



Planning Statement

**RESIDENTIAL DEVELOPMENT FOR ONE DWELLING (PERMISSION
IN PRINCIPLE)**

**LAND ADJACENT TO 1 DAM HILL, SHELLEY, HUDDERSFIELD HD8
8JH**

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1.0 INTRODUCTION

This statement supports a planning application for Permission in Principle to establish the acceptability in policy terms of developing part of the garden of 1 Dam Hill, Shelley, for residential purposes. It is proposed to erect one dwellinghouse on the Dam Hill frontage, within the gap between the existing detached garage serving No. 1 and the neighbouring property to the west.

The permission in principle (PiP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development (stage 1) from the technical detail of the development (stage 2). This application is for the 'permission in principle' (stage 1) only.

Under Article 5D of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) an application for PiP requires only:

- a) a completed application form.
- b) a plan which identifies the land to which the application relates, drawn to an identified scale and showing the direction North.
- c) the correct application fee.

The scope of matters which can be considered with Permission in Principle is limited to:

- the location of the site
- the type of land use proposed
- the amount of development.

The Location of the Site and Type of Land Use

The site lies within the built-up area of Shelley, on an established residential frontage. It is washed over by the Green Belt; however, the proposal represents limited infilling in a village and, in addition, the land is 'grey belt' land. The Local Planning Authority (LPA) does not

have a five-year supply of housing land and has failed the Housing Delivery Test, so there is an evidenced unmet need for the proposed development. The discussion below demonstrates that the development would not undermine the purposes of the remaining Green Belt, and that the site is in a highly sustainable location for housing. As such the proposal is a type of development that is not inappropriate within the Green Belt and accords with both the National Planning Policy Framework (NPPF) and Local Plan policy.

The Amount of Development

This statement should be read alongside the supporting plans, which give a broad indication of the location and footprint of the dwelling proposed.

This statement will discuss the planning merits of the scheme as they relate to the 3 'in principle' matters above. All necessary technical reports will be provided at the technical details stage. It is anticipated that the LPA will adopt a progressive approach to this sustainable scheme.

2.0 SITE AND SURROUNDINGS

The application site forms part of the curtilage of 1 Dam Hill, a detached dwelling occupying a roughly triangular plot of approximately 0.2ha at the junction of Dam Hill and the A629 Penistone Road, Shelley. The host dwelling and its detached garage sit towards the eastern end of the plot, with the remainder laid out as domestic garden.

The application site itself is the part of the garden fronting Dam Hill, between the detached garage and the neighbouring property to the west. That neighbouring property forms the end of a continuous row of stone-built terraced cottages which front directly onto Dam Hill. Further dwellings and commercial premises lie to the east and north along Penistone Road, including the office building at 150 Penistone Road on the opposite side of Dam Hill, and the residential estate at Park Avenue beyond.

The plot therefore represents a clear gap in an otherwise continuous built-up frontage, bounded by built development on both sides and by the road to the north. Land to the south falls away towards the wooded valley of Shepley Dike.

Dam Hill is an adopted highway, and there are bus stops on Penistone Road within approximately 35m of the site.

The location of the site is shown in Figure 1 below.



Fig 1: Site location (title boundary shown red)

The site is washed over by the Green Belt. It is not within a Conservation Area. 152 Penistone Road, to the east, is a listed building and lies within approximately 50m of the site boundary.

The site is within Flood Zone 1 – areas at least risk of flooding. It lies within the Coal Authority's Mining Reporting Area, a Surface Coal Resource Area and an SSSI Impact Risk Zone. The Agricultural Land Classification is 'Urban'/Grade 4, and in any event the site is in residential garden use. There are no public rights of way crossing the site.

3.0 THE PROPOSAL

Permission in Principle is sought for residential development consisting of one dwelling. The indicative proposed site plan shows that the dwelling can be sited as follows:



Figure 2: Proposed (indicative) site plan

The dwelling is indicatively shown fronting Dam Hill, following the established building line of the adjacent terrace and infilling the gap between the terrace and the detached garage at No. 1. Access would be taken directly from Dam Hill, with off-street parking provided within the plot and a private rear garden extending southwards.

The existing dwelling at 1 Dam Hill would be retained with its garage, access and a generous garden, so that both properties would enjoy plot sizes consistent with the pattern of development in the locality.

The overall height and massing of the dwelling will not be dissimilar to the neighbouring terraced cottages and the host dwelling. A sensitive palette of materials will be chosen to reflect the predominant building materials in the area (natural stone walling and slate or stone-coloured roofing). Consequently, the development will harmonise well with its surroundings and complete the Dam Hill streetscene.

The existing boundary treatments will be retained where possible and supplemented with additional soft landscaping, so that the development is well anchored into its surroundings and there would be no harm to the function of the wider Green Belt.

4.0 PLANNING HISTORY

The following history relates to the application site:

- 95/60/91986/E8 – Outline application for the erection of one dwelling, land adjacent to 1 Dam Hill – refused August 1995

The 1995 decision was made under a wholly different policy framework, predating the Kirklees Local Plan, every iteration of the NPPF and, in particular, the introduction of ‘grey belt’ and the current national emphasis on boosting housing supply. It carries very limited weight in the determination of this application.

Nearby, planning permission and listed building consent were granted in February 2026 for the change of use of the former beauty salon at 152 Penistone Road to residential use (refs 2025/62/92289/E and 2025/65/92290/E), demonstrating the continued acceptability of additional residential accommodation in this location.

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. The Development Plan comprises The Kirklees Local Plan, which was adopted in February 2019.

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 by the Kirklees Local Plan 2019. The following legislation, policy and guidance is considered relevant to the determination of this application:-

National

The NPPF is reflective of the guidance contained within the NPPG. The following National decision making policies within the revised NPPF are relevant:

- S3: Presumption in favour of sustainable development
- HO7: Meeting the need for homes
- GB7: Development which is not inappropriate in the Green Belt
- DP3: Key principles for well designed spaces
- TR3: Locating development in sustainable locations

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

LP2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP21 – Highways and access

LP24 – Design

LP35 – Historic environment

6.0 ASSESSMENT

The newly revised NPPF (August 2026) is a crucial part of the Government's overarching agenda of delivering 1.5m new homes during this parliament. The Government states that it is more focused than ever on building the homes our country needs and delivering good growth in every postcode. The new Framework incorporates a number of substantive reforms designed to boost housing supply and unlock economic growth.

The proposed level of housing that is expected to be delivered is extremely ambitious. To put it into context, the UK has not got close to delivering the amount of housing now proposed for over 45 years.

Annexe A of the NPPF states that development plan policies which are materially inconsistent with national decision-making policies in the Framework should be given very limited weight. Applications for housing developments need to be viewed in this context and supported wherever possible.

Kirklees Council cannot currently demonstrate a five-year supply of deliverable housing sites, with the most recent published position identifying a supply of approximately 3.96 years. The 2025 Housing Delivery Test result for Kirklees is 65%, with approximately 3,177 homes delivered against a requirement of 4,873 over the three-year measurement period. Delivery at this level engages the presumption in favour of sustainable development. Small windfall sites such as this make an important contribution to addressing that shortfall.

Within the August 2026 NPPF the Government has moved to a position where Green Belt should continue to perform its purposes, but suitable land should be brought forward for housing where this can be done sustainably and without fundamentally undermining the Green Belt. Policy GB7 sets out the forms of development which are not inappropriate in the Green Belt. Two exceptions are relevant here: limited infilling in villages, and development of 'grey belt' land.

Limited Infilling in Villages

The NPPF confirms that limited infilling in villages is not inappropriate development in the Green Belt. The Framework does not define 'limited infilling' or 'village', and case law (including *Wood v SSCLG* [2015] EWCA Civ 195) establishes that whether a site lies within a village is a matter of planning judgement based on the situation on the ground, and is not bound by any settlement boundary or inset designation.

The site is unmistakably within the village of Shelley. It falls within the defined built-up area and is surrounded by the continuous built form of Dam Hill, Penistone Road and Park Avenue. There are bus stops, commercial premises and dwellings immediately adjacent. Anyone standing on Dam Hill would regard themselves as being within the village rather than in open countryside.

The proposal is 'limited' in that it comprises a single dwelling. It is 'infilling' in that it occupies a small gap in an otherwise continuous built-up frontage: the end of the Dam Hill terrace lies to the west, the garage and dwelling at No. 1 to the east, and the highway to the north. The dwelling would continue the established building line and would not extend development beyond the existing extent of the built-up frontage.

The proposal therefore constitutes limited infilling in a village and is not inappropriate development in the Green Belt.

Grey Belt Land

Notwithstanding the above, the proposal is also acceptable under Policy GB7 g, which sets out that the development of homes should not be regarded as inappropriate where all of the following apply:

- i. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- ii. There is an evidenced unmet need for the type of development proposed.

- iii. The development would be in a sustainable location, with particular reference to policy TR3 of this Framework; and
- iv. In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

The NPPF defines 'grey belt' land as:

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

As set out above, Kirklees Council cannot demonstrate a five-year supply of deliverable housing sites and has failed the Housing Delivery Test. As such, there is an evidenced unmet need for new housing development as defined in footnote 41, and therefore criterion ii) is met. The remaining criteria, i, iii and iv, are assessed below.

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

In order to test whether the proposals would meet criterion i of Policy GB7 g, consideration needs to be given as to whether the site strongly contributes to Green Belt purposes a), b) or d) as set out in Policy GB2 of the NPPF.

Green Belt purposes a), b) and d) are as follows:

a) – to check the unrestricted sprawl of large built-up areas.

The site is a domestic garden enclosed on three sides by existing buildings and the highway. It is not at the edge of a large built-up area and has no role in containing its outward expansion. A single dwelling contained within the existing frontage would not contribute to unrestricted sprawl.

b) – to prevent neighbouring towns from merging into one another

Shelley is a village rather than a town, and the site lies within its existing built form. It does not form part of a strategic gap between settlements or perform any role in maintaining their physical separation.

d) – to preserve the setting and special character of historic towns

The site does not form the setting of a historic town and so does not strongly contribute to purpose d).

In conclusion, it is clear that the site comprises 'grey belt' land as defined by the NPPF.

However, to conclude whether the proposal would be inappropriate development, or not, the remaining provisions of policy GB7 g of the Framework need to be applied.

The PPG gives advice about how to assess whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. It advises that consideration should be given to whether, or the extent to which, the development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. This is a high bar. The building of one dwelling within an existing residential garden, in a gap between existing buildings, cannot reasonably be said to fundamentally undermine Green Belt purposes.

Criterion iii) Whether the development would be in a sustainable location

The site is within the built-up area of Shelley and is in no way remote. There are bus stops on the A629 Penistone Road within approximately 35m of the site, with services along this corridor towards Huddersfield town centre and the surrounding villages.

Shepley railway station, on the Huddersfield–Penistone–Sheffield line, is approximately 750m away. Shelley First School is approximately 600m to the east, and the nearest GP practice is approximately 1km away. Further local shops and services are available in Shelley and in neighbouring Shepley.

In conclusion the site offers a genuine choice of transport modes for residents other than the private car, in accordance with NPPF policy TR3.

The proposal would not represent major development, and so criterion iv does not apply.

For the reasons set out above, the proposal comprises the acceptable use of 'grey belt' land and is not inappropriate development in the Green Belt as defined by policy GB7 g of the NPPF.

Heritage Considerations

152 Penistone Road, a listed building, lies within approximately 50m of the site. The site is separated from it by Penistone Road, Dam Hill and existing buildings, including the host dwelling at No. 1. A single, modestly scaled dwelling in natural stone, following the building line and scale of the adjacent Dam Hill cottages, would sit comfortably within the established village streetscene. It would not harm the significance of the listed building or the contribution its setting makes to that significance. A proportionate heritage statement can be provided at the Technical Details stage to confirm compliance with Local Plan Policy LP35 and the NPPF.

Character and Landscape Considerations

The proposal would complete an existing gap in the Dam Hill frontage rather than extend built development into the open landscape to the south. The land falling towards Shepley Dike would remain undeveloped. Designed to reflect the scale, form and materials of the neighbouring terrace, the dwelling would reinforce the traditional character of the village in accordance with Local Plan Policy LP24 and NPPF policy DP3.

Other Considerations

There are not expected to be any major issues relating to land contamination given the residential use of the land. Issues relating to potential land contamination can be dealt with at technical details stage via the submission of a phase 1 land contamination report.

The plot is of sufficient size to allow the dwelling to be positioned so that it would have no adverse impact on the residential amenity of neighbouring properties, including the host dwelling. Adequate private amenity space can be provided for both the existing and proposed dwellings.

It will be demonstrated at the technical matters stage that the new access onto Dam Hill will provide a safe and suitable means of access, with appropriate visibility and off-street parking in accordance with Local Plan Policy LP21.

Ecological matters can be dealt with at the technical details stage.

7.0 CONCLUSION

With regard to the three considerations in a Permission in Principle decision, the conclusions are as follows:

Location

For the reasons set out above, the site lies within the village of Shelley. The proposal comprises limited infilling in a village, and it is also the acceptable use of 'grey belt' land. It is not inappropriate development in the Green Belt as defined by policy GB7 of the NPPF. The site is highly sustainable, with immediate access to bus services and a railway station within walking distance.

Type of Development

The proposal would deliver a much needed, good quality new home, in a manner that is fully compliant with Green Belt policy, in an authority that cannot demonstrate a five-year housing land supply. The residential use is entirely consistent with the surrounding area and would have no adverse impact in respect of heritage assets or the amenity of the locality.

Amount of Development

The single dwelling would fit comfortably within the site, following the established building line and plot pattern of Dam Hill, whilst allowing the host dwelling to retain a generous curtilage.

The proposals are fully compliant with adopted policies within the Kirklees Local Plan and the guidance within the NPPF.

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