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:	**2026/60/92642/W**
Site Address:	adj, 14, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LP
Description:	Outline application for erection of detached dwelling
Recommending Officer:	Laura Yeadon

DECISION – Conditional Outline 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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 13-Nov-2026

OFFICER REPORT

DECISION LEVEL:

This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.

Weblink

Site Description

14 Netheroyd Hill Road is located within an area without notation on the Kirklees Local Plan. The site forms part of the domestic curtilage to the east of No. 14 and is currently used as a lawned garden area with mature landscaping and set on a lower ground level than the floor level of No. 14. A stone wall bounds the site frontage and the area to the east beyond the site boundary is a Council owned woodland. Surrounding development is predominantly residential to the north, south and west and is comprised of mainly semidetached and detached residential dwellings.

Description of Proposal

The application is sought for Outline Planning Permission for the erection of one dwelling with all matters reserved. The submitted application form indicates that the property would be a three bedroom dwelling for market housing.

A proposed site plan has been submitted which demonstrates that the dwelling would sit centrally within the plot with vehicular access taken from Netheroyd Hill Road. The access would incorporate internal turning provision and the plans also indicate that 2 no. trees would be affected by the proposal which are within the adjacent woodland to the east of the application site.

History of negotiations/amendments received

No negotiations have taken place with the applicant/agent due to the application being acceptable in its submitted format.

Relevant Planning History

2002/92208 – Outline application for erection of detached dwelling – Conditional Outline Permission

2005/93052 – Renewal of unimplemented outline permission for erection of one dwelling – Condition Outline Permission

2008/92666 – Outline application for erection of 1 detached dwelling – Conditional Outline Permission

2011/91994 – Outline application for erection of one detached dwelling – Conditional Outline Permission

2014/9650 – Outline application for one dwelling – Conditional Outline Permission

2017/92689 – Outline application for erection of one dwelling – Conditional Outline Permission

2020/92388 – Outline application for erection for one detached dwelling – Conditional Outline Permission

2023/92436 – Outline application for erection of detached dwelling – Conditional Outline Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice.

Final publicity date expired 22nd October 2026

Parish/ Town Council – not applicable

As a result of the public consultation period no representations have been received.

Consultation Responses

K.C. Trees – No objection – any full application would require an Arboricultural Impact Assessment

K.C. Highways Development Management – no comments received

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are 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).

The site is without notation on the Kirklees Local Plan.

<u>Kirklees Local Plan:</u>

- 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 28 – Drainage
- LP 30 – Biodiversity and Geodiversity
- LP 33 – Trees
- LP 43 – Waste Management Hierarchy
- LP 51 – Protection and Improvement of Local Air Quality
- LP 52 – Protection and Improvement of Environmental Quality
- LP 53 – Contaminated and unstable land

Supplementary Planning Documents:

- Highways Design Guide SPD
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

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 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 14 – Achieving well designed places
- Chapter 15 – Promoting sustainable transport
- Chapter 19 – Conserving and enhancing the natural environment

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

The site is without notation on 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

Paragraph 1 of Policy S3 of the National Planning Policy Framework (NPPF) advises that "*decisions on development proposals should apply a presumption in favour of sustainable development. This means:*

1. *Policy S4 in this Framework should be applied when considering development proposals within settlements;*
1. *Outside settlements, policy S5 should be applied; and*
2. *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."*

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

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 1 of Policy S3 which triggers a presumption in favour of sustainable development.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

The proposal seeks outline permission for the erection of one dwellings within Fixby and would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 6 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

It is necessary to consider planning applications for housing development in the context of NPPF Policies S3 – S5 of Chapter 4. The objective of the Policies in Chapter 4 are to meet development needs through sustainable patterns of development, including by maximising the potential for growth on suitable land within settlements.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 14 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, the principle of development is considered acceptable only, 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.

<u>Impact on amenity:</u>

The principle of the development has been established under a number of previous applications and the current submission is identical to the previous submission in 2023. Since the approval of the previous application, an updated NPPF (August 2026) has been brought into legislation however the

Housebuilders Design Guide SPD and the Kirklees Local Plan are still adopted documents with the previous application assessed against these policies.

As with previous applications for Outline Permission at this site, it is noted that all matters are reserved under this application. However, in terms of the Housebuilders Design Guide SPD, the following Principles are considered relevant:

- Principle 2 – new development should take cues from the character of the built and natural environment within the locality, complements the surrounding built form of development and illustrates how landscaping opportunities have been used
- Principle 8 – transition from urban to open land should be carefully considered
- Principle 9 – provision of net gains in biodiversity with ecological enhancements integral to the design of the development

The previous Officer Report considered that the size of the site was sufficient to accommodate a dwelling and that a dwelling could be designed to harmonise with the host property and also the wider pattern of development in the wider street scene. Whilst the NPPF has been recently updated, there are no new policies that would alter this view and, subject to taking into account the relevant Principles of the SPD, a detailed scheme would continue to align with adopted Policy.

It is noted that there is woodland to the eastern side of the site and the proximity of the woodland and the trees will need to be taken into consideration as part of any future application.

Over a number of years it has been considered that a dwelling could be sensitively designed to have an acceptable impact on both visual and residential amenity. All issues in relation to the final layout of the site, access, scale, design and appearance would be considered at either Reserved Matters stage or should an application for Full Permission be submitted.

As with the previous assessment, the adjacent property, No. 14 is constructed in stone and to ensure that the materials are in keeping, a condition will be attached to the decision notice regarding the submission of samples should the development site progress with a further application.

In line with previous approvals, it is considered that the application site can accommodate a dwelling without undue detriment to the surrounding area. The proposal would accord with policy LP24 of the Kirklees Local Plan, the SPD and policies within the National Planning Policy Framework.

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees 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."

Officers consider that there is adequate room on the site to accord with Principles 16 and 17 of the Kirklees Housebuilders Design Guide SPD so that the future occupiers benefit from an adequate standard of amenity. Whilst the proposal would result in the loss of garden space for No.14, given the amount of private garden retained, it is considered that the dwelling would benefit from a good standard of external amenity space also.

Given the above, in respect of future residential amenity, it is considered that the proposed development complies with Local Plan Policy LP24 (b), and Chapter 14 of the National Planning Policy Framework.

Impact on trees:

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy goes on to note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

Whilst the principle of the development is considered acceptable, the location of the Council Woodland to the east of the site is a material consideration when assessing the development potential of the site. The Council's Tree Officer has raised no objection to the principle of the erection of a dwelling. As there are no proposed alterations to the indicative plans submitted from the previous approval, it is considered reasonable and necessary to reimpose the condition requiring details of the works to the trees to be submitted prior to work being carried out on site. This would accord with Policy LP33 of the Local Plan, Principles enshrined within the SPD and the recently updated NPPF.

Impact on highway safety/parking:

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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

Formal comments from Highways Officers were sought however at the time of writing this report, no comments had been received. Notwithstanding this, comments have been received on previous applications at the site which have

relayed that there was no change of advice from the previous applications. On previous application, conditions were imposed in respect to the submission of details for layout and parking, sight lines and permeable surfacing and also a note to advise the developer that further consent would be required for a dropped crossing. This is in line with previous recommendations for the development site. Therefore, subject to the imposition of these conditions, the proposal would accord with Policies LP21 and LP22 of the Kirklees Local Plan, the SPDs and Policies within the NPPF. Therefore, Officer's consider it reasonable to reimpose these conditions.

Other matters:

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 details as being 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 pre-dates 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.

A Climate Change Statement has been submitted with the application which outlines the propose mitigation measures that would be incorporated in any future build out of the site.

Biodiversity – Policy N2 of Chapter 19 of the National Planning Policy Framework are 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.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required at this stage.

As noted above, Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design SPD set out that proposals should provide net gains in biodiversity, unless the development comprises a relevant exemption. In this instance, the applicant has provided a Biodiversity Net Gain Exemption Statement which states that the development is exempt from BNG as the site does not exceed 0.2ha in area. On this basis, no conditions are required in respect of BNG.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with Policy P2 of the National Planning Policy Framework.

Representations:

None

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 development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2026/92642

Officer Recommendation: Approve

Conditions:

1. Approval of the details of the layout, access, scale, appearance and landscaping of the site (hereinafter called the 'reserved matters') shall

be obtained from the Local Planning Authority in writing before development is commenced.
Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

1. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, access, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. **Reason:** Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990

4. The superstructure of the dwelling shall not commence until samples of all facing and roofing materials have been left on site for the inspection and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed of the approved materials.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Principles set out in the Council's Housebuilders Design Guide SPD and Policy within Chapter 14 of the National Planning Policy Framework.

5. Sightlines of 2m x site frontage shall be cleared of all obstructions to visibility exceeding 1 m in height before the dwelling is first occupied and these shall be retained thereafter free of any such obstruction.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and Policies within Chapter 15 of the National Planning Policy Framework.

6. Prior to the development being brought into use, vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained as such.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements, to avoid an increase in surface water run-off increasing flood risk and parking and in accordance with Policy LP24 of the Kirklees Local Plan and Policy within Chapter 15 of the National Planning Policy Framework.

7. All work on trees, pursuant to this permission shall be carried out to British Standard 3998. Details of all such work shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out and the works shall be carried out in accordance with the approved details.
   Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan, Principle 8 of the Housebuilders Design Guide SPD and Policy within Chapter 12 and 15 of the National Planning Policy Framework.

8. Notwithstanding the details shown on the approved plan, which are for illustrative purposes only, no development shall take place until reserved matters of the detailed arrangements and specification for access and layout of car parking have been submitted to and approved in writing by the Local Planning Authority. Before the dwelling is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.
   Reason: To ensure and suitable access and layout in the interests of highway safety and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan and policies within the National Planning Policy Framework.

9. Before the first occupation of the dwelling, one electric vehicle recharging point shall be provided in the integral garage or parking areas for the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the policies contained the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies LP21 and LP24 of the Kirklees Local Plan and Principle 18 of the Housebuilders Design Guide SPD.

10. Any application for the reserved matter of ‘landscape’ and ‘appearance’ shall include an ecological design strategy (EDS) addressing mitigation and enhancement of biodiversity.

    The EDS shall include the following:

a) Purpose and conservation objectives for the proposed ecological works.
a) Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog

refuges. Habitat boxes to be integral to new structures where appropriate.

b) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
c) Details on how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not have negative impacts on the Kirklees Wildlife Habitat Network.
d) Planting schedule and planting plan, including timetable for works, showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
e) Details of maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP 30 of the Kirklees Local Plan and Principle 9 of the Housebuilders Design Guide SPD.

NOTE: The details of tree removal on the indicative layout plan are treated as illustrative only.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38, 184 or 278 agreement of the Highways Act 1980, or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.'

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays

08.00 and 13.00 hours, Saturdays
With no working on Sundays or Bank Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60, Kirklees Environmental Services are able to control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Covering letter	GA/JC/2366		18th September 2026
Location plan	2366-LOC		18th September 2026
Proposed site plan	2366-01A		18th September 2026
Climate Change Statement	Appendix A		18th September 2026
BNG Exemption Statement	PP-15233550		16th September 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.

The Case Officer did not undertake any negotiations with the applicant due to the application being acceptable in its submitted format.

Report Dated: 9th November 2026

Coal – low