



Planning Statement

**VARIATION OF CONDITION 2 OF THE PLANNING PERMISSION
PURSUANT TO APPLICATION 2025/62/92440/W FOR THE
ERECTION OF FOUR DWELLINGS**

LUMB LANE NURSERIES, ALMONDBURY, HD4 6SZ

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1.0 INTRODUCTION

This statement has been prepared to support a Section 73 application to vary condition 2 of approved application 2025/62/92440/W. The application sought permission for the erection of four dwellings, and was approved on 09 March 2026.

Condition 2 of the approval states:

“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 LP7, LP21, LP22, LP24, LP28, LP30, LP33 and LP35 of the Kirklees Local Plan, the adopted Housebuilders SPD and Chapters 2, 5, 8, 9, 11, 12, 13, 14, 15 and 16 of the National Planning Policy Framework 2024.”

The relevant plans and specifications are then listed in a separate table at the foot of the decision notice.

The current application seeks to vary condition 2 to substitute the approved plans in order to allow for minor material changes to the approved scheme.

Plot 1 remains unchanged. The eastern end of the terrace remains unchanged. Four dwellings remain proposed. The key physical alteration is the westward enlargement/reconfiguration of the terrace to improve Plot 2, with associated minor changes to the external layout.

The changes still deliver four houses, with one detached dwelling and a terrace of three dwellings. The siting of the houses is similar to the approved scheme. Under the proposed amendments, the terrace has been reconfigured and widened, in order to provide a larger plot 2. This results in minor changes to the access arrangement and external layout. The

proposed amendment does not alter the operative description of development. It remains the erection of four dwellings, and the proposed changes can, therefore, be achieved through substitution of the approved drawings under Condition 2.

It is demonstrated below that the proposed amendments would still deliver a redevelopment that is fully appropriate in the Green Belt, would still conserve the relevant heritage assets and would result in no adverse impact in respect of all other relevant planning considerations. An updated Heritage Assessment is submitted separately in order to provide an informed consideration of the impact on heritage assets.

This statement should be read in conjunction with the supporting plans supplied by Heneghan Architecture which demonstrate the credentials of the scheme in more detail. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

2.0 THE SITE

The application site is a former commercial plant nursery that is now disused. The site comprises of several buildings, including greenhouses, polytunnels and a former office building. The site lies immediately to the north of Lumb Lane. Access to the site is taken directly from Lumb Lane.

The site lies a short distance from the built-up area of Almondbury, in a transitional location between the built settlement and the open countryside to the south and west.

Existing residential properties lie to the east, west and south. All of the neighbouring properties are of some heritage significance, with the cottages to the east of the site being Grade II listed.

The site lies within the Green Belt.

3.0 THE PROPOSAL

A variation of condition 2 of the recent approval for the redevelopment of the site to provide four new houses is sought.

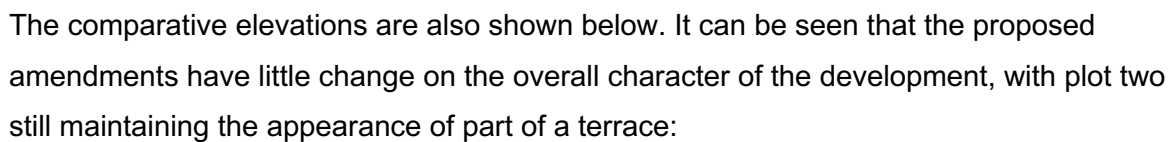
The key change is the widening of the terrace of three dwellings in order to increase the size of plot 2. This will in turn allow plot 2 to form a family sized dwelling, providing a better mix of house types throughout the development as a whole. There is then a minor alteration to the detailed geometry/alignment of the access and internal private drive, and the landscaped areas within the site.

The as proposed and as approved site layout plans are shown below:

Proposed:



Approved:



planning
consultants



Approved:



4.0 PLANNING HISTORY

The relevant planning history for the site comprises of application 2025/62/92440/W for the erection of four dwellings. The application was approved by the LPA on 09 March 2026.

5.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Kirklees Local Plan

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in August 2026 and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site lies within the Green Belt as identified under the development plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Achieving sustainable development
- Decision-making
- Delivering a sufficient supply of homes
- Achieving well-designed places
- Protecting Green Belt land
- Conserving and enhancing the natural environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Kirklees Local Plan

The following policies are considered of relevance:

LP1 – Presumption in favour of sustainable development

LP9 – Location of new development

LP20 – Sustainable travel

LP21 – Highways and access

LP24 – Design

LP30 – Biodiversity & Geodiversity

LP32 – Landscape

6.0 ASSESSMENT

Principle of Development / Green Belt

The approval of application 2025/62/92440/W has established that the redevelopment of the site to provide four dwellings is an appropriate form of development in the Green Belt as it comprises suitable use of a grey belt site.

The NPPF has been revised since the approval of the previous application. However, the proposal remains fully acceptable under policy GB7 of the revised NPPF, which has superseded paragraph 155 of the previous iteration of the NPPF.

The additional built form of the westward terrace extension has no material impact on the fundamental function of the remaining Green Belt, and no test of the impact on openness is relevant to grey belt development.

As such, it remains the case that the principle of development is entirely acceptable, as established by the recent approval.

Design, Heritage and Landscape

The proposed amendments have been carefully designed to provide a higher quality of redevelopment with better housing mix, without undermining the respectful response of the development to heritage and landscape considerations.

The main change since the approval is the westward extension by approximately 5m of the terrace in order to create an enlarged floor area for plot 2. The extension will see the introduction of a stepped roof profile to the terrace in response to the sloping land levels within the site. This is highly reflective of the existing roof scape found in the street scene. The elevation treatment of plot 2 has also been amended to account for the increased width of this dwelling. In order to maintain the character of a row of similar terrace properties, a

second door has been added to the frontage of plot 2. Overall, the pattern of the front elevation fenestration reflects the previous approval.

An updated Heritage Assessment has been undertaken and is submitted separately. This considers the potential impact on heritage assets of the proposed amendments. The Heritage Assessment reports that:

“The proposed amendments will maintain the approved extent of openness and landscape treatment to the north of the Site. No changes to the detached dwelling (Plot 1) are proposed and this will remain sympathetic to the character and setting of Clough Ings to the west of the Site. The western extension of the proposed terraced range will to a minor extent reduce the extent of openness within the central section of the Site although the length of the terrace will continue to reflect and remain subservient to that of the listed numbers 40-50 Lumb Lane. The architectural and material treatment to the new dwellings will continue to reflect that of the existing terrace and the stepping up of ridge height, responding to rising ground levels, is a characteristic of the listed range.

In the previous assessment undertaken as part of the approved 2025 planning application, the Built Heritage Statement (Appendix 1) and Supplementary Built Heritage Statement considered that the residential scheme could be brought forward without harm to the significance of designated or non-designated heritage assets. The Local Planning Authority assessed that the development would give rise to less than substantial harm, at the lower level of that scale, but this harm was outweighed by the public benefit of removing derelict structures and the provision of housing. The proposed amendments are not considered to materially alter the conclusions of these assessments or to alter the nature and extent of potential impact upon the built historic environment. The public benefits associated with the development remain relevant.

On the basis of the above, it is not considered that the proposed amendments will materially alter the previously assessed impact upon designated and non-designated heritage assets in the locality or the acceptability of the scheme.”

It can, therefore, be concluded that the proposed amendments will have no material impacts on the setting and significant heritage assets beyond the already approved development. If, however, the LPA considers that there would be any additional impact, then this could only be said to be very minor in nature. Any such additional impact would continue to be clearly outweighed by the public benefits of the redevelopment, including the benefit of plot 2 being able to serve as a family dwelling and the provision of a better mix of house types throughout the development as a whole.

In either scenario, the proposal is fully compliant with policies LP24 and LP32 of the Local Plan and policies HE4, HE5, HE6 and HE7 of the revised NPPF.

Given the proposed amendments would remain acceptable in heritage terms, it follows that there would be no adverse impact in respect of general visual amenity and landscape considerations. The overall pattern and grain of the development, as well as architectural detailing and the provision of appropriate hard and soft landscaping, is not materially changed. The amendments would still deliver a high-quality redevelopment scheme that is wholly compliant with policies LP1, LP2 and LP24, as well as the relevant policies of the revised NPPF.

Transport and Accessibility

The proposed amendment includes a slight alteration to the access point that would serve the four dwellings and the layout of the private drive inside of the site. An updated Highways Statement has been prepared by Paragon Highways and is submitted separately. This confirms that the new dwellings would continue to be provided with safe and suitable access and that the traffic generated by the development would have no material impact on the local highway network.

The proposal is fully policy compliant in this regard.

Residential Amenity

The proposed amendments would deliver a high standard of housing amenity for future occupiers of the new dwellings, without causing any adverse impact on the occupiers of neighbouring dwellings.

There are no changes to plot 1, and no alterations to the eastern end of the terrace. As such, impacts on the neighbouring dwellings to the east and west of the site remain exactly as already found to be acceptable under the approved application.

The widening of the terrace would mean a slight increase in the overlap between the new building and The Coach House immediately to the south of the site. However, the north elevation walls of The Coach House (which faces the application site) are completely blank. As such, the minor change in this respect would not translate to any harmful impact by way of overlooking, overshadowing or oppressiveness. Yew Croft is about 30m away from the terrace, and as such a distance well in excess of the recommended 21m minimum is maintained.

The proposal is fully policy compliant in respect of amenity considerations.

Ecology

The approved application demonstrated that the development would deliver a 53% gain in area habitats, and a 13% gain in linear habitats. The approved scheme, therefore, delivers a significant betterment over and above the statutory minimum net gain requirement. The proposed amendments will have a very minor impact on the layout of the landscaped area, but will not result in any material decrease in BNG provision and enhancements of well above 10% will still be delivered.

The amendments will have no material impact on ecology interest or protected species.

The proposal is fully policy compliant in this respect.

7.0 CONCLUSION

The proposed variation of condition 2 to allow minor material amendments to the approved scheme represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above.

The proposal would continue to deliver four much needed and good quality new homes, in a manner that is fully compliant with Green Belt policy. The proposal would have no adverse impact in respect of heritage, visual, amenity, highways and environmental considerations.

The proposal is fully policy compliant.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.