the land, it is considered that the development will not significantly impact upon the openness of the Green Belt.

- The application site is situated within the designated Green Belt. Laying permanent tarmac over a green field constitutes inappropriate development that is harmful to the Green Belt. It would urbanise the field and undermine the open and rural character of the area. Under the National Planning Policy Framework (NPPF), inappropriate development is by definition harmful and should not be approved except in "very special circumstances". The applicant has failed to demonstrate any “very special circumstances” that would outweigh the harm caused to the Green Belt.

Officer Comment: Very special circumstances do not need to be demonstrated in this case as the application site is considered to constitute previously developed land.

- The commercial benefit to the farm shop of providing additional tarmacked parking spaces, including the potential to attract more customers and increase revenue, should not take precedence over the protection of Green Belt land.

Officer Comment: The commercial benefits of the proposal are not weighed against impacts upon Green Belt land, with the development being considered to satisfy Green Belt policy.

- The permanent surfacing of the field would result in the loss of remaining vegetation, natural soil and habitat value, with potential consequences for local wildlife. I ask the Council to establish the site's existing ecological value and assess the proposal's effects on biodiversity, including any applicable statutory biodiversity net-gain requirements. Any claimed mitigation or biodiversity enhancements should be properly assessed rather than assumed.

Officer Comment: The site benefits from a de-minimis exemption and therefore is not required to demonstrate BNG. It is noted, however, that the scheme involves the addition of hedges and other plants.

- The farm shop already has approximately 90 tarmacked parking spaces, which raises the question of why further permanent hardstanding is necessary. The proposed expansion would increase the amount of land given over to permanent parking at the expense of the Green Belt. The resulting total tarmacked parking provision would be circa 127 spaces and would far exceed that of local supermarkets, which calls into question whether the scale of the additional tarmacked parking proposed is proportionate to the needs of a rural farm shop. I ask the Council to require clear evidence that the existing parking provision is inadequate and that further tarmacking is necessary, rather than allowing additional Green Belt land to be lost to accommodate the continued expansion of the business.

Officer Comment: The application has been assessed on its own merits against current local and national policy. The number of car parking spaces has been assessed as appropriate as per the submitted details.

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 **CONDITIONAL FULL PERMISSION**

Decision Authorisation: Delegated Powers

Application Number: 2026/92440

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 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, and 15 of the National Planning Policy Framework.

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

Plan Type	Reference	Version	Date Received
Existing Site Plan	-	-	01/09/2026
Location Plan and Proposed Site Plan	-	-	01/09/2026
Application Form	-	-	01/09/2026
Climate Change Statement	-	-	01/09/2026
Supporting Statement	-	-	01/09/2026

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 2015 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: 19/10/2026