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Planning Statement

For Mr J Thackra | 19-512

Erection of 4 no. dwellings with associated works - Land at Heator Lane & Rowgate, Upper Cumberworth, Huddersfield, HD8 8XJ

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PLANNING

Project:	25-465
Site Address:	Land off Rowgate & Heator Lane, Upper Cumberworth, Huddersfield
Client:	Mr J Thackra
Date:	October 2026
Author:	Gareth Salthouse

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1. Introduction

1.1 This Statement has been prepared on behalf of Mr J Thackra in support of an application seeking full planning permission for the erection of 4 no. dwellings on land off Heator Lane/Rowgate, Upper Cumberworth, Huddersfield, HD8 8XJ.

1.2 A Stage 1 Permission in Principle application (PIP) was granted by the Council in June 2025 (LPA ref: 2025/90919). This approval established that the erection of 4 no. dwellings on the site is acceptable in terms of land use, amount and location. The Council has already agreed that the principle of the proposed development does not comprise inappropriate development in the Green Belt.

1.3 The key considerations for this planning application are therefore site-specific technical matters. This application is accompanied by technical information relating to matters such as ecology, highways and drainage.

1.4 Policy S5(5) of the Framework says that planning permission should be granted for 'appropriate development' in the Green Belt unless any adverse impacts of doing so would substantially outweigh the benefits. This is a purposefully very high bar for justifying any refusal of planning permission.

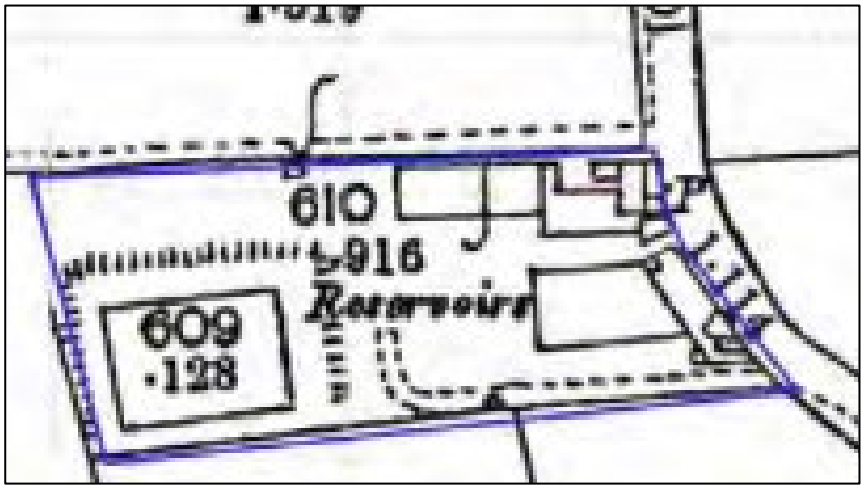
1.5 This Statement demonstrates that there are no adverse impacts that could come close to substantially outweighing the benefits for the purposes of Policy S5 of the Framework. Planning permission should therefore be granted for the proposed development without delay.

2. Site context and relevant planning history

2.1 The application site is rectangular in shape and is located off Rowgate/Heator Lane in the village of Upper Cumberworth. It falls within the administrative boundaries of Kirklees Council.

2.2 The site has historically been used for commercial and industrial purposes. It once accommodated a mill complex and reservoir at the end of the 19th Century. We copy a historic map below showing the mill complex on the application site and the blue edged area below encompasses all of our client's site subject to this planning application.

Image 1: Historic map showing the appeal site as a mill complex in the period 1891-1893



2.3 More recently and in terms of the eastern half of the site, this land can lawfully be used for the storage of building materials and plant, limited to the storage of stone, bricks, flags, kerbs, slates, timber, shuttering, topsoil, bulk fill, hardcore and similar materials, stored to a height not exceeding 3.0 metres, and to the storage of plant not exceeding 3 vehicles and 3 site-offices or site-cabins at any one time. A positive certificate of lawfulness was issued by the Council for this land in 1989 (LPA ref: 89/02572, 90/02343 and 92/05208).

2.4 Planning permission was granted by the Council in 2024 for the erection of a house on the eastern parcel (LPA ref: 2023/62/90282/E).

2.5 A Stage 1 PIP application for 4 no. dwellings was subsequently granted in June 2025 by the Council (LPA ref: 2025/90919). The decision notice, approved location plan and LPA officer report are at **Appendix EP1, Appendix EP2** and **Appendix EP3** of this Statement.

2.6 We submitted a pre-application enquiry on behalf of our client earlier this year for the proposed technical details for 4 no. dwellings, and a written response was issued in June 2026 (LPA ref: 2025/21074). The comments raised through this response have been incorporated into the final scheme now before the local planning authority.

3. Planning policy context

Development Plan

3.1 The development plan for Kirklees comprises the Kirklees Local Plan, which was adopted in February 2019. The adopted Policies Map shows that the application site falls within the designated Green Belt.

3.2 Planning policies of the Kirklees Local Plan relevant to the determination of this planning application include the following:

- Policy LP1 – Presumption in favour of sustainable development.
- Policy LP3 – Location of new development.
- Policy LP7 – Efficient and effective use of land and buildings.
- Policy LP20 – Sustainable travel.
- Policy LP32 – Landscape.
- Policy LP59 – Brownfield sites in the Green Belt.

Other material considerations

National planning policy guidance

3.3 We refer to relevant sections of the National Planning Policy Framework (the Framework), which was published in August 2026, at Section 4 of this Statement.

5-year housing land supply and Housing Delivery Test

3.4 The Council's latest published housing land supply statement shows a 4.18 year housing land supply. The latest Housing Delivery Test result for Kirklees was 65%.

3.5 There is an evidenced unmet need for housing development for the purposes of Policy GB7(1)(g)(ii) of the Framework.

New National Planning Policy Framework: Creating a clear, rules-based planning system (MHCLG October 2026)

3.6 The Secretary of State for Housing and Planning wrote to the Planning Inspectorate in October 2026 emphasising the new 'universal tilt' in favour of planning permission in order to significantly boost the supply of housing and drive economic growth.

3.7 This ‘tilt’ in favour, and the application of a clearer rules-based system, is a clear representation of the government’s commitment to a planning system that is an enabler of appropriate development and is something which the Framework places at the heart of decision making.

3.8 It also notes that the new Framework stipulates that substantial weight must be given to providing new homes to meet evidenced needs of communities. The ‘universal tilt’ applies in the case of our client’s proposed development given the absence of a 5-year housing land supply for Kirklees.

4. Principle of development

4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 1 of Annex A says that the polices of the Framework are material considerations that must be taken into account in decision-making from the day of publication of the Framework.

4.2 Development that is compliant with Policy GB7(1)(g) of the Framework (grey belt) is not inappropriate development in the Green Belt. We discuss the criteria (i) to (iv) of Policy GB7(g) below.

4.3 The Council has already resolved through the grant of permission for the Stage 1 PIP that the site comprises 'grey belt' land for the purposes of the definition set out through the Framework, and that a development of this scale would not fundamentally undermine the purposes of including land in the Green Belt. The LPA officer report at **Appendix EP2** concludes as follows in relation to paragraph 155(a) of the previous 2024 Framework, which is now at Policy GB7(1)(g)(i) of the new 2026 Framework.

> *"Taking the above into consideration, the development is considered to comply with paragraph 155(a) of the NPPF."*

4.4 In terms of Policy GB7(g)(ii), it remains the case that the Council cannot demonstrate a 5-year housing land supply and the Council's Housing Delivery Test result, published 2026, also falls below 75%. There is evidenced unmet need for the type of development proposed.

4.5 Turning to Policy GB7(g)(iii), the LPA officer report at **Appendix EP2** has already addressed the question as to whether the site is a sustainable location for 4 no. dwellings and we copy an extract below:

> *"As outlined by the applicant, the application site is walkable distance from Upper Cumberworth village store and post office and the Star Inn public house (<500m/8min walk) and Upper Cumberworth Primary School (<650m/9min walk). The local centre of Shepley is ~1.7km walk and is accessible almost entirely on public footpaths. There is a bus stop ~220m from the application site with hourly buses to Denby Dale Town Centre, Shepley and further onto Holmfirth and Wakefield.*
>
> *It is acknowledged that representation raised concerns regarding the sustainability of the application site as outlined in detail in the representations section of this report. It is however considered that due to the proximity to essential services and a bus stop which connects the development to the nearby local and town centres, on balance the proposal is in a sustainable location, in close proximity to existing dwellings and as such is considered to comply with 155(c) of the NPPF."*

4.6 Policy GB7(g)(iv) is not relevant given that the proposed development is not a major development proposal for the purposes of the Framework definition.

4.7 With due regard for the above points, the proposed development is compliant with Policy GB7(1)(g) of the Framework. It is therefore not inappropriate development in the Green Belt.

4.8 The Courts have held[1] that development which is not inappropriate in the Green Belt causes no harm to the Green Belt, including openness. This is confirmed in paragraph 64-014 of the PPG, which states:

> *"How should harm to the Green Belt including harm to its openness be considered if a development is not inappropriate development?*
>
> *Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.*
>
> *This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed and that therefore a proposal does not have to be justified by "very special circumstances". (our emphasis)*

4.9 In such circumstances, Policy S5(5) of the Framework says that planning permission should be granted unless any adverse impacts of doing so would substantially outweigh the benefits. This is a purposefully very high bar for justifying any refusal of planning permission.

[1] See Lee Valley Regional Park Authority v Epping Forest DC [2016] EWHC Civ 404 & Mole Valley DC v SSHCLG [2025] EWHC 2127 (Admin)

5. Site-specific considerations

Landscape and visual impacts

5.1 The baseline position is that the existing site has a stark and incongruous appearance in the landscape given the absence of any soft landscaping. There are no obligations on the landowner (i.e. the applicant) to carry out any beneficial works such as hedgerow and tree planting. The Eastern Parcel can be used lawfully for the storage of building materials to a maximum height of 3m alongside the storage of plant not exceeding 3 no. vehicles and 3 no. site offices/cabins, and this may take place in an uncontrolled manner.

5.2 The site is visually prominent in terms of views from public vantage points across the countryside and there are a number of public rights of way that allow for views towards the site.

5.3 The Council has already resolved that 4 no. dwellings on the site is suitable in principle terms through the grant of the Stage 1 PIP.

5.4 This planning application includes a landscape scheme, designed by TBA Landscape Architects, with native tree, hedgerow and shrub planting. The lower storey accommodation for the proposed new houses will be largely screened from view given the levels to the site boundaries. As such , the properties will be viewed as two storey houses from the public realm. The external materials will be predominantly natural stone and slate roofs and there would be some timber cladding for the external walls. The design and materiality is traditional but with contemporary elements.

5.5 Please see the Design & Access Statement by Good & Tillotson Architects for further information on the overall design concept for the scheme.

5.6 The proposed development would integrate with the character and appearance of the area in accordance with Policies LP2, LP24 and LP32 of the adopted local plan.

Ecology

5.7 A Phase 1 Ecology Appraisal Report, prepared by Pennine Ecological, concludes that there is no need for any further protected species surveys or reports. It also notes that the existing site is of low biodiversity value with evidence of invasive species and this can be dealt with via an appropriately worded planning condition. In terms of biodiversity net gain, it is likely that off-site credits will be purchased to secure a 10% net gain. Other enhancements can be secured via an appropriately worded planning condition e.g. bat and bird boxes.

5.8 The proposed development is acceptable in terms of ecology and Policies LP30 and LP31 of the adopted local plan.

Residential amenity

5.9 The proposed development would result in the cessation of the lawful use of the Eastern Parcel of land for commercial purposes.

5.10 As discussed earlier, the Eastern Parcel can be used lawfully for the storage of building materials, the storage of plant and site offices/cabins. There is no control in planning terms as to commercial deliveries and collections to and from the site and no limitation in planning terms on the nature of such traffic movements (e.g. size of vehicles, number of movements and night-time deliveries/collections). There is also no restriction on the hours of operation on the site (e.g. evening, night-time and weekend working). In essence the site can be used as a builder's yard on a '24-7' basis given the plant and range of materials that can be stored there and can act as a base/storage and for distribution of materials to sites elsewhere.

5.11 The proposed residential scheme is entirely compatible with surrounding land uses and results in the removal of a potentially unneighbourly use. There would be adequate interface distances to nearby residential occupiers beyond the site such that there would be no adverse impact in terms of privacy, light and outlook.

5.12 The proposed development is acceptable in terms of residential amenity and accords with Policy LP24 of the adopted local plan.

Highways

5.13 There would be a substantial net reduction in the number of such traffic movements on the surrounding road network as a result of the proposed development. This includes the cessation of large commercial delivery vehicles using relatively narrow lanes at all hours of the day and night. The Technical Note by SCP, which accompanies this application, demonstrates that the proposed scheme accords with Policies LP20 and LP21 of the adopted local plan in terms of highways safety and the local road network.

Provision of housing

5.14 The delivery of much-needed housing is a benefit that attracts substantial weight in the decision-making process in accordance with Policy HO7 of the Framework.

Efficient and effective use of land for housing

5.15 The proposed development would make effective and efficient use of a previously developed site within Upper Cumberworth. Policy LP7 of the adopted local plan states that the local planning authority will:

- encourage the efficient use of previously developed land in sustainable locations (a); and
- give priority to despoiled, degraded, derelict and contaminated land (c).

5.16 The development is consistent with the above objectives of the local plan and this weighs in favour of the grant of planning permission. It also accords with Policy L2 of the Framework in making better use of underutilised land in order to help address a housing shortfall.

5.17 Policy L2 says that this is a benefit that attracts substantial weight in the decision-making process.

Viability and vitality of local services

5.18 The proposed development would help support the vitality and viability of Upper Cumberworth as a rural settlement through additional household expenditure and families supporting services such as the Cumberworth Church of England First School, public transport connections, post office and the Star Inn Public House. It would do so in a sustainable manner through the effective and efficient use of a previously developed site.

5.19 The scheme would support a sustainable rural community and this is a benefit that weighs in favour of the grant of planning permission.

6. Planning balancing exercise and conclusion

6.1 As discussed earlier, it has already been established by the Council that the scheme does not comprise inappropriate development in the Green Belt through the grant of Stage 1 PIP 2025/90919 last year. In such circumstances, Policy S5(5) of the Framework says that planning permission should be granted unless any adverse impacts of doing so would substantially outweigh the benefits. This is a purposefully very high bar for justifying any refusal of planning permission.

6.2 The benefits of the scheme are compelling:

- Substantial weight to be afforded to the benefits of new housing to help address unmet needs in accordance with Policy HO7 of the Framework.
- Substantial weight to be afforded to making better use of underutilised land in order to help address unmet needs in accordance with Policy L2 of the Framework.
- Signficant weight to be afforded to the economic benefits of the development (e.g. construction jobs during the build phase and additional household expenditure on local businesses during the operational phase), biodiversity net gain (plus 10%) and supporting the vitality and viability of this rural community.

6.3 There are no adverse impacts that could come close to substantially outweighing the benefits of the scheme. Planning permission should therefore be granted for the proposed development in accordance with the Framework.

7. Appendices

EP1 – Decision notice: 2025/90919.

EP2 – LPA officer report: 2025/90919.

EP3 – Approved plan: 2025/90919.

EP1

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning (Permission in Principle) (Amendment) Order 2017

PERMISSION IN PRINCIPLE

Application Number: 2025/90919

To: Gareth Salthouse
Emery Planning
Units 1-4, South Park Business Court
Hobson Street
Macclesfield
SK11 8BS

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-
Application for permission in principle for erection of up to 4 dwellings
At: Land off, Heator Lane & Rowgate, Upper Cumberworth, Huddersfield, HD8 8XJ

In accordance with the plan(s) and applications submitted to the Council on 03-Apr-2025 subject to the terms specified hereunder:-

1. Approval of all details of the proposal (hereinafter called "the technical details") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for approval of the technical details shall be made to the Local Planning Authority before the expiration of three years from the date of this permission in principle.

3. The development hereby permitted in principle shall be begun before the expiration of three years of the final approval of the technical details.

Kirklees Council hereby give notice that **PERMISSION IN PRINCIPLE HAS BEEN GRANTED** for the carrying out of the above development in accordance with the application plans and documents submitted or as may otherwise be amended following written approval by the Local Planning Authority. The Permission in Principle Approved is for the erection of a maximum of four dwellings.

Note: You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

Plans and specifications schedule:-

Document Type	Reference	Version	Date Received
Location Plan	2260-G&T-Z0-00-DR-A-1000		14/04/2025
Planning Statement	19-512	Stage 1	14/04/2025
Re: Stage 1 (Rebuttal Statement)	19-512		08/05/2025

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.

An additional document was provided by the agent in response to an objection received as well as an email detailing a recent appeal case. Both these have been taken into consideration, alongside all other submitted information, during the assessment of the application.

How to apply for Technical Details Consent

You can apply online for approval of the technical details at the Planning Portal website at. Alternatively, the forms and supporting guidance for submitting an application can be found online at Kirklees Council Planning. Your application should be submitted as a full planning application but with specific reference to the 'Permission in Principle' consent.

Development within a Coal Mining Area [where relevant]

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities.

As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
Gov.uk – Building on within the influencing distance of mine entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: Ground Stability or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 17-Jun-2025

Signed:



David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at Kirklees Council Planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2018/60/91106/E.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

EP2

KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 59A

DELEGATED DECISION FOR APPLICATION FOR PERMISSION IN PRINCIPLE

Reference no.: 2025/59/90919/E

Site: Land off, Heator Lane & Rowgate, Upper Cumberworth, Huddersfield, HD8 8XJ

Description: Application for permission in principle for erection of up to 4 dwellings

Case Office: Nina Sayers

Decision Reference: Planning Permission in Principle - Approved

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 08-Jul-2025

Officer Report

Application: 2025/90919 Land off, Heator Lane & Rowgate, Upper Cumberworth, Huddersfield, HD8 8XJ

Proposal: Permission in principle for erection of up to 4 dwellings

Site Description

The application site is a rectangular site measuring 0.42ha which is located to the west of Rowgate/Heator Lane in Upper Cumberworth. To the north and east of the site are open fields with an area of woodland to the west. To the northeast is a linear residential development along Heator Lane. To the southeast is a detached dwelling which shares a boundary with the site. The site is currently used for the storage of building materials and is accessed via two access points from Rowgate/Heator Lane to the East.

The site is within the Green Belt. The site is not within a conservation area, nor are there any listed buildings or Public Rights of Way (PROW) within close proximity to the site.

Description of Proposal

The application is seeking permission in principle for the erection of up to 4 dwellings. As this is application relates to permission in principle, the information provided is limited to a location plan and planning statement.

History of Negotiations

An additional document was provided by the agent in response to an objection received as well as an email detailing a recent appeal case. Both these have been taken into consideration, alongside all other submitted information, during the assessment of the application.

Consultation Responses

KC Ecology – Comments received during the course of the application discussed in part 1 of assessment section of this report.

Public / Local Representations

The application was advertised by a site notice and on the web. Final publicity expired on 31st May 2025. 3 representations were received in total, all in objection to the proposal. It is noted that one representation is a direct response to the rebuttal document provided by the agent, another was received by Denby Dale Parish Council.

The representations raised the following comments:

- Over-development of the plot
- Traffic issues (narrowest point in the village)
- Dangerous access onto the main road
- Proximity to the bus stop and safety issues for children crossing to reach Skelmanthorpe Academy
- Development is not in a sustainable location
    - Village of Upper Cumberworth has very limited local facilities with no shops, GP surgeries or pharmacies
    - Nearest train station is 1.6miles away on long sections of A-road with limited service
    - Infrequent bus services and takes 52mins to Huddersfield Town Centre
    - 'Star Inn' is further away than the applicant describes – 480m
    - No safe walking routes or street lighting along Carr Lane or Birk House Lane
    - Frequent accidents at the Sovereign crossroads
    - Development is heavily reliant on car use
    - Fails to comply with p.155(c) of the NPPF.
- Land is not 'grey belt' and would not be appropriate development in the Green Belt.
    - The NPPF does not define 'grey belt'
    - The western parcel of land does not meet the definition of previously developed land (as defined in NPPF) as it has never been subject to lawful development or any permanent structures
    - The western parcel fulfils the Green Belt purpose identified in paragraph 143(c) of the NPPF — namely, assisting in safeguarding the countryside from encroachment.
    - The applicant's references to previous "use" of the land are misleading. Any such use was unlawful, as evidenced by the Council's enforcement action and the conviction of the landowner for unlawful use in 2022
    - The proposal cannot be considered "limited infilling" under paragraph 154(e) of the NPPF. The western parcel is not contained by existing substantial built development on all sides, nor is it located within a defined village boundary. It represents open countryside forming part of the wider Green Belt.
- Harm to openness and character of the Green Belt
    - A permanent loss of openness, through the introduction of substantial built form where none currently exists;
    - Visual harm when viewed from Heator Lane, Rowgate, Carr Lane, Birk House Lane, Barnsley Road (across the Lower Jane Well Local Wildlife Site), and multiple surrounding public rights of way, given the site's prominent and elevated position.
    - Site is adjacent to open fields so visible from all angles. The adjacent bungalow which is sunk into the landscape so it not prominent
    - The pattern of development along Heator Lane supports only sporadic, low-density dwellings, typically cottages. Allowing four dwellings on this

site would represent an urbanising intensification wholly out of character with the established settlement pattern
    - Planning permission for a single dwelling (approved under application 2023/90282) on the adjoining eastern parcel was carefully limited in scale and footprint to align with local character
    - Refusal to allow the applicant's 2021 PIP for two dwellings
    - The scale, massing, and urbanisation effects arising from the proposal would be fundamentally at odds with the essential characteristics of the Green Belt - its openness and permanence - in clear conflict with NPPF 2024 Paragraphs 152, 155, and 157.
- Photograph of the site is misleading, much more landscaping and planting along the boundary since
- Different planning status for eastern and western parcels of the site
    - The eastern parcel, which fronts onto the road, historically benefitted from limited lawful use for the storage of building materials
    - In 2023, planning permission (application 2023/90282) was granted for a single dwelling on the eastern parcel, replacing the previous lawful storage use. That permission does not extend to or authorise any development on the western parcel.
    - By contrast, the western parcel has no lawful use. It has never benefitted from a certificate of lawful use and has historically been the subject of enforcement action requiring complete cessation of storage activities
    - In the 2023 application (2023/90282), Emery Planning, on behalf of the applicant, explicitly acknowledged that:
        - The western parcel does not benefit from lawful storage rights;
        - The enforcement notice against the western parcel remains in effect;
        - The western parcel would not form part of the residential curtilage of the new house on the eastern parcel;
        - A landscaping scheme was proposed for the western parcel specifically because it could not lawfully be developed.
- Query historic land use
    - The submitted information claims there was a mill complex across the site however this was confined to the eastern parcel
    - The submitted information claims a reservoir existed covering the whole site however the western parcel had no mill buildings
    - The mills and reservoir were removed in 1922 returning the site to open fields
    - The submitted information implies continuous historic industrial use across the whole site however the western parcel only hosted a reservoir, no industrial structures
- The eastern parcel may be considered 'grey belt' however the western parcel cannot
- Enforcement action
    - 2022 breach of enforcement notice then an appeal against a noise abatement notice was dismissed after the site was found to constitute a

statutory nuisance. These events confirm that the recent degradation of the site was due to unlawful industrial and commercial use, not long-standing lawful activity.
    - The applicant received approval in 2023 (application 2023/90282) for a single dwelling on the eastern parcel of the site (nearest the road). That permission has not been implemented.
- Ecological importance
    - The site borders Lower Jane Well, a Local Wildlife Site (LWS) designated for priority MG5 (species-rich neutral grassland) and U4 (acid grassland). It lies within the Kirklees Bat Alert Zone and serves as an important wildlife corridor across the Green Belt.
    - Claims that the site is of 'low ecological value' are based on its previously unlawfully degraded state and do not reflect its current function as a habitat buffer and contributor to local biodiversity.
    - If these new homes were to be approved and occupied, the resulting noise, light pollution, human activity, and associated vehicle traffic would severely disrupt and fragment these important wildlife habitats.

A further representation was received in response to the rebuttal statement provided by the agent. The following comments were made:

- The location is not a thriving or self-sustaining village community, as suggested by the applicant, but a small settlement with limited day-to-day facilities and in-frequent bus and train services.
- The applicant's comparison to the Surrey appeals is not directly comparable to this site, which is not within the village core, but physically and functionally at the edge, with development extending into currently open countryside
- While the council previously approved a single dwelling on the eastern parcel (2023/90282/E), this cannot be interpreted as a precedent to extend development into the western parcel, which is a distinctly different site context, scale, and relationship to the village.
- Acknowledge definition of 'grey belt' but believe the separate planning unit performs an important Green Belt purpose under Paragraph 143(c) — specifically, safeguarding the countryside from encroachment
- They note applicant's reference to several planning approvals however:
    - 2024/62/93130/E (1 dwelling) and 2023/62/93185/E (2 dwellings) relate to developments within existing residential curtilages, outside the Green Belt, and are not comparable to the application site.
    - 2018/62/92165/E (4 dwellings) was refused, contrary to the applicant's presentation.
    - The only relevant permission is the applicant's own application, 2023/90282/E, which relates solely to the eastern parcel and has not yet been implemented. This limited approval does not establish a precedent for extending development westwards onto undeveloped Green Belt land, which remains subject to the highest level of policy protection.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 located within the Green Belt as demonstrated within the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP24 – Design
- LP59 – Brownfield sites in the Green Belt

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

- Highways Design Guide
- Housebuilders Design Guide
- Biodiversity Net Gain Technical Advice Note

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th December 2024, 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 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes

- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

Assessment

1. Permission in Principle Purpose

The permission in principle 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 from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage (Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and the amount of development. The LPA can inform the applicants what they expect to see at the technical details stage.

It is not possible to secure a planning obligation at the permission in principle stage.

The LPA may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this case the development is for 5 units and the site has an area of less than 1 hectare. The resultant floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details Stage.

The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development.

Local Planning Authorities must not grant permission in principle for development which is likely to affect a Habitats Site (as defined within the NPPF). The Councils Ecologist has confirmed the site is surrounded by SSSIs, Special Protection Areas and Special

Areas of Conservation, however they are not in close vicinity and so impacts would be unlikely so there are unlikely to be any issues with sites designated under the Habitat Regulations. They do however recommend submission of a PEA and BNG which can be provided at the technical details stage.

2. Housing Land Supply

It is appropriate to consider the Local Planning Authority's overall housing position.
The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

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 11 which triggers a presumption in favour of sustainable development. This means that for decision making "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

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.

It is noted that this site is within the Green Belt. Irrespective of the Councils position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission "unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". Footnote 7 at paragraph 11di) states that the protected areas include land designated as Green Belt. Although the council are not able to demonstrate a five-year supply of housing, the tilted balance would not be engaged for this proposal.

Therefore, the principle of developing in the Green Belt must be assessed in order to determine whether the principle of development is acceptable. The proposal will also be assessed against all other material considerations.

3. Location and Land Use – Green Belt

The application site is within the Green Belt as allocated on the Kirklees Local Plan. Chapter 13 of the NPPF requires Local Planning Authorities to regard the construction of new buildings in the Green Belt as inappropriate development. Within the submitted planning statement, the applicant has outlined that they consider the development of four dwellings on this site would fall under paragraph 155 of the NPPF which states:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- *a) 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;*
- *a) There is a demonstrable unmet need for the type of development proposed;*
- *b) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- *c) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below*

The NPPF glossary (Annex 2) defines grey belt as: *"For the purposes of plan-making and decision-making, 'grey belt' is defined 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 paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."*

Regarding paragraph 155(a), the NPPF outlines the 5 purposes of including land within the Green Belt in paragraph 143:

a) to check the unrestricted sprawl of large built-up areas;
a) to prevent neighbouring towns merging into one another;
b) to assist in safeguarding the countryside from encroachment;
c) to preserve the setting and special character of historic towns; and
d) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

The application site is located on the edge of Upper Cumberworth, a small village. NPPG is clear that purpose a) *"relates to the sprawl of large built up areas. Villages should not be considered large built up areas."* The NPPG goes on to state that purpose b) *"relates to the merging of towns, not villages".* Similarly, the NPPG also states that purpose d) *"relates to historic towns, not villages".*

It is noted that a detailed representation has been submitted which highlights the difference between the eastern and western parcel of land, arguing that the western parcel is not previously developed land and therefore should not be considered grey belt. Officers agree that the eastern parcel of land could be considered previously

developed land, whereas the western parcel cannot. This is clearly outlined by the Inspector in the appeal decision for application 2021/92850. Regardless of this, for the reasons outlined above, officers are in agreement with the applicant that this application would not conflict with purposes a, b or d of paragraph 143 and therefore would be considered grey belt land.

To comply with 155(a) of the NPPF, the development must not fundamentally undermine the purposes (taken together) outlined in paragraph 143 and therefore the development must also be assessed again 143(c) and (e). The submitted planning statement outlines *"In terms of the purpose at (c) of paragraph 143 of the Framework, the site is highly contained physically, visually and functionally:*

- *There is woodland to the western boundary, which covers an extensive area southwards to Barnsley Road, and separates our client's site from the wider countryside and would contain our client's scheme.*
- *The fields to the north of our client's site are at a notably lower level, and there are existing boundary features along this boundary, that create a sense of our client's site being separate to the wider countryside beyond.*
- *There is housing and the built-up envelope of Upper Cumberworth beyond Barnsley Road to the southern boundary.*
- *The site is contained by Rowgate to the eastern boundary.*
- *The site is partly previously developed and can lawfully be used as a storage or builders yard. […].*
- *There is already an extant planning permission for the erection of a dwelling on the eastern half of the site as noted further below, and circa. 50% of the application site will be used for residential purposes regardless of the outcome of this PIP application"*

Given the eastern part of the site currently has permission for the storage of specified building materials to a height not exceeding 3m and the storage of plant not exceeding 3 vehicles and 3 offices or site cabins at any one time (90/02343 and 92/05208), and as there is an extant permission for one dwelling on the eastern part of the site (2023/90292), residential development on the eastern part of the site is considered acceptable.

The western part of the site, whilst not included in the initial application boundaries, forms part of the larger section of land which is bounded by trees and shrubbery and a change in land level. When considering the site within its wider context, there is a clear separation between the application site and the land to the south which serves large open fields, characteristic of the green belt, and similarly the land to the east which is separated from the site by the highway. There is, however, no clear boundary between the eastern and western parcel of the site. It is considered on balance that the introduction of residential development to the western part of the site would not result in significant encroachment into the green belt over and above the existing permission on the application site and would therefore not conflict with the purposes of including land within it. It must however be noted that any further development into the land to the north of the site would be assessed differently given the contrast in the landscape.

The application is not within an urban area so 143(e) is not relevant in this instance.

Taking the above into consideration, the development is considered to comply with paragraph 155(a) of the NPPF.

This application is for residential development and as explained in footnote 56 of the NPPF, the lack of a five-year supply of deliverable housing sites is considered a demonstrable unmet need for housing. As detailed in section 2 of this report, the Council's inability to demonstrate a five-year supply of housing land means this development complies with paragraph 155(b).

Regarding paragraph 155(c), the submitted planning statement outlines:

"*The site is highly accessible in terms of public transport options and services and has recently benefitted from consent for residential development on part of the site and therefore would have to have been considered sustainable for the purposes of that application. It is in an established village and within easy and convenient walking distance of the following:*

- *Cumberworth Church of England First School.*
- *The Star Inn Public House.*
- *Upper Cumberworth playground.*
- *St Nicholas Church.*
- *Post office.*
- *Playing fields at Cumberworth Football Club.*
- *There is a bus stop at the Star Inn Public House, which is just 200m away, and offers regular services such as the X1 Holmfirth-Denby Dale-Wakefield service with key destinations such as Holmfirth Bus Station (25mins) and Wakefield Bus Station (50mins). Circa. 2km Denby Dale Train Station, which is on the Penistone Line and provides regular services to key destinations such as Huddersfield and Sheffield.*
- *There are also a range of services in the surrounding villages such e.g. Shepley, Lower Cumberworth, Denby Dale and Birdsedge*."

In support of their statement the agent also emailed details of appeal decision APP/R0660/W/24/3354674 for the erection of two dwellings with associated works at Broadheath Farm, Over Alderley, Macclesfield, Cheshire, SK10 4SN.

When assessing the sustainability of the development, the inspector gives weight to the proximity to larger settlements, outlining "*Any journeys by car to these services and facilities would be brief and given the scale of development, limited*" and further to this "*Even without convenient walking options or nearby bus stops, given the proximity to services and facilities, the appeal site is therefore reasonably well connected for a rural location*".

As outlined by the applicant, the application site is walkable distance from Upper Cumberworth village store and post office and the Star Inn public house (<500m/8 min walk) and Upper Cumberworth Primary School (<650m/9 min walk). The local centre of Shepley is ~1.7km walk and is accessible almost entirely on public footpaths. There is a bus stop ~220m from the application site with hourly buses to Denby Dale Town Centre, Shepley and further onto Holmfirth and Wakefield.

It is acknowledged that representation raised concerns regarding the sustainability of the application site as outlined in detail in the representations section of this report. It is however considered that due to the proximity to essential services and a bus stop which connects the development to the nearby local and town centres, on balance the proposal is in a sustainable location, in close proximity to existing dwellings and as such is considered to comply with 155(c) of the NPPF.

Paragraph 155(d) relates to major planning applications therefore not applicable to this application.

Taking all of the above into careful consideration, it is considered on balance that the proposed development would comply with paragraph 155 of the NPPF and would therefore not be regarded as inappropriate development in the green belt and as such the principle of residential development, in its broadest form, on this site is acceptable.

4. Amount of Development

The proposed development is seeking permission in principle for up to 4 dwellings. Policy LP7 of the Kirklees Local Plan establishes a desired target density of thirty-five dwellings per hectare. By that standard, this site in theory, could accommodate 14 to 15 dwellings. Four dwellings are proposed in this instance, which is considered appropriate given the density of development would not be dissimilar to the existing dwellings on Rowgate and landscaping would be required to minimise the visual impact of the proposal. 15 dwellings on this site would likely result in a cramped form of development which would not be in keeping with the existing surrounding development in the area. For this reason, the quantum and density of development proposed, is considered to accord with Local Plan policy LP7 and Chapter 11 of the NPPF.

It is noted that representation has raised concerns that four dwellings on this site would result in overdevelopment. Four dwelling on the application site would have a density of 9.5 dwellings per hectare which is significantly lower than desired by LP7. It is therefore considered four dwellings on this site would not result in overdevelopment if they are appropriately designed, which will be assessed at Technical Details Stage.

5. Other Matters

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Similarly, the site is located within a Coal Development High Risk Coal area. This matter would be dealt with at the Technical Details Stage.

Biodiversity

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant is required to provide details of BNG at the Technical Details Stage.

All other matters would be dealt with at the Technical Details stage.

6. Representations

3 representations were received in total, all in objection to the proposal. It is noted that one representation is a direct response to the rebuttal document provided by the agent, another was received by Denby Dale Parish Council. The representations raised the following comments which have been grouped into themes and officers have responded:

Quantum of Development

- Over-development of the plot

Officer response: As outlined in the section 4 of this report, the development would be a lower density than the councils desired housing density in line with LP7 of the Kirklees Local Plan.

Land Use

- Land is not 'grey belt' and would not be appropriate development in the Green Belt.
    - NPPF does not define 'grey belt'
    - The western parcel of land does not meet the definition of previously developed land (as defined in NPPF) as it has never been subject to lawful development or any permanent structures
    - The western parcel fulfils the Green Belt purpose identified in paragraph 143(c) of the NPPF — namely, assisting in safeguarding the countryside from encroachment.
    - the applicant's references to previous "use" of the land are misleading. Any such use was unlawful, as evidenced by the Council's enforcement action and the conviction of the landowner for unlawful use in 2022

- The proposal cannot be considered “limited infilling” under paragraph 154(e) of the NPPF. The western parcel is not contained by existing substantial built development on all sides, nor is it located within a defined village boundary. It represents open countryside forming part of the wider Green Belt.
- Acknowledge definition of ‘grey belt’ but believe the separate planning unit performs an important Green Belt purpose under Paragraph 143(c) — specifically, safeguarding the countryside from encroachment

Officer response: As outlined in section 3 of this report, Officers have undertaken a detailed assessment of whether the site is considered to be grey belt and in turn whether the proposal is appropriate development in the green belt. The history of the site, including the outcome of previous applications and appeals has also been taken into account during this assessment.

- Harm to openness and character of the Green Belt
  - A permanent loss of openness, through the introduction of substantial built form where none currently exists;
  - Visual harm when viewed from Heator Lane, Rowgate, Carr Lane, Birk House Lane, Barnsley Road (across the Lower Jane Well Local Wildlife Site), and multiple surrounding public rights of way, given the site's prominent and elevated position.
  - Site is adjacent to open fields so visible from all angles. The adjacent bungalow which is sunk into the landscape so it not prominent
  - The pattern of development along Heator Lane supports only sporadic, low-density dwellings, typically cottages. Allowing four dwellings on this site would represent an urbanising intensification wholly out of character with the established settlement pattern
  - Planning permission for a single dwelling (approved under application 2023/90282) on the adjoining eastern parcel was carefully limited in scale and footprint to align with local character
  - Refusal to allow the applicant’s 2021 PIP for two dwellings
  - The scale, massing, and urbanisation effects arising from the proposal would be fundamentally at odds with the essential characteristics of the Green Belt - its openness and permanence - in clear conflict with NPPF 2024 Paragraphs 152, 155, and 157.

Officer response: As outlined in section 3 of this report, Officers have undertaken a detailed assessment of whether the development of this site is acceptable in the green belt policy terms. As officers concluded the site is grey belt land, a consideration of the impact on openness is not a requirement at this stage. The impact on visual amenity will however need to be fully assessed at the Technical Details Stage.

- Different planning status for eastern and western parcels of the site
  - The eastern parcel, which fronts onto the road, historically benefitted from limited lawful use for the storage of building materials

    - In 2023, planning permission (application 2023/90282) was granted for a single dwelling on the eastern parcel, replacing the previous lawful storage use. That permission does not extend to or authorise any development on the western parcel.
    - By contrast, the western parcel has no lawful use. It has never benefitted from a certificate of lawful use and has historically been the subject of enforcement action requiring complete cessation of storage activities
    - In the 2023 application (2023/90282), Emery Planning, on behalf of the applicant, explicitly acknowledged that:
        - The western parcel does not benefit from lawful storage rights;
        - The enforcement notice against the western parcel remains in effect;
        - The western parcel would not form part of the residential curtilage of the new house on the eastern parcel;
        - A landscaping scheme was proposed for the western parcel specifically because it could not lawfully be developed.
    - The eastern parcel may be considered 'grey belt' but the western parcel cannot be
- The applicant received approval in 2023 (application 2023/90282) for a single dwelling on the eastern parcel of the site (nearest the road). That permission has not been implemented.
- While the council previously approved a single dwelling on the eastern parcel (2023/90282/E), this cannot be interpreted as a precedent to extend development into the western parcel, which is a distinctly different site context, scale, and relationship to the village.

Officer response: As outlined in section 3 of this report, Officers have undertaken a detailed assessment of whether the site is considered to be grey belt and therefore not inappropriate development in the Green Belt. The history of the site, including the differences between the eastern and western parcels and the outcome of previous applications and appeals has been taken into account during this assessment.

- Queries historic land use
    - The submitted information claims there was a mill complex across the site however this was confined to the eastern parcel
    - The submitted information claims a reservoir existed covering the whole site however the western parcel had no mill buildings
    - The mills and reservoir were removed in 1922 returning the site to open fields
    - The submitted information implies continuous historic industrial use across the whole site but the western parcel only hosted a reservoir, no industrial structures

Officer response: As outlined in section 3 of this report, officers have considered the relevant planning history during the assessment of this application. Officers have concluded that the western part of the site would not constitute previously developed land.

- They note applicant's reference to several planning approvals however:
    - 2024/62/93130/E (1 dwelling) and 2023/62/93185/E (2 dwellings) relate to developments within existing residential curtilages, outside the Green Belt, and are not comparable to the application site.
    - 2018/62/92165/E (4 dwellings) was refused, contrary to the applicant's presentation.

Officer response: As outlined in section 3 of this report, officers have considered the relevant planning history during the assessment of this application.

Highways

- traffic issues (narrowest point in the village)
- dangerous access onto the main road
- proximity to the bus stop and safety issues for children crossing to reach Skelmanthorpe Academy

Officer response: An assessment of the impact on highway safety will be undertaken at Technical Details Stage.

Sustainable Location

- Development is not in a sustainable location
    - village of Upper Cumberworth has very limited local facilities with no shops, GP surgeries or pharmacies
    - nearest train station is 1.6miles away on long sections of A-road with limited service
    - infrequent bus services and takes 52mins to Huddersfield Town Centre
    - 'Star Inn' is further away than the applicant describes – 480m
    - No safe walking routes or street lighting along Carr Lane or Birk House Lane
    - Frequent accidents at the Sovereign crossroads
    - Development is heavily reliant on car use
    - Fails to comply with p.155(c) of the NPPF.
- The location is not a thriving or self-sustaining village community, as suggested by the applicant, but a small settlement with limited day-to-day facilities and in-frequent bus and train services.
- The applicant's comparison to the Surrey appeals is not directly comparable to this site, which is not within the village core, but physically and functionally at the edge, with development extending into currently open countryside

Officer response: As outlined in the section 3 of this report, officers have undertaken an assessment of whether the development is in a sustainable location, taking into consideration the local facilities and transport links. In this instance the development is considered to be in a sustainable location in accordance with paragraph 155(c) of the NPPF.

Ecology

- The site borders Lower Jane Well, a Local Wildlife Site (LWS) designated for priority MG5 (species-rich neutral grassland) and U4 (acid grassland). It lies

within the Kirklees Bat Alert Zone and serves as an important wildlife corridor across the Green Belt.

- Claims that the site is of 'low ecological value' are based on its previously unlawfully degraded state and do not reflect its current function as a habitat buffer and contributor to local biodiversity.
- If these new homes were to be approved and occupied, the resulting noise, light pollution, human activity, and associated vehicle traffic would severely disrupt and fragment these important wildlife habitats.

Officer response: As outlined in section 1 of this report, the Councils Ecologist has confirmed there are unlikely to be any issues with sites designated under the Habitat Regulations. A full assessment of the impact on ecology and biodiversity will be undertaken at Technical Details Stage.

Other Matters

- Photograph of the site is misleading, much more landscaping and planting along the boundary since

Officer response: Officers have undertaken a site visit and are aware of the current site context.

- Enforcement action
    - 2022 breach of enforcement notice then an appeal against a noise abatement notice was dismissed after the site was found to constitute a statutory nuisance. These events confirm that the recent degradation of the site was due to unlawful industrial and commercial use, not long-standing lawful activity.

Officer response: As outlined in section 3 of this report, officers have considered the relevant planning history during the assessment of this application.

6. Conclusion

The permission in principle 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 from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of this Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

This application is considered to comply with paragraph 155 of the NPPF and would therefore not constitute inappropriate development in the Green Belt. The density of development is considered appropriate for the wider setting of the site. Given such, this permission in principle application has been assessed against relevant policies in the

development plan and other material considerations. It is considered that the permission in principle would constitute sustainable development and is therefore recommended for approval.

Recommendation: **Approval of Permission in Principle**

Application: 2025/90919 Land off, Heator Lane & Rowgate, Upper Cumberworth, Huddersfield, HD8 8XJ

Proposal: Permission in principle for the erection of up to four dwellings.

Kirklees Council hereby give notice that **PERMISSION IN PRINCIPLE HAS BEEN GRANTED** for the carrying out of the above development in accordance with the application plans and documents submitted or as may otherwise be amended following written approval by the Local Planning Authority. The Permission in Principle Approved is for the erection of a maximum of four dwellings.

Note: You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

Plans and Specifications Table:

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	2260-G&T-Z0-00-DR-A-1000		14/04/25
Planning Statement	19-512	Stage 1	14/04/25
Re: Stage 1 (Rebuttal Statement)	19-512		08/05/25

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 Planning Authority has, 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.

An additional document was provided by the agent in response to an objection received as well as an email detailing a recent appeal case. Both these have been taken into consideration, alongside all other submitted information, during the assessment of the application.

EP3

NOTES:
Copyright in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect
and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tillotson.

DO NOT SCALE OFF THIS DRAWING.
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

ALL LEVELS TO BE CHECKED ON SITE.
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

All relevant boundary positions are to be checked prior to proceeding.



Rev	Revision	Inl.	Date
A	Updated for PIP App.	RPW	27.07.25

Client:

Mr C. Hitchens

Project:

Proposed New Build Detached Dwelling

Location:

Land at Heator Lane / Rowgate
Upper Cumberworth
Huddersfield

Good & Tillotson Chartered Architects

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Drawing Title:

Site Location Plan





G&T Job No:	Scale:	Drawn:	Checked:	Date:
2260	1:1250@A4			31.01.23

Drawing Purpose: Status: Revision:

Record

BIM Project: Origin: Zone: Level: Type: Role: Dwg No:

2260-G&T-Z0-00-DR-A-1000

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