

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

Governance and Commissioning

PO Box 1720

Huddersfield

HD1 9EL

**Tel:** 01484 221000

Please ask for: Andrea Woodside

Email: [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk)

Wednesday 8 March 2023

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Heavy Woollen Area)**

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 16 March 2023**.

(A coach will depart the Town Hall, at 10.15am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Dewsbury Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Planning Sub-Committee (Heavy Woollen Area) members are:-**

### **Member**

Councillor Gwen Lowe (Chair)  
Councillor Ammar Anwar  
Councillor Nosheen Dad  
Councillor Adam Gregg  
Councillor Steve Hall  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Aleks Lukic  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Jackie Ramsay  
Councillor Joshua Sheard  
Councillor Melanie Stephen

When a Member of the Planning Sub-Committee (Heavy Woollen Area) cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Hall  
V Lees-Hamilton  
R Smith  
M Thompson  
J Taylor

#### **Green**

K Allison  
S Lee-Richards

#### **Independent**

C Greaves

#### **Labour**

M Kaushik  
M Sokhal  
E Firth  
T Hawkins

#### **Liberal Democrat**

A Munro  
PA Davies  
A Marchington

# Agenda

## Reports or Explanatory Notes Attached

---

Pages

**1: Membership of the Sub-Committee**

To receive any apologies for absence, or details of substitutions to Sub-Committee membership.

---

**2: Minutes of Previous Meeting**

1 - 4

To approve the Minutes of the meeting of the Sub-Committee held on 9 February 2023.

---

**3: Declaration of Interests and Lobbying**

5 - 6

Sub-Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

---

**4: Admission of the Public**

Most agenda items will be considered in public session, however, it shall be advised whether the Sub-Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

---

**5: Deputations/Petitions**

The Sub-Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

---

## **6: Public Question Time**

To receive any public questions.

In accordance with Council Procedure Rule 11(5), the period for the asking and answering of public questions shall not exceed 15 minutes.

---

## **7: Site Visit - Application No: 2022/90175**

Erection of 4 stables/tackroom and equestrian use of land at land north of, Stocks Moor Road, Stocksmoor, Huddersfield.

Ward affected: Kirkburton

Contact: Alice Downham, Planning Services

(Estimated time of arrival at site – 10.45am)

---

## **8: Site Visit - Application No: 2022/90804**

Erection of dwelling, formation of access and other associated operations at Bell Cabin, Long Lane, Earlsheaton.

Ward affected: Dewsbury East

Contact: Callum Harrison, Planning Services

(Estimated time of arrival at site – 11.20am)

---

## **Planning Applications**

7 - 8

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 13 March 2023.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (Extension 74993)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

- 9: Planning Application - Application No: 2022/90175** 9 - 26
- Erection of 4 stables/tackroom and equestrian use of land at land north of, Stocks Moor Road, Stocksmoor, Huddersfield.
- Ward affected: Kirkburton
- Contact: Alice Downham, Planning Services
- 
- 10: Planning Application - Application No: 2022/90804** 27 - 44
- Erection of dwelling, formation of access and other associated operations at Bell Cabin, Long Lane, Earlsheaton.
- Ward affected: Dewsbury East
- Contact: Callum Harrison, Planning Services
- 
- 11: Planning Application - Application No: 2022/91911** 45 - 80
- Erection of residential development consisting of 48 dwellings with associated highways and landscaping at land at Cliff Hill, Denby Dale.
- Ward affected: Denby Dale
- Contact: Richard Gilbert, Planning Services
- 
- 12: Planning Application - Application No: 2023/90203** 81 - 88
- Erection of two storey rear extension at Salt Pie Farm, Penistone Road, Birds Edge, Huddersfield.
- Ward affected: Denby Dale
- Contact: Jennie Booth, Planning Services
- 

### **Planning Update**

The update report on applications under consideration will be added to the web agenda prior to the meeting.

This page is intentionally left blank

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

Thursday 9th February 2023

Present: Councillor Steve Hall (Chair)  
Councillor Adam Gregg  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Aleks Lukic  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Jackie Ramsay

Apologies: Councillor Gwen Lowe (Chair)  
Councillor Ammar Anwar  
Councillor Nosheen Dad  
Councillor Joshua Sheard  
Councillor Melanie Stephen

#### 1 **Appointment of Chair**

Apologies for absence were received on behalf of Councillor Lowe.

**RESOLVED** – That Councillor S Hall be appointed to Chair this meeting of the Sub-Committee in the absence of Councillor Lowe.

#### 2 **Membership of the Sub-Committee**

Apologies for absence were received from Councillors Ammar, Dad, Lowe, Sheard and Stephen.

#### 3 **Minutes of Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 15 December 2022 be approved as a correct record.

#### 4 **Declaration of Interests and Lobbying**

Councillors S Hall, Lawson and A Pinnock advised that they had been lobbied on Agenda Item 9 (Application to divert public footpath).

#### 5 **Admission of the Public**

It was noted that all agenda items would be considered in public session.

#### 6 **Deputations/Petitions**

No deputations or petitions were received.

#### 7 **Public Question Time**

No questions were asked.

## Planning Sub-Committee (Heavy Woollen Area) - 9 February 2023

**8 Site Visit - Application No: 2022/90928**

Site visit undertaken.

**9 Site Visit - Application No: 2022/92911**

Site visit undertaken.

**10 Application for an order to divert public footpath Spenborough 24 (part) and 42 (part) at Whitechapel Road, Cleckheaton. Town & Country Planning Act 1990, Section 257**

The Sub-Committee gave consideration to an application to divert public footpath Spenborough 24 (part) and 42 (part) at Whitechapel Road, Cleckheaton under the Town and Country Planning Act 1990, Section 257.

Paragraphs 2.6 to 2.8 of the report set out options for consideration and a recommendation that authorisation be given to make and seek confirmation of an Order under the Town and Country Planning Act 1990, Section 257.

Under the provisions of Council Procedure Rule 37 the Sub-Committee received representations from Stephen Hill (Open Spaces Society) and Paul Butler (on behalf of the applicant).

**RESOLVED** – That approval be given to Option 3, as set out at para. 2.8, and that authority be delegated to the Service Director (Legal, Governance and Commissioning) to make and seek confirmation of an Order under Section 257 of the Town and Country Planning Act 1990 to divert public footpath Spenborough 24 (part) and 42 (part) at Whitechapel Road, Cleckheaton.

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows;

For: Councillors S Hall, Lukic, Loonat, Pervaiz and Ramsay (5 votes)

Against: (no votes)

Abstained: Councillors Gregg, Lawson and A Pinnock

**11 Planning Application - Application No: 2022/90928**

The Sub-Committee gave consideration to Application 2022/90928 – Erection of two detached dwellings and detached garage adjacent to The Willows, Hallas Road, Kirkburton.

Under the provisions of Council Procedure Rule 37 the Sub-Committee received a representation from John Robinson (applicant's agent).

**RESOLVED** – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Time to implement
- In accordance with plans
- Construction materials to be natural coursed stone and stone slates
- Samples of materials to be submitted



## Planning Sub-Committee (Heavy Woollen Area) - 9 February 2023

- Removal of permitted development rights for Classes A-E
- Details of proposed boundary treatments, including retaining features (pre-commencement)
- Construction site working times
- Footway to be provided (pre-commencement)
- Turning facilities to be provided
- Submission of a Phase 1 Preliminary Risk Assessment Report (pre-commencement)
- Submission of a Phase 2 Intrusive Site Investigation Report (pre-commencement)
- Submission of a Remediation Strategy (pre-commencement)
- Implementation of the Remediation Strategy
- Submission of a Validation Report
- Electric vehicle charging points
- Plan providing full details of existing and proposed land levels relating to identifiable datum (pre-commencement)

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows;

For: Councillors Gregg, S Hall, Lawson, Lukic, Loonat, Pervaiz, A Pinnock and Ramsay (8 votes)

Against: (no votes)

### 12 **Planning Application - Application No: 2022/92368**

Application withdrawn.

### 13 **Planning Application - Application No: 2022/92911**

The Sub-Committee gave consideration to Application 2022/92911 – Change of use of vacant land to domestic garden at 39 Carr Side Crescent, Batley.

**RESOLVED** – That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- Commencement of development within three years
- Development to be in accordance with approved plans
- Removal of permitted development rights for any new outbuildings/structures (in the interest of visual amenity)
- Submission (and approval) of details of the 1.8m boundary fence (in the interest of visual amenity and users of the adjacent PROW)

A recorded vote was taken in accordance with Council Procedure Rule 42(5) as follows;

For: Councillors S Hall, Lawson, Lukic, Loonat, Pervaiz, A Pinnock and Ramsay (7 votes)

Against: Councillor Gregg (1 vote)

This page is intentionally left blank

**KIRKLEES COUNCIL**  
**DECLARATION OF INTERESTS AND LOBBYING**  
Planning Sub-Committee/Strategic Planning Committee

Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

**LOBBYING**

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: ..... Dated: .....

## **NOTES**

### **Disclosable Pecuniary Interests**

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Lobbying**

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

**In respect of the consideration of all the planning applications on this Agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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.

## **REPRESENTATIONS**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

**Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.**

---

## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 16-Mar-2023

**Subject: Planning Application 2022/90175 Erection of 4 stables/tackroom and equestrian use of land north of, Stocks Moor Road, Stocksmoor, Huddersfield, HD4 6XL**

#### APPLICANT

R Winn

#### DATE VALID

20-Jan-2022

#### TARGET DATE

17-Mar-2022

#### EXTENSION EXPIRY DATE

14-Feb-2023

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

---

**Electoral wards affected: Kirkburton**

**Ward Councillors consulted: No**

**Public or private: Public**

---

**RECOMMENDATION: APPROVE**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 This application was deferred at the Heavy Woollen Planning Sub-Committee meeting on 27<sup>th</sup> October 2022 to allow officers to:
- (i) carry out further investigation of the highway safety aspects of the application; in particular the access arrangements for vehicles, including those using trailers or similar, and the issues associated with the parking of vehicles on the adopted highway,
  - (ii) provide clarity on suggested conditions in relation to the use of materials, the process for when the site becomes redundant, the use of the area in blue on the location plan for the use of grazing of horses and personal use of the permission,
  - (iii) Outline the risks of any suggested conditions.
- 1.2 This application was brought to Heavy Woollen Sub Committee due to a significant volume of local opinion (42 representations) and at the request of Councillor Bill Armer. Cllr Armer's reasons are as follows:
- 1.3 *"1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.*
- 2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.*
- 3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.*
- 4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.*



- 5). *There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.*
- 6(a) *the provision of hardstanding for a dungheap is an unnecessarily over-engineered approach which introduces a permanent feature into the Green Belt, and that this use does not require a hard base;*
- ...6(b) *that the proposed location for the dungheap is very close to the road and associated pavement*  
*and is in such a position as to cause a nuisance (by smell) to passers-by*
- 7). *The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal... is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.*
- 8). *There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.*
- 9). *Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt."*

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a parcel of land to the north of Stocks Moor Road, Stocksmoor, Huddersfield. The site is bounded on two sides by dry stone walls, with an existing vehicle access. The land falls gently to the north. The site is located within the Green Belt and appears to currently be in agricultural use.

## **3.0 PROPOSAL:**

- 3.1 The application seeks permission for the erection of 4 stables/tackroom and equestrian use of land. The stables and tack room would each measure 3.65m x 3.65m and would be arranged in an 'L' shape. The stables would have timber walls. The overall height would be 3.8m. There would be hardstanding to the front and side for access, parking and turning, and waste storage.

## **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 2021/92506 - Erection of 6 stables, tackroom and equestrian use of land. Refused.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 Following comments from third parties and the ward councillor, officers asked the agent to provide details of waste storage and disposal, which were submitted and re-advertised. Officers asked the agent to clarify the situation regarding land ownership. The agent confirmed that they were satisfied that the correct red and blue outlines and ownership forms have been submitted with the application. Amended plans were also submitted following KC Highways comments, which officers consider acceptable.
- 5.2 The application was previously brought to the Planning Sub-Committee on 27<sup>th</sup> October 2022, where it was deferred for highway safety investigations, and to provide clarity on and outline the risks of suggested conditions. Subsequently, amended plans were received demonstrating a minimum 4.5m wide access. The proposed stable block has been moved to the western corner of the site, with hardstanding for waste moved to the northern corner, the gate shown opening 180°, and native screen planting removed. Additional plans have also been received demonstrating swept paths. The construction material has been amended to timber only. The amended plans were re-advertised.

## **6.0 PLANNING POLICY:**

- 6.1 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 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019):

- 6.2
- LP 1** – Achieving sustainable development
  - LP 2** – Place shaping
  - LP 21** – Highways and access
  - LP 22** – Parking
  - LP 24** – Design
  - LP 30** – Biodiversity & geodiversity
  - LP 51** – Protection and improvement of air quality
  - LP 52** – Protection and improvement of environmental quality
  - LP 56** – Facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt

### Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council has adopted Supplementary Planning Documents (SPDs) for guidance on house building, house extensions, and open space, to be used alongside existing, previously adopted SPDs. These carry full weight in decision making and are now being considered in the assessment of planning applications. The SPDs indicate 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 and the National Planning Policy Framework. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development.

6.4 In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4<sup>th</sup> November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29<sup>th</sup> June 2021)

National Planning Guidance:

- 6.5 **Chapter 2** – Achieving sustainable development  
**Chapter 9** – Promoting sustainable transport  
**Chapter 12** – Achieving well-designed places  
**Chapter 13** – Protecting Green Belt land  
**Chapter 14** – Meeting the challenge of climate change, flooding and coastal change  
**Chapter 15** – Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

7.2 The application was advertised by neighbour letters giving until 9<sup>th</sup> March 2022 to comment on the initial plans. As a result of the above publicity, 27 representations have been received from 21 addresses. These have been published online. The material considerations raised are summarised as follows:

- Harm to character of the area.
- Design and siting of stable block.
- Noise.
- Odour.
- Highway safety/parking.
- Ecology.
- Impact on Green Belt.
- Waste storage and disposal.

7.3 Amended plans were advertised by neighbour letters giving until 5<sup>th</sup> April 2022 to comment. 7 further representations were received (6 from the same addresses as the initial publicity and 1 from an additional address); however, no new material considerations were raised. These representations have also been published online.

7.4 A final round of amended plans publicity (via neighbour letters) gave until 30<sup>th</sup> January 2023 for comments. 8 further representations were received (7 from the same addresses as the initial publicity and 1 from an additional address). These have been published online. The material considerations raised are summarised as follows:

- Boundary treatments

7.5 Other matters raised in the representations are not material planning considerations and as such will not be discussed further.

7.6 Cllr Bill Armer has also submitted an objection to the application, which is as follows:

*“1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.*

*2). The Planning Support Statement, at S2 para 4 on page 2, claims that “The stables have been designed to British Horse Society [BHS] standards”. According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.*

*3). The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.*

*4). The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.*

*5). There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.*

*6). The application does not indicate how waste generated by the horses will be stored and/or disposed of. There is a clear potential for nuisance to be caused to neighbours and passers by.*

*7). The Agent’s Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that “The proposal... is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only.” Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states “The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private.” It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.*

*8). There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.*

*9). Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt.”*

7.7 Kirkburton Parish Council were consulted; however, no response was received.

- 7.8 Although no response from Kirkburton Parish Council was received, Parish Cllr Barraclough and Parish Cllr Cooper of Kirkburton Parish Council submitted a joint objection to the application, which is as follows:

*“The proposed entrance is on a bend on a derestricted road. The existing gate that is proposed as the new entrance is not in regular use probably because it is not a safe or suitable access.*

*The roads around Farnley Tyas are frequently used by slow moving farm vehicles, Horse boxes and horses. I have seen first-hand conflicts between road users on these rural roads. To add into this already precarious traffic situation, an entrance to a development used by horses and horse boxes on a dangerous bend seems strange to say the least. Entrances to other stables nearby are on straight roads with good sight lines ensuring drivers can see well in advance any potential conflict with houses.*

*Can we ask Kirklees Highways to look again at the issues here taking into account the very particular issues associated with rural roads around Farnley Tyas.”*

- 7.9 Following the sub-committee meeting on 27<sup>th</sup> October 2022 and subsequent submission of amended plans, Parish Cllr Cooper (of Kirkburton Parish Council) submitted a further objection:

*“They have addressed the potential hazard of reversing out into the road by saying they can turn onsite. However if you look at said change this turning both includes the footpath which they have now put in the red boundary ( which doesn't belong to them it is a pavement). AND incorporates the dung heap for parking and turning. Quite how this will be achieved if the dung for 4 horses is actually stored there is anyone's guess.*

*Also this so called turning area incorporates the yard area and as stated is for a large car when in reality this area needs to allow tractors and trailers to enter and exit to remove waste & deliver feed. Also one would assume that a equestrian facility of this size would need Horse boxes to entry and leave?. So a large car doesn't quite cut it?.*

*As I have stated before if I and the rest of the village believed this to be a true application we would have no problems. Having spoken to most of the farmers in the area they know & have nothing good to say about this application. The application states that a local farmer has said he would remove horse waste, I have personally spoken to all but 1 farmer in the area who say they have given no such word ?!.”*

- 7.10 Parish Cllr Barraclough of Kirkburton Parish Council also submitted a further objection:

*“My opinion is that the overriding material consideration is highways - access and visibility.*

*All vehicles should be able to enter forward and exit forward (this should be a condition of any highways access ) and the planning officer should be quite certain that this can be achieved.*

*The road that serves this application is narrow, has poor sight lines both ways due to curves and has a 60mph speed limit which some drivers try to achieve.*

*Speaking from experience, driving this road both by motor vehicle and agric tractor and trailer/equipment I know that this location can be quite dangerous for the reasons noted above.”*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

None.

### **8.2 Non-statutory:**

KC Highways Development Management – no objections subject to condition.

KC Environmental Health – no objections.

## **9.0 MAIN ISSUES**

- Principle of development (including impact on Green Belt and visual amenity)
- Impact on residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

Principle of development (including impact on Green Belt and visual amenity)

*Sustainable development*

10.1 Policy LP1 of the Kirklees Local Plan (KLP) and paragraph 11 of the National Planning Policy Framework (NPPF) outline a presumption in favour of sustainable development. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

10.2 Paragraph 8 of the NPPF identifies the objectives of sustainable development as economic, social, and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout.

*Impact on the Green Belt*

10.3 The site is within the designated Green Belt on the KLP. Therefore, the impact of the development on the Green Belt needs to be assessed.

- 10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in “very special circumstances”. Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to ‘inappropriate development’.
- 10.5 The proposal is for the erection of stables and tackroom and change of use of the land to private equestrian use. As such, Policy LP56 of the KLP is relevant, which state that proposals for appropriate facilities associated with outdoor recreation will normally be acceptable in the Green Belt as long as they preserve openness and do not conflict with the purposes of including land within the Green Belt. This is consistent with the NPPF.
- 10.6 Policy LP56 continues: *“Proposals should ensure that;*
- a. the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated;*
  - b. the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;”*
- 10.7 The text supporting Policy LP56 notes that: *“As a consequence of changes to agricultural practices and a decline in agriculture generally, the fragmentation of former agricultural holdings often results in individual land parcels being used for the keeping and grazing of horses, where a need for new stabling, including associated buildings for the storage of feed and tack, can arise. Usually the proposal will be for ready-made stables and these are generally acceptable where they are of timber construction and can be appropriately and unobtrusively sited. The use of more permanent materials should be resisted as this can result in a proliferation of permanent structures to the detriment of the open character of the landscape should the use as a stable cease. Stables should where possible be sited where access already exists, as the impact of any new access will be taken into account in assessing impact”*

*Whether the proposal is inappropriate development in the Green Belt*

- 10.8 Each stable (and the tackroom) would measure 3.65m x 3.65m (12ft x 12ft) internally, which is in line with British horse society recommendations for minimum stable sizes for horses (<https://www.bhs.org.uk/horse-care-and-welfare/health-care-management/stable-safety/>). The total footprint of the stable block would be approximately 74.6sqm.
- 10.9 The agent has confirmed that the stables are to be used solely for private use, and not for commercial purposes. It is recommended to include this as a condition, should members be minded to approve the application. The recommended condition restricting the stables to personal use (not for commercial purposes) would run with the land and would not be a "personal" permission. The Government’s Planning Practice Guidance states that “it is rarely appropriate” to use conditions to limit the benefits of the planning permission to a particular person or group of people [Paragraph: 015 Reference ID: 21a-015-20140306]. The recommended condition would ensure that the site is used for private use only. With the inclusion of this condition, officers are satisfied that the proposed stables would be “no more than is reasonably required”.

- 10.10 As noted in the submitted Planning Support Statement, the area within the blue line boundary measures approximately 23 acres. The British Horse Society recommends a ratio of 1-1.5 acres per horse for permanent grazing. The available land would be more than sufficient for permanent grazing for up to four horses.
- 10.11 At the previous committee meeting on 27<sup>th</sup> October 2022, members asked officers to provide clarity on and outline the risks of a condition ensuring the use of the land outlined in blue on the location plan being available for use for grazing of horses. The suggested condition would not meet the “six tests” in terms of being relevant to the development to be permitted as it would relate to land outside the red line boundary. Officers note that conditions relating to land outside the red line boundary are not valid unless they are Grampian conditions or form part of a S106 agreement.
- 10.12 The proposed stable block would be of an acceptable appearance, having an L-shaped layout. It would be set back from Stocks Moor Road and would be separated by the existing boundary wall. It is considered to be unobtrusively positioned as the western elevation would be adjacent to the existing dry-stone wall. Furthermore, there is a slight elevation change. Amended plans have been received demonstrating that the stables would be constructed of timber with a felt roof and canopy. The materials are considered acceptable for a stable in the Green Belt. It is recommended to include a condition to secure these materials, should members be minded to approve.
- 10.13 The design is typical of stables found in rural areas. Although there are no similar stables in the immediate vicinity, it would be in keeping with developments expected in a rural area.
- 10.14 The proposed stable would use the existing access from Stocks Moor Road. The submitted plans indicate the inclusion of a yard area to the western side of the proposed stable block, which would be surfaced in limestone chippings. It is acknowledged that this would have some impact on openness; however, it is considered reasonably required for the proper functioning of the enterprise. Furthermore, it is considered not to result in a prominent urban element due to its less permanent construction and appearance. The first 5.0m from the back of footway into the site would be surfaced in grasscrete. This is considered an acceptable surfacing material for the Green Belt, having a less urban appearance than tarmac.
- 10.15 No boundary treatments are proposed for the north-western and north-eastern site boundaries. Should members be minded to approve, it is recommended to include a condition requiring details of a post-and-rail fence (with gate for access) to be provided prior to development commencing. This is to prevent further encroachment into the Green Belt.
- 10.16 In this case, the principle of development is considered acceptable, and the proposal would constitute appropriate development in the Green Belt, in accordance with the aims of Policies LP24 and LP56 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework. The proposal shall now be assessed against all other material planning considerations, which will be addressed below.



### Residential Amenity

- 10.17 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account Policy LP24 (b), which sets out that proposals should promote good design by, amongst other things, providing a high standard of amenity for future and neighbouring occupiers.
- 10.18 In this case, the nearest residential properties to the application site are approximately 145m to the east (Whitestones Barn, Stocks Moor Road) and approximately 185m to the west (2 Ing Head Lane). Given the distance to these neighbouring properties, officers consider that there would be no detrimental impact on residential amenity.
- 10.19 As mentioned previously, the agent has confirmed that the stables are to be used solely for private use, and not for commercial purposes. This is recommended to be controlled by condition, should members be minded to approve the application.
- 10.20 With respect to waste management, an area of hardstanding has been included to ensure safe transfer of horse waste from the stables by wheelbarrow. In terms of waste disposal, an informal arrangement has been made with local farmers. KC Environmental Health were consulted and consider there are no significant environmental health impacts related to this development, including noise and odour, and have no objections. However, it is recommended that details of a waste management strategy are conditioned, should members be minded to approve the application.
- 10.21 After assessing the above factors, officers consider that this proposal would not result in any significant adverse impact upon the residential amenity of any inhabitants, future occupants, or neighbours, thereby complying with Policies LP24 and LP52 of the Kirklees Local Plan, and Paragraph 130 (f) of the National Planning Policy Framework.

### Highway issues

- 10.22 KC Highways Development Management (HDM) were consulted and requested that nothing should be erected or planted within 2.0m from the carriageway edge of Stocksmoor Road in excess of 1.0m high to ensure suitable visibility is maintained. It is recommended that this is secured by condition, should members be minded to approve the application. Furthermore, following HDM comments an amended plan was received showing grasscrete surfacing for the first 5.0m from the back of footway into the site in order to stop any limestone chippings dragging on the footway/highway from within the site. The plans previously showed tarmac; however, officers considered that grasscrete would be less impactful on the Green Belt.
- 10.23 Following the sub-committee meeting on 27<sup>th</sup> October 2022, amended plans were received demonstrating a minimum 4.5m wide access to improve vehicle access. The proposed stable block has been moved to the western corner of the site, with hardstanding for waste moved to the northern corner, the gate shown opening 180°, and native screen planting removed, to create additional space within the site for vehicle movements. Additional plans have also been received demonstrating swept paths for a large car with parking for two

vehicles in front of the proposed stables. Swept paths for a vehicle with trailer have also been received; these show that vehicles with trailers would have to reverse into/out of the site.

- 10.24 KC HDM were re-consulted. Their response acknowledges that internal turning is only suitable for single vehicles (i.e. no trailers). However, the overall proposals are considered acceptable from a highways perspective.
- 10.25 Therefore, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 and LP22 of the KLP, the guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the NPPF.

#### Other Matters

- 10.26 Ecology – The site is partly located within a bat alert layer. The site is approximately 200m from woodland and the nearest watercourse. There are no trees within the site. It is considered that the site is unlikely to have any significant bat roost potential. Should members be minded to approve the application, it is recommended that an informative footnote be added to the decision notice to provide the applicant with advice should bats or evidence of bats be found during construction. This accords with the aims of Policy LP30 of the Kirklees Local Plan, Key Design Principle 12 of the Council's House Extensions and Alterations SPD, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.
- 10.27 Future residential development – Concerns have been raised relating to the application setting a 'precedent' for future residential development. Any future residential development would require a separate planning application and would be considered on its own merits against the relevant policy considerations.
- 10.28 Redundancy of site – At the previous committee meeting on 27th October 2022, members asked officers to suggest conditions in relation to the process for when the site becomes redundant. A condition could be added requiring the stables to be removed within 6 months if the structure ceases to be used for equestrian purposes for a continuous period in excess of 6 months. However, the proposed development is considered not to be inappropriate development within the Green Belt for reasons outlined previously in the report. Officers also consider that the proposal would have an acceptable impact on the character of the area, neighbouring residential properties, and all other material considerations. Therefore, the proposal complies with Policy LP56 of the Kirklees Local Plan, which seeks to support facilities for outdoor sport and recreation in the Green Belt. Furthermore, officers consider that, if the building were vacant for a short period of time, this would not necessarily indicate cessation of the equestrian use. Moreover, if it were to be used for any other use, planning permission would be required. Therefore, it is the view of officers that the condition is both unnecessary and unreasonable, and would not meet the "six tests" in this instance.

## Representations

10.29 Following the initial round of publicity, 27 representations were received from 21 addresses. The material considerations raised are summarised as follows:

- Harm to character of the area.
- Design and siting of stable block.
- Noise.
- Odour.
- Highway safety/parking.
- Ecology.
- Impact on Green Belt.
- Waste storage and disposal.

**Officer comment:** The above material considerations have been addressed within the report.

10.30 Following the first amended plans publicity period, 7 further representations were received (6 from the same addresses as the initial publicity and 1 from an additional address); however, no new material considerations were raised.

10.31 Following the final round of amended plans publicity, 8 further representations were received (7 from the same addresses as the initial publicity and 1 from an additional address). The material considerations raised are summarised as follows:

- Boundary treatments

**Officer comment:** The above material consideration has been addressed within the report.

10.32 Cllr Bill Armer has also submitted an objection to the application. The objection is set out below with officers' responses:

*1). The documentation is inaccurate and misleading. The application form at S.17 claims that 82.4sqm of new internal floor space is to be created, whilst the submitted plans show an internal floor space of some 130sqm. This is a very significance discrepancy.*

**Officer comment:** The proposed internal floor space would be approximately 66.6sqm, as per submitted plan ref: 102-67-04G.

*2). The Planning Support Statement, at S2 para 4 on page 2, claims that "The stables have been designed to British Horse Society [BHS] standards". According to the submitted plans, each stall is shown with an internal space of 5m X 5m. The website of the BHS recommends 3.65m X 3.65m. Thus the BHS recommendation is for 13.3sqm per horse, the proposal for 25sqm. This represents an overdevelopment of the site.*

**Officer comment:** Submitted plan ref: 102-67-04G shows each stable and the tack room as measuring 3.65m x 3.65m, as per British Horse Society Standards. This is discussed further in paragraph 10.8 of this report.

3). *The chosen materials (breeze blocks on substantial foundations) mark a significant departure from the standard wooden construction of stables on Green Belt land. They would not be easily removed should stables be no longer required.*

**Officer comment:** The construction materials have been amended to timber only. This is discussed further in paragraph 10.12 of this report.

4). *The application form at S9 is clear that there will be no onsite parking provision. The only possible inference to be drawn is that vehicles will be parked in Stocksmoor Road, which is narrow and subject to the National Speed Limit of 60mph. Parked vehicles here are a potential hazard to other road users.*

5). *There is no indication that Highways have been consulted about this application. Given the lack of onsite parking there is a need for Highways commentary.*

**Officer comment:** With reference to points 4 & 5, KC HDM were consulted and have no objection to the proposal (subject to condition). This is discussed further in paragraphs 10.22 - 10.25 of this report.

6). *The application does not indicate how waste generated by the horses will be stored and/or disposed of. There is a clear potential for nuisance to be caused to neighbours and passers by.*

**Officer comment:** Waste storage and disposal is a material planning consideration which has been assessed in paragraph 10.20 of this report.

7). *The Agent's Covering Letter of 18th January 2022, at the first para (iii) (there are two with the same number) on page 2 states that "The proposal... is for the use of the applicant. The applicant is willing to agree to a condition restricting to (sic) the use to private use only." Meanwhile, the Planning Support Statement at S2 para 2 on page 2 states "The proposal is for private use only (the applicant is happy to accept a condition restricting the use as private." It appears that this latter statement is intended to say that Mr Winn, who has no history of owning or riding horses, is to be the principal user. It does not actually say this, therefore further clarification is required.*

**Officer comment:** As mentioned in paragraph 10.9, the recommended condition restricting the stables to private use (not for commercial purposes) would run with the land and would not be a "personal" permission.

8). *There is a lack of clarity regarding ownership of both the blue line and red line areas. Given that it is said in the Covering Letter, and inferred in the Support Statement, that the proposed stables are for the private use of Mr Winn, ownership of the stables area and the horse exercise and grazing area becomes a material planning consideration. If Mr Winn is no longer the owner of either or both of these areas then the assurances given about private use are meaningless.*

**Officer comment:** Clarity has been sought from the agent regarding this matter. They confirmed that the correct red and blue outlines and ownership forms have submitted with the application. As mentioned previously, the recommended condition restricting the stables to private use (not for commercial purposes) would run with the land and would not be a "personal" permission.

9). Given the disparity, noted at 2). above, between the BHS recommended size and the proposed individual compartment size, even in its own terms this application represents an overdevelopment of the site. Added to this is the choice of breeze block on foundations for the material, which would represent a permanent scar on the land. This is then an inappropriate development which detracts from the openness of the Green Belt.”

**Officer comment:** These concerns have been addressed within the report.

- 10.33 Parish Cllr Barraclough and Parish Cllr Cooper of Kirkburton Parish Council have submitted a joint objection to the application. The objection is set out below with officers’ responses:

*“The proposed entrance is on a bend on a derestricted road. The existing gate that is proposed as the new entrance is not in regular use probably because it is not a safe or suitable access.*

*The roads around Farnley Tyas are frequently used by slow moving farm vehicles, Horse boxes and horses. I have seen first-hand conflicts between road users on these rural roads. To add into this already precarious traffic situation, an entrance to a development used by horses and horse boxes on a dangerous bend seems strange to say the least. Entrances to other stables nearby are on straight roads with good sight lines ensuring drivers can see well in advance any potential conflict with houses.*

*Can we ask Kirklees Highways to look again at the issues here taking into account the very particular issues associated with rural roads around Farnley Tyas.”*

**Officer comment:** KC HDM were consulted and thoroughly assessed the application. Any issues raised over the course of the application by HDM officers have been addressed by the submission of amended plans. KC HDM have no objection to the proposal (subject to condition).

- 10.34 Parish Cllr Cooper of Kirkburton Parish Council submitted a further objection, which is set out below with officers’ responses:

*“They have addressed the potential hazard of reversing out into the road by saying they can turn onsite. However if you look at said change this turning both includes the footpath which they have now put in the red boundary ( which doesn’t belong to them it is a pavement). AND incorporates the dung heap for parking and turning. Quite how this will be achieved if the dung for 4 horses is actually stored there is anyone’s guess.*

*Also this so called turning area incorporates the yard area and as stated is for a large car when in reality this area needs to allow tractors and trailers to enter and exit to remove waste & deliver feed. Also one would assume that a equestrian facility of this size would need Horse boxes to entry and leave?. So a large car doesn’t quite cut it?.*

*As I have stated before if I and the rest of the village believed this to be a true application we would have no problems. Having spoken to most of the farmers in the area they know & have nothing good to say about this application. The application states that a local farmer has said he would remove horse waste, I have personally spoken to all but 1 farmer in the area who say they have given no such word ?!.”*

**Officer comment:** Swept paths for a large car and car and trailer have been submitted which have been assessed by KC HDM, who have no objection to the proposal. As stated previously in the report, any future development/change of use would require separate planning permission. Waste storage and disposal is a material planning consideration which has been assessed in paragraph 10.20 of this report.

- 10.35 Parish Cllr Barraclough of Kirkburton Parish Council also submitted a further objection, which is set out below with officers' responses:

*"My opinion is that the overriding material consideration is highways - access and visibility.*

*All vehicles should be able to enter forward and exit forward (this should be a condition of any highways access ) and the planning officer should be quite certain that this can be achieved.*

*The road that serves this application is narrow, has poor sight lines both ways due to curves and has a 60mph speed limit which some drivers try to achieve.*

*Speaking from experience, driving this road both by motor vehicle and agric tractor and trailer/equipment I know that this location can be quite dangerous for the reasons noted above."*

**Officer comment:** KC HDM were consulted and thoroughly assessed the application. Any issues raised over the course of the application by HDM officers have been addressed by the submission of amended plans. KC HDM have no objection to the proposal (subject to condition).

## **11.0 CONCLUSION**

- 11.1 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.
- 11.2 The proposed stables/tackroom and equestrian use of the land are considered to constitute an acceptable form of development within the Green Belt and would have no adverse impact on residential or visual amenity, or highway safety.
- 11.3 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

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. Commencement of development within 3 years.
2. Development to be in accordance with the approved plans.
3. Stables to be constructed of timber with a felt roof.
4. Stables solely for private use and not for commercial purposes.
5. Details of post and rail fence and gate to north-western and north-eastern elevations to be submitted (pre-commencement)
6. Waste management strategy.
7. Nothing over 1.0m high within 2.0m from Stocksmoor Road (visibility).

### **Background Papers:**

Current application:

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90175)  
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f90175>

Previous application:

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92506)  
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92506>

Certificate of Ownership – Notice served on other owners/agricultural tenants located at Ram Mill, Gordon Street, Oldham and certificate B signed.

This page is intentionally left blank



---

## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 16-Mar-2023

**Subject: Planning Application 2022/90804 Erection of dwelling, formation of access and other associated operations Bell Cabin, Long Lane, Earlsheaton, Dewsbury, WF12 8LG**

#### APPLICANT

P Audsley

#### DATE VALID

11-Mar-2022

#### TARGET DATE

06-May-2022

#### EXTENSION EXPIRY DATE

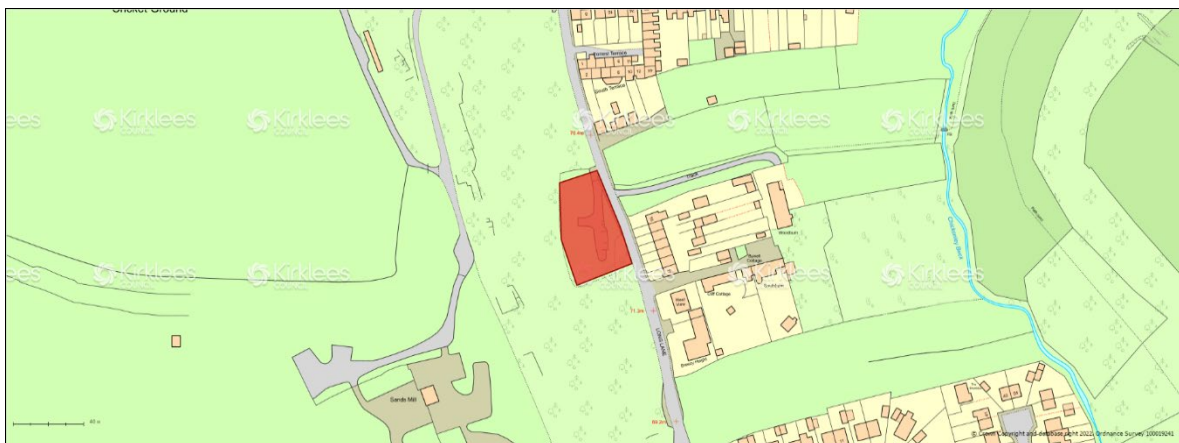
20-Dec-2022

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral wards affected: Dewsbury East**

**Ward Councillors consulted: No**

**Public or private: Public**

---

**RECOMMENDATION: REFUSE**

1. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed change of use of undeveloped land to residential and the erection of a dwelling is considered to constitute inappropriate development in the Green Belt, thus, detrimentally harming the openness and character of the Green Belt, whereby no very special circumstances have been demonstrated. To approve the application would impact adversely upon the openness of the Green Belt contrary to chapter 13 of the National Planning Policy Framework.

2. The proposed development to domesticate land within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network would change the character of the existing habitat corridor by introducing a human presence that is hitherto absent, thus contrary to the purpose of the allocation with the area of Kirklees Wildlife Habitat Network. By the virtue of the proposed change of use and extensive clearance, the function and connectivity of green infrastructure networks and assets have been detrimentally harmed and no sufficient mitigating measures have been proposed. There is considered very limited scope to replace the loss of the network has been cleared. Therefore, given the detrimental ecological impact of the proposal, to permit the development would be contrary to Policies LP30 and LP31 of the KLP and Chapter 15 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate, through the submission of a suitable plan, supporting information or sight lines that the proposals would not have a harmful impact on the safe flow of the highway. As such, it has not been demonstrated that the access to the land provides safe exit from the site, given the gradient and angle of the access. The proposals, therefore, fail to accord with the aims of Policy LP21 of the Kirklees Local Plan, regarding highway safety.

4. The application site falls within the high risk area for coal mining with two mine entries. Given the very close proximity of the proposed development to the mine entry points, there is a high risk to end user safety and stability. The applicant has failed to show that development is not proposed within the calculated zone of influence of both mine entries (no build exclusion zones). As such, due to insufficient information, the scheme fails to suitably demonstrate that the propose would ensure that the contamination/instability does not have the potential to cause harm to people or the environment. To permit the development would be contrary to Kirklees Local Plan Policy LP53 and Paragraph 183 of the National Planning Policy Framework.

## **1.0 INTRODUCTION:**

1.1 The application was deferred at committee on Thursday 15<sup>th</sup> December 2022 for officer's to further investigate the history of the site.

1.2 The application was originally brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's scheme of delegation at the request of Councillor Eric Firth for the following reason:

*'I do believe this is brown field land and there is enough evidence in my mind to prove this. You can and it does happen that you can have a brownfield site in the middle of a green belt area. Not only was there historically a building there but also industry, 'a coal mine', so I'm satisfied.'*

1.3 The Chair of the Sub-Committee has confirmed that Councillor Eric Firth's reason for making this request are valid having regard to the Councillor's Protocol for Planning Committee.

## **2.0 SITE AND SURROUNDING**

2.1 The application site forms an area of land, which is set down significantly from Long Lane. The site has been cleared of trees and shrubbery, with some excavation and removal of material to form an area of level hardstanding with a high stone wall and steep access up to the highway. The engineering works that have taken place on site do not have planning approval. The site is bounded by Long Lane to the east and dense areas of scrub/trees to the west and south. A large area of playing fields occupies the area to the north-west. The site is 7m below the adjacent land to the east.

2.2 It is understood that there has been a building on the site, with GIS Maps dating back to 1933 showing an outline of some kind of structure. However, aerial imagery dating back to 2000 do not show a building on the site. Conversely, the area is shown on imagery as covered in trees/shrubbery up until around 2016.

2.3 Upon visiting the site there is the base of one building only. There are no walls or roof to the building. Figures 1, 2 and 3 in the appendices show the site in 2012, 2018 and 2021 respectively. No planning permission has been granted for the works conducted in this time and a planning application for a dwelling made in 2016 was refused by Members at the Heavy Woollen Planning Committee.

2.4 It is apparent the building to which the remaining base relates to has not stood for a number of decades being associated with mining operations on the land. It is evidently clear any structure has become so dilapidated that it has blended into the landscape and aerial imagery, set out as appendices to this report and prior to unauthorised works, clearly demonstrates this. As such, by definition within the National Planning Policy Framework Glossary and set out in case law, the site cannot be considered as previously developed. Furthermore, the structure was associated with mineral extraction which is an appropriate use in the Green Belt and is excluded from the definition of previously developed land.

### **3.0 PROPOSAL**

- 3.1 The application seeks planning permission for the erection of one dwelling, formation of access and other associated operations. The proposed dwelling would be single storey with accommodation in the roof space, comprising of two bedrooms. The dwelling would be 7.4m high, 11.6m wide and 9.7m deep. The dwelling would be faced in coursed natural stone to the lower part of walls, with render above. The roof would be finished with dark grey 'Marley Modern' tiles.
- 3.2 Other associated operations proposed include mine shaft remediation and minor works to land levels to create a flat site.
- 3.3 Since the previous committee meeting the proposed access has been revised. The existing, authorised access would be replaced by a new ramp with a shallower angle to the highway with banking between the ramp and highway.

### **4.0 RELEVANT PLANNING HISTORY**

#### **4.1 Planning Applications:**

2020/90946 – Change of use of land for siting of caravan – refused.

2020/92828 – Erection of detached dwelling – invalid.

2016/93946 – Demolition of remaining structure, engineering operations to facilitate the formation of access and erection of detached dwelling – refused by Heavy Woollen Planning Sub-Committee (23 February 2017)

2016/91833 – Demolition of building and erection of dwelling – withdrawn

#### **4.2 Enforcement Cases:**

COMP/18/0055 - Unauthorised engineering operation to alter land levels to form access and hard surfaces and the material change of use of the land from woodland to use for the siting of a residential caravan and associated container. – notice served, not complied with, case still ongoing.

KC Enforcement served the enforcement notice in 2019 to the applicant for this proposal. Officers were made aware that it had not been complied with within the 6 month time frame which expired in 2020. As this timeframe for compliance expired the applicant submit a planning application in an attempt to hold off action being taken. That application went on for several months with the applicant failing to submit the required documents to validate the application. It was then deemed invalid by officers. The applicant was then written to, to be interviewed under caution but no response was received. The current application was then submitted. Due to on-going non-compliance, KC Enforcement are progressing action however, this is separate from, and does not form part of, this planning application.

## **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)**

- 5.1 This application follows a long series of planning applications and enforcement action. Since the refusal of the original application the site ownership has changed. Any land search would reveal the previous application history including the refused application. Further, the applicant has been made aware of the Local Planning Authority's consistent stance that the development of this undeveloped, Green Belt land for residential purposes is not acceptable. Matters such as the unsuitability of the site in regard to highway safety and the historic coal mining legacy, have also been an issue for many years.
- 5.2 Since the previous committee meeting there have been extensive discussions between Officers, the applicant, and their consultants. Officers provided a comprehensive list of the additional information required and a timeframe for submission. Some information with regard to coal, highways and the site history was received by the deadline of the 13<sup>th</sup> February. The coal information was not as requested, and whilst the highways information submitted was as set out by officers, it failed to alleviate the highway safety concerns. Officers made the applicant aware of both these issues.
- 5.3 On the 24<sup>th</sup> February 2023, the day of the draft report deadline, the applicant submitted ecological information, which was not detailed as requested, despite officers clearly setting out in writing what would be necessary. Due to the timing of submission of the details, officers have not had opportunity to discuss matters further with the applicant.
- 5.4 Also on the 24<sup>th</sup> February 2023, officers were made aware that the applicant was now seeking to include an entirely new access ramp and were no longer looking to regularise the existing access ramp arrangements. Officers have not had the opportunity to formally review the documents with Highway Development Management. However, officers did relay that the new access does not provide sufficient, unimpeded sight lines and as such did not overcome the previous recommended reason for refusal.

## **6.0 PLANNING POLICY:**

- 6.1 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 27<sup>th</sup> February 2019).

The application site is located within the Green Belt as allocated on the Kirklees Local Plan (2019).

### Kirklees Local Plan (2019):

- 6.2 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP21 – Highways and access  
LP22 – Parking

LP24 – Design  
LP26 – Renewable and low carbon energy  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP31 – Strategic Green Infrastructure Network  
LP33 – Trees  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP59 – Brownfield sites in the green belt

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Negotiating Financial Contributions for Transport Improvements (2007)
- Highway Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

*Climate change*

6.4 In 2019, the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Guidance:

6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

6.6 Since March 2014 Planning Practice Guidance for England has been published online

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was advertised as neighbour notification letters.

7.2 As a result of the application's publicity, no comments have been received on the application to date.

## **8.0 CONSULTATION RESPONSES:**

8.1 Statutory:-

The Coal Authority – Object due to the building potential being in the zone of influence (no building zone).

KC Highways Development Management – Object due to insufficient information being submitted.

KC Ecology – Still consider there to be detrimental harm to the Wildlife Habitat Network

KC Environmental Health – No objections.

## **9.0 MAIN ISSUES**

9.1 The appraisal of the application will review the following topics: -

- Principle of Development in the Green Belt and Design
- Impact on Residential Amenity
- Impact on Highway Safety
- Site Contamination and Stability
- Trees and Biodiversity Matters
- Carbon Budget
- Representations

## **10.0 APPRAISAL**

### Principle of Development

10.1 Chapter 2 of the National Planning Policy Framework (NPPF) introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP would be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability.

- 10.2 As per Chapter 13 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'
- 10.3 Paragraphs 149 and 150 of the NPPF sets out a list of development which is considered not inappropriate in the Green Belt. None of these exceptions include the erection of a dwelling. Whilst there is an exception for agricultural workers' dwellings, this is not proposed as an agricultural workers' dwelling. Local Plan policies also do not allow for the erection of dwellings in the Green Belt. As such, the erection of a dwelling is, therefore, considered inappropriate development and is, by definition, harmful. Although the applicant alleges that there is a building on the site and this is a replacement, the building no longer exists, but its mere footings remain only, thus, no weight can be applied to this.
- 10.4 Officers note Councillor Eric Firth's comments that the site is brown field / previously developed land. Previously developed land is defined in the NPPF Glossary as:
- 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*** (Officer emphasis).
- 10.5 The site has undergone several unlawful works that have significantly altered the appearance of the land. All evidence indicates that the site would not constitute previously developed land. Aerial imagery dating between 2000 and 2012 does not evidence any signs of development at the site with the first aerial photograph showing works being registered as 2016. Whilst historical maps show a building in place into late 19<sup>th</sup> century the site visit undertaken by officers as part of the application clearly shows that this building no longer remains. Furthermore, there is no up to date evidence presented as part of this application that would convince officers that the site can be considered as previously developed, nor during the course of previous applications since 2016, whereby the Heavy Woollen Planning Sub-Committee refused development on this site. It is clear from this time that the land has become further overgrown to the point it would be considered to have blended into the surrounding countryside, becoming greenfield in the Green Belt as defined in paragraph 10.4. It is therefore the view of officers that the proposal does not constitute a previously developed site. A consistent stance the local planning authority has maintained during all previous applications on this site.



- 10.6 Whilst engineering operations are not wholly inappropriate in the Green Belt, this is on the proviso that they preserve openness and do not conflict with the purposes of including land within it. The engineering works required to facilitate the introduction of vehicular access is in the form of a steep ramp at 7m in height and approximately 25m long. The works have resulted in an incongruous and urban form of development in the Green Belt. The development, including the erection of a dwelling and vehicular access would result in the loss of open rural land introducing significant engineering works and domestication of previously undeveloped land in the Green Belt. As such, the development would have a significant impact on and cause substantial harm to the character and openness of the site appearing at odds with the land surrounding it detrimentally encroaching into Green Belt. The applicant has not proposed any very special circumstances to justify approving the change of use of the land which is inappropriate development and would cause significant harm to the openness and character of the Green Belt, contrary to chapter 13 of the NPPF. The principle of development is, therefore, considered unacceptable.
- 10.7 Officers have actively sought to meet the committee's request to establish more information on the site history. The applicant argues that the existing dilapidated building was formerly a cottage of approximately 200 years old. It is believed to have been damaged as a result of the boundary wall between the site and the highway wall construction decades ago. The applicant states that the cottage was used as a mine workers cottage. A 'bell pit' was associated with coal extraction and it is likely that the building was a structure for use with the site operations for mineral extraction. Whether used as a dwelling or structure both relate to site operations (mineral extraction) and it is therefore clear that the building and land cannot be classed as previously developed or brownfield as per the definition set out in the NPPF (and included at paragraph 10.4 above).
- 10.8 The applicant further states that the buildings were demolished in the late 1960's and to 1970's, with livestock kept on the land after that date which is consistent with the Officer's assessment of the site of the land being rural in character and function. The Aerial imagery included in the appendices shows the land, after the demolition of the buildings 50+ years ago blending into the landscape. All the information provided by the applicant further reinforces the stance officers have made on the previous four applications dating back seven years that the site cannot be classed as brownfield or previously developed within the Green Belt as defined in paragraph 10.4 of this report. There have been no appeals in this respect.
- 10.9 Despite all evidence clearly showing that the site is not previously developed land in the Green Belt, if members concluded contrary to Officer on this matter, the application would be unacceptable when assessed against Local Plan Policy LP59 for Brownfield sites in the Green Belt. Policy Justification paragraph 19.33 to support LP59 states:

*'The redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form. The extent of the existing footprint should not normally be exceeded, although it may be possible to redistribute built form on the site provided that the resulting impact is no more than that of the existing development.'*

- 10.10 The proposed development as a whole far exceeds any development on the site contrary to policy LP59 of the KLP. Any historic development was accessed from the north side of the site and did not need such significant and harmful engineering work to access it. Thus, the provision of a hugely engineered access ramp, excessive hard surfacing, a good-sized dwelling much larger than the former building and substantial site clearance, all has a much greater impact on the Green Belt than any other use in the history of the site. All the engineering to provide the access and hard standing works introduce incongruous urban development into the Green Belt appearing to scar the landscape and harm its character. As such the development would adversely harm the openness and character of the Green Belt whilst also being at odds with the character of the rural landscape, contrary to Brownfield site in the Green Belt policy per se.
- 10.11 After reviewing the history of the site as per member's requests, it is evident that the site cannot be deemed as previously developed or brownfield land as per the planning definition set out in the NPPF (and included at paragraph 10.4 above). In the applicant's own submitted evidence, it is stated the previous Bell Cabin was for mine workers and was demolished over fifty years ago. As such, any previous development on the site was for minerals extraction and nevertheless the previous development was demolished and had clearly blended into the landscape prior to the unauthorised works on the site. Both of these points alone would mean the site could not be classed as brownfield or previously developed. To conclude the site is brownfield or previously developed would be directly and wholly contrary to the planning practice guidance definition for brownfield and previously developed land.
- 10.12 Notwithstanding the above, even if the land was assessed as previously developed, contrary to the definition set out in the NPPF, the development would still be directly contrary to policy relating to brownfield sites in the Green Belt. Therefore, to permit this development would be contrary to the Kirklees Local Plan and the National Planning Policy Framework with regard to development in the Green Belt.

#### Impact on Residential Amenity

- 10.13 Local Plan Policy LP24, Chapter 12 of the NPPF and the Housebuilder Design Guide SPD seek to ensure a good standard of amenity for future and neighbouring occupiers.
- 10.14 The proposed dwelling is located more than 40m from any neighbouring dwelling and located on lower ground. As such it would not be visible from any surrounding dwellings. Furthermore, the dwelling is of a modest size as well as being set in a modestly sized plot with ample outdoor space. Given this, the proposal would not impact on the residential amenity of any neighbouring dwellings, whilst still ensuring a good standard of amenity for future occupiers. The proposal is, therefore, considered to accord with policy LP24 of the KLP, regarding residential amenity.

### Impact on Highway Safety

- 10.15 The proposal would not intensify the site to such an extent that it would cause any significant material generation in traffic. The site also contains sufficient parking area. There are, however, concerns regarding the safety of the access that has already been formed. As such, since the previous committee meeting the applicant is proposing a new access however this was not accepted as it extended into land outside the red line boundary by some way. Officers raised this issue to the applicant in a timely manner, however amended plans were not received prior to this report being written. As such the stance with regard to highway safety remain unchanged from the previous application.
- 10.16 The proposal would not intensify the site to such an extent that it would cause any significant material generation in traffic. The site also contains sufficient parking area. There are, however, concerns regarding the safety of the access that has already been formed. It likely does not provide sufficient site lines to the south along Long Lane, given the angle and gradient of the access. Given the limited information submitted, a true assessment cannot be undertaken. For this reason, as officers are not confident the proposal provides a safe flow of the highway required by policy LP21 of the KLP regarding highway safety, the proposal is unacceptable based upon the submission of insufficient information regarding highway safety. 10.11 For reference, the same highways issues were raised on applications 2018/90170 and 2020/90946. On both of the previous applications, the applicant was provided with the information required to address the matter however failed to supply sight lines and demonstrate that a vehicle can safely manoeuvre in and out of the access.

### Site Contamination and Stability

- 10.17 The site is located within the High Risk Area based upon the historic coal mining legacy. Records indicate that within 20m of the application site there are two mine entries. The Coal Authority, through formal consultation, state that they hold no treatment details for these mine entries and due to the historic source plans used to plots the mine entries current position, this could vary by several metres. This could significantly affect the safety and stability for the redevelopment at this site.
- 10.18 The submitted Coal Mining Risk Assessment concludes that the on-site mine shaft poses no danger to the proposed dwelling as this is located circa 30m to the south of it. However, the report author goes on to state that it poses a potential future ground instability risk to the adjacent section of steep slope and public highway. To demonstrate that the risk is not a danger to the development, the applicant would be required to submit additional information regarding the location of the mine entry together with the calculated zone of influence of both mine entries (no build exclusion zones) and how these relate to the layout (proposed site layout plan), in order that adequate separation between the mine entries and buildings are maintained.

Officers raised this issue with the applicant following the previous committee meeting. The applicant has submitted additional coal information, however the submitted information was insufficient and simply put, did not address the calculated zone of influence of both mine entries (no build exclusion zones) whatsoever. After further consultation with The Coal Authority, they believe it is

highly likely that the dwelling is proposed within the no build exclusion zones. As such, they recommend refusal of the application until the applicant suitably demonstrates that there is no development proposed in the no build exclusion zones. The applicant was made aware of this issue but failed to submit this information by the deadline given to enable officers to consider it within the committee report. At the time of writing, the information has still not been received. As such, this issue with regard to the coal mining legacy, land stability and danger to end user safety, this is put forward as a reason for refusal as per The Coal Authority's advice.

- 10.19 Furthermore, this site has been identified on the Council's mapping system as potentially contaminated land due to its previous use/s associated with colliery/coal pits and mills and is also within 250m of a historic landfill. A Mine Shaft Drilling Investigation Report has been submitted. The report identifies that there is an uncapped mine shaft on site. Therefore, Environmental Health and The Coal Authority consider there to be a potential risk to future receptors associated with the coal mining legacy at the site (e.g. from mine gases and combustible materials). Considering the report findings and records for the site, full contaminated land conditions are necessary also if the application were to be approved.
- 10.20 Subject the objection lodged by The Coal Authority, at this time the scheme is considered contrary to Local Plan Policy LP53 and Chapter 15 of the NPPF with regard to stability and contaminated land.

#### Biodiversity and Trees

- 10.21 Policy LP30 of the KLP requires all developments safeguards and enhance the function and connectivity of the Kirklees Wildlife Habitat Network.
- 10.22 Following the previous committee meeting, the applicant was informed to instruct an Preliminary Ecological Appraisal (PEA) in the outset to ascertain the current ecological/biodiversity value and an ecology report and biodiversity plan that shows the means of providing biodiversity enhancements and demonstrating a biodiversity net gain.
- 10.23 The applicant has submitted a Preliminary Ecological Appraisal Report. The report backdates the assessment to April 2020 as per the DEFRA Metric guidance however this dates the authorised clearance works to the site.
- 10.24 The proposal causes harm to the Kirklees Wildlife Habitat Network and results in the loss of an area of Kirklees Wildlife Habitat Network within the Strategic Green Infrastructure Network. Local Plan Policy LP30 states:

*'The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.'* And continues by stating *'Development proposals will be required to:- (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement.'*

- 10.25 Due to erection of a dwelling on the site, the application is introducing a human presence that is hitherto absent in the Kirklees Wildlife Habitat Network. There has also been extensive and excessive site clearance which has resulted in the loss of 1600m<sup>2</sup> of woodland and habitat. As such there is significant biodiversity and ecological harm caused by this proposal.
- 10.26 By virtue of the proposal for development within this allocated land, the function and connectivity of green infrastructure networks and assets are not retained or protected. The scheme would be detrimentally harmful with regard to ecology. The scheme proposes no mitigating measures despite being asked to submitted an Ecological Design Strategy on several occasions to attempt to demonstrate a biodiversity net gain. Notwithstanding this, officers consider there is very limited scope to replace the loss of the habitat network, and, therefore, the principle of the development with regard to biodiversity and ecology is wholly inappropriate and contrary to policy LP30, the National Planning Policy Framework and the Biodiversity Net Gain Technical Advice Note.
- 10.27 Given the reasons set out above, the development of land allocated entirely within the Kirklees Wildlife Habitat Network and the Strategic Green Infrastructure Network is deemed unacceptable and contrary to policies LP30 and LP31 of the KLP and the purposes of Chapter 15 of the NPPF.
- 10.28 Officers note that a substantial number of trees have been removed from the site, however these trees were not subject to a tree preservation order. Furthermore, their removal has already been conducted and is not a part of this application. As such there is no justification for officers to seek replacement planting. However, their removal does factor into the biodiversity concerns set out in the above paragraphs. But in sole relation to trees, the scheme accords with Local Plan Policy LP33.

#### *Carbon Budget*

- 10.20 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.21 With regard to this application, if it were to be approved, a condition would be required for the provision of an electric vehicle charging point to be installed prior to occupation of the dwelling. Subject to said condition, the development accords with Local Plan Policy LP26 and LP51 of the Kirklees Local Plan and Chapter 15 of the NPPF.

#### *Representations*

- 10.22 No representations were received.

- 10.23 With lodging the call to committee request, Cllr Firth stated *'I do believe this is brown field land and there is enough evidence in my mind to prove this.... Not only was there historically a building there but also industry, 'a coal mine'.'*
- 10.24 As stated in paragraphs 10.4 and 10.5 of the above report, Annex 2 (Glossary) to the NPPF is relevant in relation to these comments. Annex 2 states: 'Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes:** land that is or was last occupied by agricultural or forestry buildings; **land that has been developed for minerals extraction** or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds 71 and allotments; and **land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape**" (officers emphasis). As such, land that has previously been developed but becomes blended in to the landscape, and land that has been used for minerals extractions such as coal, is not classed as previously developed or brownfield land. This matter has been addressed in full in the earlier paragraphs of this assessment.

## 11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposed development would represent inappropriate development and is considered to be harmful to the openness and character of the Green Belt. The historic activities on the site do not equate to the site being brownfield as per the definition for previously developed land. The works result in detrimental impacts with regards to ecology, highway safety and historic coal mining legacy.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations several times and it is considered that the development proposals do not accord with the development plan. There would be detrimental impacts to granting permission which significantly and demonstrably outweigh any benefits of the development, when assessed against policies in the NPPF and other material considerations.

### Ownership Certificates:

Certificate A was signed on 08/02/2022

## **Background Papers:**

This application:

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/90804)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/90804>

Previous applications which were determined (not withdrawn):

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90946)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90946>

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/90170)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/90170>

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F93946)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F93946>

## Appendices

*Figure 1 - aerial of the site in 2012*





Figure 2 - aerial of the site in 2018



Figure 3 - aerial of the site in 2021



---

## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 16-Mar-2023

**Subject: Planning Application 2022/91911 Erection of residential development consisting of 48 dwellings with associated highways and landscaping land at, Cliff Hill, Denby Dale, Huddersfield, HD8**

#### APPLICANT

Richard Smith, Urban  
Group

#### DATE VALID

31-May-2022

#### TARGET DATE

30-Aug-2022

#### EXTENSION EXPIRY DATE

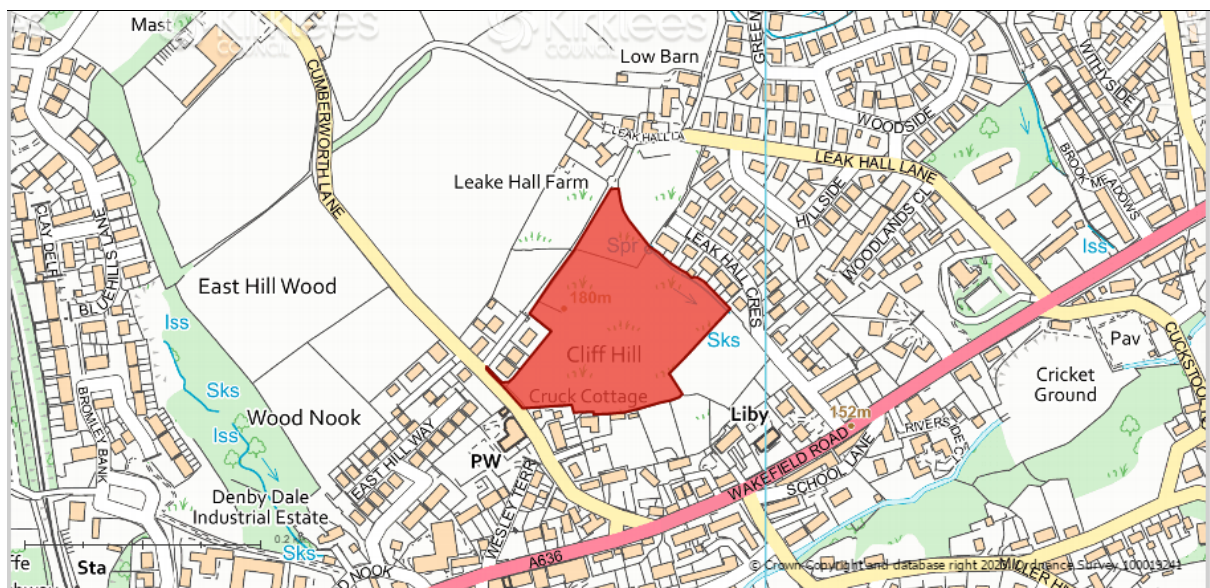
31-Mar-2023

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral wards affected: Denby Dale**

**Ward Councillors consulted: Yes**

**Public or private: Public**

---

**RECOMMENDATION:**

**REFUSE permission for the following reasons:**

**1.** Insufficient information has been provided to satisfy the Local Planning Authority that the risks arising from land contamination resulting on the site can be adequately mitigated under the proposed land remediation strategy. Likewise insufficient understanding of the residual impacts of the site remediation, inclusive of an incomplete understanding of the site's characterisation, do not provide sufficient comfort to allow the proposed site remediation to be undertaken subject to appropriately worded planning conditions. The current submission therefore incurs unacceptable risks that could cause harm to people and/or the environment contrary to Kirklees Local Plan Policy LP53 as well as NPPF Paragraph 183 (clauses a, b and c).

**2.** It has not been demonstrated that the proposed development would be environmentally feasible or acceptable nor that the proposal would provide local or national benefits that would outweigh the resultant residual environmental impacts of developing the site for the purposes of winning and working minerals (coal) resulting from the site's remediation. Indeed the proposed site remediation strategy creates unknown residual environmental impacts that have not been adequately assessed. There are therefore significant concerns with the proposed development in respect of the potential for adverse impacts on water resources, ground gas pathways, human health (noise & air quality in particular) as well as residential amenity more broadly. No overriding community benefits are identified which would make the extraction of coal acceptable from the site. Overall the proposal is found to be contrary to mineral planning policy with particular regard to Kirklees Local Plan Policies LP36, LP51 and LP52 as well as National Planning Policy Paragraphs 211 (clauses b & c) and 217 (clauses a and b).

**3** The proposed development layout does not achieve a net density of 35 dwellings per hectare that would be sufficient to use allocated housing land efficiently for a residential purpose. As such the proposal is contrary to Policy LP7 of the Kirklees Local Plan and Paragraph 124 of the National Planning Policy Framework as it does not seek to maximise housing delivery and is not overridden by mitigating reasons with regard to development viability, compatibility with its surroundings or meeting local housing needs. The lack of a sufficient density would also further undermine the Local Planning Authority's housing delivery target, which is subject to a Housing Delivery Test Action Plan.

**4** Proposed plots 35 and 36 are at a topographical level and distance from existing properties at 2 and 3 Springhead Gardens whereby their rear windows and garden terraces would significantly overlook and reduce the privacy of the existing residential properties at significant detriment to residents' amenity. The identified impacts on privacy in respect of levels and separation distances are contrary to the Supplementary Planning Document – Housebuilders Design Guide (with particular regard to clauses 7.19 and 7.21) and Kirklees Local Plan Policy LP24 – Design

**5** It has not been demonstrated, through a lack of information, that the site's internal estate road is designed or is able to be designed to an acceptable layout/adoptable standard that would be safe for use by pedestrians and private vehicles or is operationally feasible to be serviced by a refuse collection vehicle. The proposed development is therefore contrary to the guidance contained within the Highways Design Guide SPD, as well as Policy LP21 – Highways and Access – of the Kirklees Local Plan (with specific regard to clauses a, d, e and f).

**6** Insufficient information has been provided to evidence that Plots 42, 43, 44, and 45 would not incur unacceptable privacy issues in relation to the northern elevation of Cruck Cottage, given that the proposed dwellinghouses are set at a higher topographical level and within the 21m facing separation distance from the rear of the existing dwellinghouse. The identified impacts on privacy in respect of levels and separation distances are contrary to the Supplementary Planning Document – Housebuilders Design Guide (with particular regard to clauses 7.19 and 7.21) and Kirklees Local Plan Policy LP24 – Design

**7.** Planning obligations directly related to the development have been identified by the Local Planning Authority as being necessary to make the development acceptable in planning terms. These obligations relate to delivery of on-site affordable housing provision, a financial contribution to provide educational capacity for increased school capacity in the local area, a financial contribution to off-set open space typology shortfalls, a financial contribution to offset biodiversity loss and provide a 10% biodiversity net gain, a financial contribution for the encouragement of sustainable travel alongside provision of requisite management of drainage infrastructure and shared spaces serving the proposed development. The terms of a legal agreement to secure these obligations has not been agreed and the weight of viability evidence provided by the applicant does not have full regard to the change in site circumstances (concerning the extraction of minerals) since the Kirklees Local Plan was adopted. By consequence the application is contrary to Policies LP11, LP20, LP28, LP30, LP49 and LP63 of the Kirklees Local Plan.

## **1.0 INTRODUCTION:**

- 1.1 This is an application for full planning permission for residential development.
- 1.2 This application is reported to the Heavy Woollen Planning Sub-Committee due to the site being in excess of 0.5 hectares (HA) in size with a yield of less than 61 units. This is in accordance with the Council's Scheme of Delegation set out in the Constitution.
- 1.3 The site is a part of a wider allocated housing site in the Kirklees Local Plan (site allocation ref. HS144).

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The Site lies to the north of Wakefield Road, to the west of existing houses located on Leak Hall Crescent, to the north west of residential properties on Springhead Gardens, to the northeast of a Wesleyan Methodist Church and east of surrounding houses accessed from Cumberworth Lane. The site comprises a parcel of grassland, situated in a central location within the village of Denby Dale.
- 2.2 The site measures approximately 1.9 hectares in size, with its topography falling in gradient from north to south. The site is bound by a Public Right of Way (ref DEN/61/10) across its northern boundary, beyond which there is further grassland and trees which serve as a buffer between agricultural land situated further north. The western boundary of the Site is formed by Cumberworth Lane along which are a number of dwellings that directly bound the Site. The southern boundary is formed by a combination of residential dwellings and further grassland directly to the south of the site that is also a part of the site allocation. To the east the site is bound by Leak Hall Crescent which is residential in character.
- 2.3 The site comprises the majority of the housing allocation (HS144) with properties on Springhead Gardens constituting a developed part of the allocation with a residual parcel part of the allocation accessed from Leak Hall Crescent to the east and a further residual parcel accessed from Cumberworth Lane to the south. It should be noted that a culverted watercourse traverses the eastern boundary of the site.

## **3.0 PROPOSAL:**

- 3.1 The proposal is a full application for a residential use comprising development of 48 dwellinghouses. The proposal would be accessed from the west via Cumberworth Lane and would require alterations to the site frontage, including alterations to land outside of the red line boundary and held in third-party ownership.
- 3.2 The dwellinghouses are set at a scale of between 2 and 3 storeys owing to the site's topography (i.e. split-level front to rear) and would include 8 house-types that provide the following mix: 8no. 2-bed, 9no. 3-bed, 22no. 4-bed and 9no. 5-bed units and which range from 71.9sqm to 228.4sqm in internal size.
- 3.3 The proposed units include pitched rooves and are proposed with artificial stone elevations, artificial stone detailing, wood canopies (in some instances), grey flat roof dormers (in some instances) and grey slate roofing. Window specification details have not been provided.
- 3.4 A submitted 'site remediation strategy' by Harland Resources Ltd alludes to the extraction of 12,000 tonnes of coal from the site through in one of its sub-sections. The proposed winning and working of minerals from the site was not disclosed in the application form or included in the development description. However the extraction of coal from the site is treated as a part of the proposed development, alongside the residential element, given its citation in a supporting document.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The site itself has no planning application history other than its inclusion as an allocated housing site within the Local Plan. The following applications relate to planning applications within the wider housing allocation:

##### *Land Parcel Accessed from Cumberworth Lane*

2018/93309 - Outline application for erection of residential development – Appeal Dismissed

2019/93906 - Outline application for erection of residential development up to 10 dwellings – Approved subject to conditions

##### *Springhead Gardens Development*

2017/93798 - Erection of 6 detached dwellings – Approved subject to conditions

2019/90118 - Discharge conditions 4 (boundary), 6 (highways), 8 (tree), 11 (ecology), 12 (lighting), 14 (Phase II) on previous permission 2017/93798 for erection of 6 detached dwellings – Approved

2019/90554 - Discharge condition 7 (drainage) on previous permission 2017/93798 for erection of 6 detached dwellings - Approved

2020/91506 - Variation of condition 2. (plans and specification) on previous permission no. 2017/93798 for erection of 6 detached dwellings – Approved

##### *Land Parcel Accessed from Leak Hall Crescent*

No planning history

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The case officer has been in negotiations with the agent to secure additional information necessary for the determination of the application. The list of amendments is set out below:

- Section plans relating to the overbearance of properties on Springhead Gardens, the section plans were subsequently provided.
- Requests for various;
- Applicant request to conduct a viability appraisal process, the tender for this was begun, but no independent assessor was appointed due to the progression of the application in respect of contaminated land;
- Amendments to the site layout in respect of providing a culvert easement of 3m;
- Amendment to the submitted site remediation plans to include 10m tree protection zone for a protected tree (ref 12/21/t1);
- Amendments made to accommodate KC Waste requirements;
- Amendment to the surface water storage solution, altered from a basin to a tank to reduce flood risk;
- Remediation strategy provided 1<sup>st</sup> August 2022;

- Supplementary remediation letter provided 13<sup>th</sup> September 2022;
- Transport Assessment provided 19<sup>th</sup> August 2022;
- Swept paths and tracking plans provided 1<sup>st</sup> December 2022;
- Application amended from 47 to 48 dwellinghouses with updated application form and fee – 13<sup>th</sup> December 2022;
- Submission of documentation relating to the option agreement to secure access visibility for the new site entrance on land belonging to 277 Cumberworth Lane;
- Site plan amended to capture missing EV charging points;
- KC Education fee altered following
- Discussions relating to crown land south of site access and the provision of a footway and dropped crossing as advised in the Road Safety Audit;
- KC Education contribution amended to reflect recent changes to school capacity and population forecasts;
- Submission of a retaining wall location plan;
- The LPA have requested that the applicant provide an alternative site remediation strategy that does not include open extraction of coal from the site or otherwise withdraw the application in favour of submitting a dedicated site remediation application inclusive of the extraction. The applicant has indicated that they are not willing to undertake either of these options and therefore the application is being recommended for refusal of permission, by consequence.

5.2 The above amendments cover the majority of new information submitted and amendments received, however it is not exhaustive.

## 6.0 PLANNING POLICY:

6.1 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 27<sup>th</sup> February 2019).

6.2 The site is allocated for housing in the Kirklees Local Plan (*housing allocation reference H144*). The site allocation box within the gross site area states that the allocation area 3.24HA in size and has an indicative capacity of 114 dwellings. The application site comprises 1.94HA of the site area and therefore seeks to development most of the site with access from Cumberworth Lane.

## 6.3 Kirklees Local Plan (KLP):

The following policies are considered relevant:

- LP1** – Achieving sustainable development
- LP2** – Place Shaping
- LP3** – Location of new development
- LP7** – Effective and efficient use of land and buildings
- LP11** – Affordable housing and housing mix
- LP20** – Sustainable travel
- LP21** – Highway Safety and Access
- LP22** – Parking
- LP23** – Core walking and cycling network
- LP24** – Design
- LP27** – Flood Risk
- LP28** - Drainage



**LP30** – Trees  
**LP32** - Landscape  
**LP33** – Biodiversity and geodiversity  
**LP35** – Historic environment  
**LP36** – Proposals for mineral extraction  
**LP47** – Healthy, active and safe lifestyles  
**LP48** – Community facilities and services  
**LP49** – Educational and health care needs  
**LP50** – Sport and physical activity  
**LP51**– Protection and improvement of local air quality  
**LP52**– Protection and improvement of environmental quality  
**LP53** – Contaminated and unstable land  
**LP63** – New open space

#### 6.4 National Planning Policy Framework (NPPF):

**Chapter 2** – Achieving sustainable development  
**Chapter 5** – Delivering a sufficient supply of homes  
**Chapter 8** – Promoting healthy and safe communities  
**Chapter 9** – Promoting sustainable transport  
**Chapter 11** – Making efficient use of land  
**Chapter 12** – Achieving well designed places  
**Chapter 14** – Meeting the challenge of climate change, coastal change and flooding  
**Chapter 15** – Conserving and enhancing the natural environment  
**Chapter 16** – Conserving and enhancing the historic environment  
**Chapter 17** – Facilitating the sustainable use of minerals

#### 6.5 Supplementary Planning Guidance & Other Material Considerations

- Highways Design Guide Supplementary Planning Document (2019)
- House Extensions and Alterations SPD (2021)
- Housebuilders Design Guide Supplementary Planning Document (2021)
- Open Space Supplementary Planning Document (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Interim Affordable Housing Policy (2016)
- Kirklees Local Plan allocations and designations (2019)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Strategic Housing Market Assessment (2016)
- Mirfield Design Guide (2002)
- Viability Guidance Note (2020)
- Providing for Education Needs Generated by New Housing

#### 7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement as well as the Development Management Procedure Order 2015 (as amended).

- 7.2 Following the end of the publicity periods 68 representations have been received on the application. Representors have highlighted the following material considerations with the application which are summarised below:

*Site Remediation/Minerals Extraction/Environmental Health Concerns*

- Concerns regarding remediation strategy not being reflective of scale of development;
- Assertion that coal extraction requires an application in of itself and should not be considered through a remediation strategy;
- Loss of property value resulting from mineral extraction/site remediation;
- Concerns relating to structural damage from excavation as well as from vibrations emanating from the proposed site works;
- Concerns in respect of noise pollution resulting from both the construction period of the residential proposal and the proposed site remediation;
- Concerns in respect of dust emissions resulting from both the construction period of the residential proposal and the proposed site remediation;
- Citation of the submitted noise and air quality document not assessing/addressing the proposed 'mining activity';
- Concerns in respect of future site stability and risk of subsidence for the proposed properties;
- Concerns in respect of the development's impact on air quality;
- Concerns that the proposed site remediation and mineral extraction will incur impacts on human health;
- Potential for water contamination resulting from excavation of the site for the extraction of coal;
- Concerns with the potential for release of methane gas during the site remediation process;
- Concerns in respect of the lack of detail on infill material;
- Inconsistency between the detail of the geo-technical reports and the remediation strategy;
- Lack of transparency in disclosing extraction of coal from the site;

*Transport/Access*

- Queries regarding the access point location contrary to Local Plan discussions (i.e. from Leak Hall Crescent as opposed to Cumberworth Lane);
- Concerns in respect of heavy vehicle trips in proximity to the listed church;
- Concerns with regard to the trip generation resulting from site remediation, including the size and weight of vehicles;
- Concerns in respect of the site remediation upon the safe operation of the highway network;
- Concerns in respect of the site visibility splay assumptions, in that they are insufficient and could incur an increase in collisions;
- Concerns in respect of damage to the public right of way, and requests of its protection during the construction period;
- Claims that there are various inaccuracies cited within the Transport Assessment;
- Improvements to public transport necessary to serve the site and local area;
- Various concerns relating to pedestrian safety;

- Claims the travel plan does not sufficiently encourage modal shift;
- Citation of insufficient visitor parking spaces on the site;
- Internal garage sizes are insufficient to accommodate vehicles;
- Inaccuracies in the submitted Road Safety Audit;

#### *Drainage/Flood Risk*

- Concerns in respect of the development damaging the culverted watercourse running across the eastern boundary of the site.
- Lack of information relating to the location of the culvert;
- Queries concerning the viability of using a soakaway pond/attenuation basin;
- Concerns relating to the development increasing the risk of flooding elsewhere off-site;
- Concerns in respect of the calculation which informs the volume of surface water storage required to serve the development;
- Claims of inaccuracies in the submitted surface water drainage strategy, including input variables such as rainfall;
- Local foul drainage network cannot handle the increased demand generated by the proposal;

#### *Amenity/Privacy/Light/Design/Landscaping*

- The proposed residential properties are not in-keeping with the character of the local area;
- The development would alter the landscape character of the area to a more urban setting;
- Boundary treatments are not in-keeping with the local area;
- Insufficient variety in house-type size and that the reliance on large dwellings is at the expense of providing sufficient affordable housing – consequently the proposal is not reflective of local needs;
- Landscaping proposals are limited and insufficient;
- Concerns in respect of the proximity of the proposed dwellinghouses relative to existing dwellinghouses neighbouring the site;
- Incorporation of three storey units is out of character with the local area;
- Concerns in respect of privacy loss of existing residents;
- Insufficient on-site open space in the proposal scheme;
- Dominance of frontage parking detracts from the proposal's appearance;
- Insufficient information with regard to site levels;

#### *Infrastructure*

- Concerns as to the developments impact on local services, such as schools and healthcare facilities, including the need for increased funding;
- Insufficient affordable housing proposed;

#### *Heritage*

- Concerns in respect of the potential for damage to the listed church;

#### *Biodiversity/Trees/Climate/Energy*

- Claims of site clearance during nesting bird season and that ecological reports were conducted after the site had been cleared;

- Citing of the potential for the development to disturb various protected species that inhabit the site;
- Queries as to the lack of energy saving/green infrastructure such as solar panels and air/ground source heat pumps;
- No enhancement opportunities incorporated for biodiversity;
- Claimed presence of newts on the site;
- Claims that the ecology surveys are incomplete;
- A biodiversity net gain assessment should be submitted (this has since been submitted);

#### *Other Considerations*

- Concerns in respect of the quantum of retaining walls within the proposal and their subsequent maintenance liability;
- Concerns in respect of the accuracy of submitted supporting documentation;
- Concerns that the development is located within the Green Belt;
- Not all of the development is proposed within the applicant's ownership;
- Health Impact Assessment not submitted;

7.3 Denby Dale Parish Council were consulted on the application and provided comments on the 31<sup>st</sup> August 2022 and the 20<sup>th</sup> December 2022. The latter response was a duplication of the former and was as follows:

*Councillors wish to object to this as follows: The application itself contains some errors of fact.*

- *Assessment of flood risk: will the proposal increase the risk of flooding elsewhere. This has been answered 'no' but it is believed to be a clear 'yes'. There are springs marked to the north of the site, which drain down the hill. There is also an area into which these springs empty, where water is held, so that it seeps down the hill rather than rushes. There are sinks marked adjacent to the site.*
- *There is a beck that runs in the valley at the back of the houses on Leak Hall Lane, so the claim that 'there is no watercourse near the site' is false.*
- *Biodiversity and geological conservation. The applicant claims no knowledge of animal life, but it currently includes birds (including owls), bats, common toads and insects.*
- *The applicant claims no industrial or commercial processes or machinery whereas the 'remediation plan' includes an open cast coal mine using various huge excavators as the developer's site investigation 'has revealed several challenges including shafts, voids and seams.' This plan (effectively an open cast mine) includes a 'coal processing area' next to the public footpath and in close proximity to homes and a 'temporary overburden heap' right next to the footpath and at the top of the valley from which the springs feed the beck. Runoff is thus bound to enter the water system and contaminate it. It must be asked why this area of wet land at the head of a watercourse is considered suitable for such a spoil heap. In addition to these factual errors:*
- *Harland Resources (the mining operation) state that they are aware of the TPO relating to the tree in the development and a protection zone will be established throughout these works. The tree survey says that developers have already damaged many trees with machinery or by depositing debris on them. A length of hedgerow has also been recently destroyed by heavy machinery.*
- *The air quality assessment and environmental impact statements make no mention of the proposed open cast mine and its deleterious effects.*

- *The area to the north of the site is a possible deserted medieval settlement (West Yorkshire Historic Environment Record MWY2516) (see report from Archaeological Advisory Service). It is reported that earthwork remains of possible house platforms were observed here. This location along with a wider area around Leak Hall is a Class III Area of Archaeological Importance and a non-designated heritage asset. Evidence of medieval rural settlement is rare in the county in general and any remains of this date encountered would be of up to regional importance. The Archaeological Advisory Service recommends that, in accordance with appropriate policies, the developer be required to provide the Planning Authority with an archaeological evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. It recommends that this evaluation should be carried out prior to the determination of this application as required by the NPPF.*
- *Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” It is believed this to be the case.*
- *The Transport Assessment begins from the false premise that Cumberworth Lane is ‘lightly trafficked’ (3.2.1 TA Report). There is a weekday average of 167 traffic movements one way and 189 the other per hour at peak times (i.e. around 6 per minute) (see their own data); hardly ‘light’. Their own speed summary has over a third of weekday traffic movements exceeding the speed limit on average in one direction (northwest) and over half exceeding the speed limit in the other direction (southeast).*
- *The TA assumes ‘minimal impact’ on the wider road network. It is estimated 47 households each with at least one car, many with two (they are mostly 4 bedroomed properties). At an average 1.5 cars per household that is a likely increase in traffic on this blind bend of approximately 150 cars per day (assuming just one return journey for each vehicle). In addition, it is proposed, whilst the mining takes place, to have 18 coal wagon movements per day plus other associated machinery.*

*The Planning Committee therefore objects on the grounds of:*

- *Errors in the application, particularly in relation to watercourses.*
- *Damage to biodiversity and protected species such as bats.*
- *Work required by the Archaeological Advisory Service.*
- *Inappropriate housing for this area. Four bedroom ‘executive’ type homes are not needed for young couples or older people wishing to downsize in the village. It can only lead to an increase in commuter traffic. The density of the housing is also high.*
- *None of the housing could be considered ‘affordable’.*
- *The ‘remediation’ strategy, required to make a site which ‘has revealed several challenges including shafts, voids and seams’ usable, is essentially an unregulated open cast coal mine, whose workings will interfere with wildlife, watercourses and archaeological evidence.*
- *The transport assessment is based on the false premise that Cumberworth Lane is ‘lightly trafficked.’*
- *In addition, there is no mention of S106 (or whatever it is now). Do developers no longer have to even pretend to mitigate their destruction by providing local services/support?*

- 7.4 Denby Dale Ward Members were notified of the application and its subsequent amendments. The following representations were provided:

Cllr Tim Bamford – 9<sup>th</sup> September 2022:

*I wish to comment on this application as follows.*

*For background, I used to work in the opencast coal industry.*

*The remediation strategy is a little thin in detail for, what amounts to, an opencast coal mine.*

*This is contrary to para 217 of the NPPF.*

*The site has three redundant mine shafts on it and at least one spring.*

*It is a 'High Risk Geotechnical Area' full of voids, gas and mine entry points.*

*The remediation statement has no temporary drainage plan and, given the problems mentioned earlier this should be a major worry. When opened up to its maximum depth, if we have a prolonged bout of wet weather, the result could have serious consequences. Water, which will be mixed with contaminated water from the old workings will have to be pumped from the excavation and be settled and treated before being drained off site.*

*The coal will also be processed on site ie crushed and screened to meet power station requirements leading to noise and dust. This is unacceptable.*

*The spoil heaps are also a worry, destabilising wet weather could lead to a slip of the heaps.*

*When the spoil is put back and compacted the vibration could lead to damage to adjacent properties.*

*This will also affect the springs, which have already flooded houses on Wakefield Road due to Eastwood homes grouting their site, adjacent to this site, before building. This has diverted the spring into these properties.*

*The price of coal has risen dramatically recently which would make this remediation strategy very attractive to the developer.*

*I am not happy about the proposal to use Cumberworth Lane as the access to site.*

*This access is on a pinch point on the road, which is narrow, if a bus comes along it is a struggle to pass it.*

*A loaded truck coming downhill in the wet would struggle to stop for someone exiting site unexpectedly due to poor sight lines. Trucks will not be able to access site without mounting the opposite pavement, which is obviously unsafe.*

*I would also like to mention that the Local Plan Inspector accepted this site into the local plan on the assumption that Leak Hall Lane was to be the access point. Why then is the suggested access on Cumberworth Lane which was deemed to be unsuitable?*

*I have many concerns about this site but these are the most serious ones.*

*The site originally came forward as around 70 fully affordable houses. What happened to this proposal?*

*In summary, given the challenging issues with drainage and highways, I think this site cannot be developed safely*

*I may add more comments later.*

*Best regards*

*Cllr Tim Bamford*

*I have the following comments to add.*

- 4 and 5 bedroomed homes which the area does not need. We need housing – bungalows – for older people and affordable, 3 bedroomed semis/terraced fit for single people and big enough for young families, conforming to National Internal Space Guidelines*
- Affordable housing proposed appears to fall short of LPA criteria – 20% affordable – therefore 6 homes needed on 30 house development*
- Lack of visitor parking spaces – does not conform to LPA requirements – 1 space for every 4 homes required.*
- Attenuation tank and pumping station infringe the buffer zone – means excavations near to trees*
- Road turning area also infringes on buffer zone*
- Likewise garden area of house at entrance infringes on buffer zone*
- No information on levels – a major problem with previous application – housing should be designed to fit the lie of the land not built on tiers.*
- No public space*
- Overuse of close lapped wooden fencing inappropriate to the look and heritage of the area – should be stone walls and preferably hedging to comply with Councils 'green' and sustainable policies.*
- Serious concerns about site access and sightline visibility, particularly in view of the changes proposed via a new application from Yorkshire Country Properties on the adjoining site. Why aren't these two sites linked by internal roadways and one way system – i.e. one entrance in, one entrance out.*

7.5 Cllr Simpson objected to the scheme in discussions with the planning officer. In a number of correspondence Cllr Simpson raised issues regarding the environmental impact of the scheme, including: pollution of waterways, air quality, noise and wider environmental impacts particularly relating to the remediation strategy and proposed extraction and processing of coal. Cllr Simpson maintains his objection and asks the committee to refuse the application on the basis of the environmental issues outlined.

7.6 Cllr Watson provided the following comments:

*I write with reference to the above planning application and to set out a number of concerns with the extant application. These do not cover all the concerns I have but should give a good indication of why I consider this site to be wholly inappropriate for the proposed development and are, therefore, made on the basis that if necessary further objections may be set out in due course.*

#### ***Mineral Extraction***

*A fundamental and major concern with this application is that the proposal for the site is to essentially create an open cast mining operation right in the centre of Denby Dale village and in particular in very close proximity to residential areas.*

*The proposal would seem to be essentially for a mineral extraction site which is not something that was considered in the Kirklees Local Plan and is wholly inappropriate for a location such as this.*

*Coal production at a volume of 1200 tonnes per week over a period of 10 weeks is a substantial mining operation and this is wholly inappropriate for this location.*

### **Remediation Statement**

*There is reference within the documentation supporting the application to three redundant mine shafts. The remediation statement makes reference in an almost nonchalant way to there being “several challenges including shafts, voids and seams”. There is also reference to the ground having been left in “a potentially unstable condition that will be addressed prior to building on site”.*

*In short it seems to be acknowledged that there are substantial risks both during and potentially after the development of the site but the proposed remediation statement is lacking in technical detail and might be generously described as “sparse” or “superficial”.*

*The gas monitoring report states:*

*“Given the information presented above, the levels of ground gas, if left untreated, is likely to affect the end users at the site, such that a ‘high’ risk should be considered.”*

*The letter of 12 September 2022 from Rogers Geotechnical Services Limited advises:*

*“The remediation statement provided from Harland Resources is solely to deal with the **geotechnical** risks associated with instability from underground coal mining workings.”*

*In short it concerns me that there are substantial risk factors which have just not been considered or addressed in depth and in the absence of such proper consideration and analysis it would be negligent of the council to grant planning consent based upon the information before the committee.*

### **Water**

*There has already been issues of flowing water impacting homes on Wakefield Road which it seems arises as a consequence of other development in the area.*

*I have grave concerns as to how the extraction of these large volumes of minerals may affect the flow of water in and around the site both during and subsequent to the extraction works.*

### **Traffic/Access**

*I have had residents of the area express concerns to me in the past about the speed and volume of traffic travelling to/from Denby Dale along Cumberworth Lane and in particular in the part of the road close to the centre of Denby Dale around the Methodist Church.*



*These proposals, both during construction, and thereafter would simply serve to exacerbate these issues.*

### **Conclusion**

*There is much more that could be said regarding this site by detailed reference to the documentation filed and why the proposals should not be acceptable from a planning perspective.*

*It suffices to say that there are substantial and legitimate concerns which the proposals do not come close to addressing.*

*In addition to the specific concerns detailed above this application effectively seeks to “shoehorn” a substantial development into an area where it is completely inappropriate and unsustainable and which the development process as proposed will, it is recognized, require very substantial remediation which should not be given serious consideration in this location.*

*For these reasons alone the application for planning permission should be refused.*

*Yours sincerely  
Cllr Michael Watson*

- 7.6 Queries on behalf of Mark Eastwood MP have been raised by his team on behalf of local residents, however no formal comments have been received by the LPA.

## **8.0 CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### **8.1 Statutory:**

- *K.C Highways Development Management & Highway Structures*

Highways Structures have confirmed that the development would be acceptable subject to conditions.

Highways Development Management have cited that the development is acceptable in principle subject to further information being provided that would confirm that the internal estate road is operationally safe for use by private vehicles of new occupants and refuse collection vehicles that would service their properties.

HDM Advise that a sustainable travel fund for the purpose of providing bus and rail metro cards for new occupants of the site would be required at a cost of £52,128. (48 x £1066). This metric is informed through consultation with West Yorkshire Combined Authority.

- *Lead Local Flood Authority*

Provisional support subject to downstream defect repair.

- *Health & Safety Executive*  
No objections
- *The Coal Authority*  
No objections subject to conditions
- *Yorkshire Water*  
No objections subject to conditions

## 8.2 **Non-statutory:**

- *KC Crime Prevention*  
No objections
- *K.C Ecology*  
  
Based upon the submitted biodiversity net gain metric a figure of £147,890 (inclusive of 15% admin fee) in an off-site financial contribution results from the proposed development.
- *K.C. Education*  
  
A financial contribution of £59,573 is required from the proposed development for the purpose of providing provision of increased school capacity in the local area.
- *K.C Trees*  
  
No objections subject to conditions
- *K.C Environmental Health*  
  
Object in respect of multiple matters, specifically with regard to the proposed site remediation and the resultant potential environmental impacts.
- *K.C Landscape*  
  
A financial contribution of £88,594 is required to offset shortfalls in Public Open Space Typologies, as defined in the Open Space SPD.
- *K.C Strategic Housing*  
  
There is a requirement for 10 on-site affordable units from this proposal with a split of 5 homes as social rent, 3 First Homes and 2 further intermediate units.
- *K.C. Strategic Waste*

A nearby landfill site (WDL 160) lies approximately 245m away from the site. Monitoring surveys indicate that methane values emanating for the landfill site are 'nil'. Consequently no action or further investigation is required.

- *K.C Public Right of Way*

No connection is attempted to the PROW from the site.

- *K.C Conservation and Design*

No objections subject to conditions

- *KC Waste Strategy*

Advice provided in respect of the proposed uses' waste management.

- *Northern Gas Network*

No objections

- *West Yorkshire Archaeology Service*

Post determination programme of archaeological excavation is advised. No objection subject to attachment of the condition.

## **9.0 MAIN ISSUES**

9.1 The appraisal of the application will review the following topics:

- Land Use and Principle of Development
- Environmental Health, Site Contamination and Stability
- Housing and Residential Amenity
- Transportation and Access Matters
- Biodiversity and Tree Matters
- Scale, Visual Appearance, Heritage and Landscaping Matters
- Site Drainage and Flood Risk
- Planning Obligations
- Representations
- Other Matters

## **10.0 APPRAISAL**

### Principle of development, land use and sustainability

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.

- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists of Local Plan housing allocation HS69. Full weight can be given to this site allocation for housing development in accordance with Local Plan policy LP3 – Location of New Development. Allocation of this and other greenfield sites (including those taken from the Green Belt) was based on a rigorous borough-wide assessment of housing and other need, as well as an analysis of available land and its suitability for housing, employment and other uses. Full weight can be given to this site allocation subject to the following constraints identified within the housing allocation box within the KLP Allocations and Designations document, which are relevant to the site:
- Third party land required to achieve sufficient visibility splays;
  - The provision of a pedestrian footway is required across the site frontage at Leak Hall Lane;
  - Public right of way crosses the site;
  - Site is close to listed buildings;
  - Site is close to an archaeological site;
  - Part/all of the site is within a high-risk coal referral area
- 10.4 An indicative capacity of 114 dwellings over 3.24HA is noted in the supporting text of the site allocation. This equates to 35 dwellings per hectare which is exactly in line with the density required by policy LP7 – Efficient and Effective Use of Land and Buildings. The proposal is 1.94HA of the allocation with a proposed yield of 48 units.
- 10.5 When discounting informal open space areas within the site boundary, the developed area of the proposal is 1.70HA. This would elicit, under the density target of policy LP7, that the site would have a capacity of 60 (59.5r) dwellinghouses when allowing for a density of 35 dwellings per HA. A capacity based upon the calculation of the gross site area of 1.94HA against the target density of 35 dwellings per HA is 70 (67.9r) dwellinghouses per HA.
- 10.6 Policy LP7 requires a net density to be used when calculating whether a proposal meets the density requirement. Consequently the 1.70HA site area is applicable and the proposal under this application, being 48 dwellings in yield, is 12 units below the target of 35 dwellings per HA. As a result the proposed layout achieves a density of 28.2 dwellings per HA which is significantly below the requisite density target of LP7. It can therefore be assumed that the development does not make efficient use of land and buildings, and it has not been sufficiently demonstrated that the proposed layout is necessary to be compatible with its surroundings or to secure a particular house type that would meet local needs or financial viability. A reason for refusal is sustained on this basis given that the proposed development is contrary to Policy LP7 of the Kirklees Local Plan and Paragraph 124 of the National Planning Policy Framework. Kirklees is subject to a Housing Delivery Test Action Plan, therefore meeting anticipated densities for allocated sites is crucial to housing supply in the local area.

- 10.7 In respect of the site's surroundings, there is a highly mixed situation in respect of housing density, with terraced properties directly south, semi-detached properties to the east and a number of detached properties situated to the north west and south east. Overall it is considered that the site does not integrate sufficient terraced housing to increase the site density to an acceptable level and the at the site is over-reliant on semi-detached and detached housing. As detailed in the *Housing Mix* section below, there is no overriding requirement for a particular house type in Kirklees Rural East and therefore there is no requirement to provide lower density housing at the mix currently proposed. As regards financial viability, a viability submission has been provided, however it is afforded little weight in respect of decision recommendation to Committee as the independent assessment of its assumptions has not been entered into due to separate matters pertaining to other reasons for refusal.
- 10.8 Furthermore, with regard to Local Plan Policies LP1 – Presumption in Favour of Sustainable Development and LP3 – Location of New Development, it is considered that residential development at this site can be regarded as sustainable given the site's location adjacent to an accessible, developed area, its proximity to public transport and other local amenities. The site is located approximately 150m from the centre of Denby Dale which provides a good range of shops and services. There are several schools within the vicinity (Denby Dale First and Denby C of E) and the site is easily accessible by public transport, with good bus routes within 50-150m walking distance of the site. Buses run along both Cumberworth Lane and Wakefield Road to the south of the site which provide access to both Holmfirth, Huddersfield, Barnsley and Penistone. The Denby Dale train station on the Barnsley – Huddersfield line is also just over 500m walking distance from the site. Considering the above, it is considered that this site is within a sustainable location and would comply with Paragraph 110 of the NPPF which states that *“appropriate opportunities to promote sustainable transport modes can be - or have been – taken up, given the type of development and its location”*.
- 10.9 On the basis of the above analysis, it is Officers' recommendation to confirm to members that the principle of development for the proposal is not acceptable due to the issues relating to the density of the scheme, which is contrary to Policy LP7 and Paragraph 124 of the NPPF.

#### Environmental Health, Site Contamination and Stability

- 10.10 In accordance with Paragraph 183 of the National Planning Policy Framework, Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;
- and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

## *Environmental Health Matters Related to Contaminated Land*

- 10.11 Environmental Health was originally consulted in August 2022 to provide comments on the proposal to erect 47 dwellings (now 48) with associated highways and landscaping on the land at Cliff Hill, Denby Dale and to date, Environmental Health have provided three consultation responses (on 1st September, 22nd November 2022 and 19th December 2022). In their original response dated 1st September 2022, Environmental Health reviewed the following documents submitted in support of the application:
- Phase 1 Report by Arc Environmental, dated 9th September 2021 (ref: 21-719)
  - Phase 2 Report by Rogers Geotechnical Services Ltd, dated 25th May 2022 (ref: C2206/22/E/3401)
  - Geo Risk+ Report by Groundsure, dated 15th November 2021 (ref: SF-8329067)
  - Remediation Statement by Harland Resources Ltd, dated 11th July 2022 (no reference)
- 10.12 Environmental Health accepted the Phase 1 report and found the Phase 2 and Geo Risk+ report satisfactory however, as the site characterisation was considered incomplete, conditions were recommended to secure the submission of a completed Phase 2 investigation and report and for the subsequent phases of the development. Environmental Health did not accept the remediation statement as it was determined to be missing fundamental information in relation to contaminated land. At that time, Environmental Health stated that they did not object to the proposed development subject to the necessary conditions being applied to any consent granted.
- 10.13 Following a second consultation request, Environmental Health commented on a letter titled, 'Ref: Statement for Outline of Remediation – Cliff Hill, Denby Dale, Huddersfield' by Rogers Geotechnical Services Ltd, dated 12th September 2022 (Ref: Ref C2206/21/E/3401-Letter).
- 10.14 The letter acknowledged that the previous remediation statement by Harland Resources Ltd., dealt solely with geotechnical risk at the site and the letter advised that an 'updated conceptual site model will be produced to indicate the mitigation of such risks as part of a sitewide geo-environmental remediation statement.' The letter also proposed a phased approach to the remediation. The document then listed all our previously recommended conditions and detailed statements to be provided to address each of the conditions. Environmental Health accepted the letter, however their previous recommendations remained.
- 10.15 Environmental Health have since received, a letter titled 'Ref: Gas Monitoring – Cliff Hill, Denby Dale, Huddersfield (ref: C2206/21/E)' by Rogers Geotechnical Services Ltd (RGS), dated 15th July 2022 (ref: C2206/21/E/3228). The letter includes geotechnical information, which is outside the remit of Environmental Health.

- 10.16 The Phase II investigation report ref: C2206/21/E) provided four ground gas monitoring readings over 1 month. The new document provides additional ground gas data. Collectively the data set provided to date consists of 6 readings over 3 months, with atmospheric pressures between 991 mb and 1013 mb. The report states that the monitoring found 'a maximum concentration of 0.1% methane, with concentrations of carbon dioxide ranging between 0% and 8.2% in association with oxygen levels of between 12.3% and 21.4%.' In addition, the maximum flow rate was 0.1 l/h. The gas screening value for both methane and carbon dioxide was calculated as 0.0001 l/h and 0.0082l/h respectively.
- 10.17 From the data set, the report considers that the gas regime should be provisionally characterised as Characteristic Situation Level 2 due to elevated carbon dioxide. However, the report continues to recommend continuous monitoring to fully realise rapid gas release from pressure drops based on best practice guidance. This is because of the potential pathways present at the site associated with coal mine workings.
- 10.18 The report concludes that the document should be viewed as a 'live document' and updated when the design is fixed and before construction commences. The document also recommends a further review of mine gas risk once proposals have been finalised, remediation of mine workings, implementation of additional ground gas monitoring and the production of a remediation strategy and validation report. Concerning the ground gas monitoring RGS proposed that this could be undertaken post-remediation to confirm the results.
- 10.19 Environmental Health cannot confirm the validity of the information presented in the letter as no full data sheets have been presented that detail the atmospheric pressure trends and no calibration information for the ground gas monitors has been included. Finally, the proposals for additional monitoring are unclear and do not go far enough given the ground gas data presented.
- 10.20 Having assessed all contaminated land documents submitted to date, Environmental Health cannot confirm whether the site could be safely developed as the site characterisation remains incomplete. In addition, from the remediation statement, it is understood that coal extraction activities are proposed at the site as a part of the site's remediation. Environmental Health have concerns that such extraction works may significantly alter the ground gas pathways at the site, which in turn may change the conclusions of the ground gas characterisation.
- 10.21 Environmental Health have advised that what is clear is that ground gas appears to be a potential source of contamination at the site in its current state and there is a risk to end-users should no remediation take place. However, it is unclear at this stage whether the site can be safely remediated as we do not consider the site characterisation to be complete. Therefore, it is inappropriate to consider remediation at this stage. Moreover, the proposals may alter the ground conditions undermining any ground gas monitoring and remediation made at this time.

10.22 To summarise the Contaminated Land Findings to Date:

- Fieldwork included but was not limited to, 10 windowless sample boreholes, the installation of 9 gas monitoring standpipes 'between ~1m and 3.6m depth', 9 rotary open hole boreholes and 15 mechanical excavated trial pits.
- Collectively the ground gas monitoring to date consists of 6 readings over 3 months.
- Several instances of intact coal and voids were identified, and the strata conditions were described as showing 'variability.'
- Notably, the report describes 'potentially three distinct horizons of coal, or workings beneath the site'.
- None of the 9 soil samples analysed were found to exceed the chosen assessment criteria for inorganic or organic contaminants.
- Ground gas monitoring reported a maximum concentration of 0.1% methane with concentrations of carbon dioxide ranging between 0% and 8.2% in association with oxygen levels of between 12.3% and 21.4%. The maximum flow rate reported was 0.1 l/h.
- The gas screening value (GSV) has been calculated in accordance with CIRIA C665 for both methane and carbon dioxide, as 0.0001 l/h and 0.0082l/h respectively.
- The site has provisionally been characterised as *Characteristic Situation Level 2* (based on carbon dioxide exceeding the 5% limit) however additional ground gas monitoring has been proposed by RGS.

10.23 In respect of key contaminated land issues, it should be noted that the Remediation Statement by Harland Resources Ltd, dated 11th July 2022 (no reference) primarily contains geotechnical information, which is outside the remit of Environmental Health. Environmental Health's consultation response therefore only relates to the land contamination aspects of the report which relate to the potential for adverse impacts on the natural environment and human health.

10.24 To date, no new remediation strategy has been submitted. The document mentions the extraction of 12,000 tonnes of coal and associated on-site activities. As discussed, Environmental Health (and by consequence the Local Planning/Mineral Authority) do not accept the Remediation Statement by Harland Resources Ltd, dated 11th July 2022 (no reference). Moreover, the scale of the coal extraction and activities are not explicitly detailed in the planning description and supporting information. This has a significant bearing on the validity of previous comments and recommendations made by Environmental Health.

10.25 In addition to this, there is little evidence to confirm whether the remediation strategy has been authored by a competent person as defined under Annex 2 of the National Planning and Policy Framework (NPPF). The report also fails to



include the necessary information required in a remediation strategy as detailed in the Land Contamination Risk Management (LCRM) guidance and in the Yorkshire and Lincolnshire Pollution Action Group (YALPAG) guidance.

- 10.26 Notwithstanding, from the submitted documents, it is understood that several coal seams and features exist on-site. The remediation statement suggests that to remediate the site, topsoil will be stripped and stockpiled, followed by the excavation of coal seams and backfilling with the originally stripped materials. The document also appears to propose the washing of coal, stockpiling and screening of materials on-site.
- 10.27 The disturbance of soil, coal seams and regrading at the site may lead to altered ground gas pathways from on-site and off-site sources. Therefore, any ground gas monitoring undertaken at this stage (as suggested by RGS) may not be reflective of an actual future site setting where the land has been remediated and is 'ready' for groundwork in relation to any permitted residential development. To clarify, should any permitted activities in relation to coal extraction and associated on-site activities take place, then this may have consequences for the residential planning permission that is sought by the applicant.
- 10.28 A further concern would be the potential for acid mine drainage (AMD) which does not appear to be considered in the supporting documents provided to Environmental Health to date. The exposure of, backfilling, and washing proposed at the site may increase the likelihood of AMD in proximity to a culverted watercourse, with the potential for significant pollution being incurred by the on-site and off-site environment. Stockpiled coal may also be at risk of producing acidic drainage. Again, such effluent can cause serious degradation of the on-site and off-site environment that could significantly impact receptors.
- 10.29 Lastly, the risk of combustible materials appears to be poorly considered to date. Whilst the remediation statement provided does suggest that any exposed seams will be 'clay sealed' this does not go far enough.
- 10.30 What is clear is that additional risk assessments and site investigations would be necessary to characterise the site and we consider that the contaminated land information provided to date has been unable to determine to a high degree of confidence that there is no significant possibility of significant harm to either on-site or off-site receptors. The mineral planning authority, in conjunction with Environmental Health, would have serious concerns should remedial proposals include the extraction of coal and associated mining activities on-site. The information submitted thus far does not satisfy Council officers that the proposals are possible through conditional permission and for that reason, an objection is lodged to the current proposals on contaminated land grounds.
- 10.31 Paragraph 183a of the NPPF stipulates that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of contamination, proposed remediation, and potential impacts from that remediation. Paragraph 183b of the NPPF requires that planning decisions ensure, as a minimum, that land not be capable of being classified as contaminated land under Part IIA of the Environmental Protection Act 1990. Paragraph 183c of the NPPF states that adequate site investigation information, prepared by a competent person, is available to inform these

assessments. Lastly, as progress is made through the stages of the LCRM guidance, the LPA will need a high level of certainty to ensure compliance and that risks have been satisfactorily assessed.

- 10.32 As the analysis above sets out, it is considered that the supporting information provided to date fails to wholly meet NPPF guidelines and some of the information provided has failed to meet the necessary requirements for documents as per LCRM guidance. Moreover, extraction of coal at the site (and the associated activities) may present a new potential source of contamination and may change gas pathways that cannot be assessed at this stage. Consequently insufficient information has been provided to satisfy the Local Planning Authority that the risks arising from land contamination on the site can be adequately mitigated under the proposed land remediation strategy. Likewise insufficient understanding of the residual impacts of the site remediation, inclusive of an incomplete understanding of the site's characterisation, do not provide sufficient comfort to allow the proposed site remediation to be undertaken subject to appropriately worded planning conditions. The current submission therefore incurs unacceptable risks that could cause harm to people and/or the environment contrary to Kirklees Local Plan Policy LP53 as well as NPPF Paragraph 183 (clauses a, b and c).

*Site Remediation, Land Stability and The Proposed Extraction of Coal*

- 10.33 When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; likewise minerals planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 10.34 With particular regard to oil, gas and coal exploration and extraction, minerals planning authorities should not grant planning permission for the extraction of coal unless:
- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
  - b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).
- 10.35 Supporting paragraph 15.11 of the Kirklees Local Plan states that national planning guidance does not support the opening of new opencast coal sites unless they meet strict criteria regarding environmental impact or provide overwhelming community benefits.
- 10.36 In Environmental Health's previous response dated 1st September 2022, the consultee made comments and recommendations in relation to air quality, noise and a construction environmental management plan. As it has emerged that the application goes beyond proposals for residential development and

includes the large-scale extraction of coal and associated activities, previous Environmental Health advice is now considered valid only to the residential aspect of the proposal. This is because the working of minerals was not made clear in the application form, development description or supporting information other than a remediation statement. Indeed the submitted information pertinent to noise and air quality had no regard to matters relating to coal extraction and therefore Environmental Health have had insufficient information before them to make an informed recommendation to the Minerals Planning Authority in respect of the acceptability of the proposal. Similarly, Environmental Health in conjunction with the Minerals Planning Authority have serious concerns that the proposed coal extraction element of the proposed remediation strategy will have significant impact on air quality, noise and vibration for local residents immediately adjacent the development site.

10.37 As no information has been submitted to address the concerns highlighted in paragraph 10.34, Environmental Health and the Minerals Planning Authority cannot adequately assess the proposal to confirm the extent of any significant adverse impacts on human health or the amenity of the occupiers of neighbouring properties as the documents fail to encompass the whole of the proposed works. What's more, and as alluded to in paragraphs 10.27 and 10.28 of this report, there are also potentially significant adverse impacts to the natural environment resulting from the proposed site remediation in respect of altered ground gas pathways (post-remediation) and AMD.

10.38 No overriding community benefits have been put forward by the applicant and none are obvious the Minerals Planning Authority other than the supply of housing infrastructure, which is not considered to sufficiently offset the harm of opencast coal mining which is, fundamentally, proposed within a settlement.

10.39 The Coal Authority have provided no objections to the proposed site remediation aspect of the development. The Minerals Planning Authority receiving clarification on their comments on the 27<sup>th</sup> January 2021, as follows:

*As you are aware, the remit of the Coal Authority's Planning team is to provide advice and guidance to Local Planning Authorities for sites within the defined Development High Risk Area where buildings and pipelines are proposed. In this case the development proposal was supported by a report from a geotechnical consultant which recommends that the removal of any remnant coal and coal mining legacy features from the site will remove the risks to land instability arising from these features. The geotechnical consultant has concluded that this will ensure that the proposed development will be safe and stable. In terms of addressing the risks posed by past coal mining activity this is an acceptable form of remediation. On this basis, and in light of our remit, the Planning team at the Coal Authority has raised no objections.*

*It is not the role of the Planning team at the Coal Authority to comment on the acceptability of the remedial works in respect of any potential environmental and amenity impacts they may have, or to comment on the design of these works. The implications of the remedial works proposed is a matter for the LPA to consider as part of its decision making process.*

10.40 The Minerals Planning Authority therefore do not recommend refusal of the application in respect of land stability matters, as it is clear that the proposal is acceptable purely from a land stability perspective. The Minerals Planning

Authority therefore clarify that their objection to the proposal relates to how the site remediation, for the purpose of land stability, incurs unacceptable (and unidentified) environmental and amenity impacts for nearby residential occupiers and that this is reflected in its reason for refusal. Nevertheless, the Planning Authority would highlight that it is their opinion that the applicant has not undertaken sufficient investigation into alternative remediation methods, such as bulk infill grouting of voids, that would be considered less environmentally intrusive. Investigation into the feasibility of alternative methods of site remediation for land stability and contaminated land purposes

- 10.41 Indeed the applicant has justified their approach in correspondence dated 2<sup>nd</sup> March 2023 that, in their view, the extraction of coal is an incidental mineral resulting from remediation of the site. It is perceived that this position is predicated on paragraph 210 clause d of the NPPF. Should this be correct, it is the opinion of the Minerals Planning Authority that there are several issues with this view. The first is that paragraph 210 relates to planning policies, not planning decisions, with the latter being the case in this instance. The second, is that NPPF paragraph 217 and its sub-clauses supersede paragraph 210 clause d with specific regard to coal extraction. The third and final point, subject to the first and second points, is that the prior extraction of minerals to facilitate non-mineral development is caveated by wording which requires the mineral extraction to be necessary as well as practical and environmentally feasible.
- 10.42 As suggested in paragraph 10.38, the Mineral Planning Authority have not received sufficient information in respect of alternative remediation methods to be satisfied that the proposed remediation strategy is necessary. Similarly, the proposed remediation method to openly extract coal in proximity to a large number of dwellinghouses within a settlement is not considered practical, especially when consideration of alternative site remediation methods have not been reviewed. Finally, the environmental feasibility of coal extraction has been insufficiently evidenced, as explained in paragraphs 10.27, 10.28, 10.34 and 10.35 of this report.
- 10.43 Procedurally, with regard to the Development Management Procedure Order, the winning and working of materials has not been applied for and cannot be classified as incidental because the proposed remediation is not environmentally feasible and could have significant impacts in respect of human health.
- 10.44 To conclude, though the Minerals Planning Authority attach great weight to the economic benefits of mineral extraction on the site, it has not been demonstrated that the proposed development would be environmentally feasible or acceptable nor that the proposal would provide local or national benefits that would outweigh the resultant residual environmental impacts of developing the site for the purposes of winning and working minerals (coal) which result from the site's remediation. Indeed the proposed site remediation strategy creates unknown residual environmental impacts that have not been adequately assessed. There are therefore significant concerns with the proposed development in respect of the potential for adverse impacts on water resources, ground gas pathways, human health (noise & air quality in particular) as well as residential amenity more broadly. No overriding community benefits are identified which would make the extraction of coal acceptable from the site. Overall the proposal is found to be contrary to mineral planning policy with particular regard to Kirklees Local Plan Policies LP36, LP51 and LP52 as well as National Planning Policy Paragraphs 211 (clauses b & c) and 217 (clauses a and b).

## Housing and Residential Amenity

### *Housing Mix*

- 10.45 LP11 of the Kirklees Local Plan states that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing.
- 10.46 The emerging Affordable Housing and Housing Mix SPD indicates that Kirklees Rural East has a delivery distribution split of between 10/20% for 1 bed dwellings, 20/40% for 2 bed dwellings, 25/45% for 3 bed dwellings, and 5/25% for 4+ bed dwellings. There is therefore no overriding demand for a particular house type in the area due to the broad requirement for a variety of housing units in respect of size and tenure and there is no other information that has been supplied by the applicant that would indicate this not to be the case.
- 10.47 The proposed housing mix for this application is 8no. 2-bed, 9no. 3-bed, 22no. 4-bed and 9no. 5-bed units and which range from 71.9sqm to 228.4sqm in internal size. Clearly the proposal is over-reliant on dwelling types that are at the larger end of the spectrum with regard to the housing need for the local area, and though up to a quarter of the site could be expected to deliver 4+ bedroom dwellings, the current housing mix composition of 4+ dwellings is approximately 64.6% of the site yield.
- 10.48 The consultation for the Affordable Housing and Housing Mix SPD closed on 1<sup>st</sup> November 2022 and has not yet been adopted by the Council. Consequently a reason for refusal cannot be attached to this decision for reason of insufficient distribution within the housing mix. However, it should be put on record that any subsequent submission, following adoption of the SPD, would be subject to scrutiny in respect of future guidance requirements set out therein.

### *Amenity of Existing Dwellings*

- 10.49 Following requests from the Case Officer, the applicant has supplied a 'Separation Distances Plan' (ref. 571 16-BBA-XX-00-DR-A-0207 Rev P01) and a 'Separation Sections' Plan (ref. 00000-BBA-XX-XX-DR-A-0250 Rev P01). The distances plan covers the entire site whilst the section plan looks directly at the interaction between plot 37 relative to 2 Springhead Gardens.
- 10.50 It is considered that plots 35 and 36 will have broadly the same topographical level as plot 37 whilst being located significantly closer to Nos. 2 and 3 Springhead Gardens. Significant impact will mainly be incurred by Plot 2 Springhead Gardens given that the rear garden terrace of Plots 35 and 36 will be at the same level as that properties first floor windows with the ground floor windows of the proposed units just below ridge height and the subsequent first and second floor windows rising further still. The impact on 3 Springhead Gardens is less than that of the neighbour at No.2, however the loss of amenity is considered to still be significantly adverse.

- 10.51 An attempt at off-setting the rear-facing elevations of plots 35 and 36 has been provided through an amendment to the layout of these plots, however the proximity of the proposed units within the 21m separation distance alongside the asymmetric site-level relationship relative to the existing properties does not overcome concerns with privacy loss highlighted by the Local Planning Authority. Consequently a reason for refusal on this particular amenity matter is sustained by the Local Planning Authority as the proposed development does not meet sufficient separation distances set out in the Supplementary Planning Document – Housebuilders Design Guide (with particular regard to clauses 7.19 and 7.21) and Kirklees Local Plan Policy LP24 – Design.
- 10.52 There are also significant concerns in respect of the development’s potential impact on the privacy of Cruck Cottage. Despite information being requested by the Case Officer that elicited the supplementary information concerning plots 35 and 36, details of the window relationship of Cruck Cottage relative to proposed plots 42, 43, 44 and 45 has not been forthcoming. Consequently a further reason for refusal is forwarded in respect of Cruck Cottage’s amenity out of an abundance of caution. Indeed, the proposed plots have the potential to significantly reduce the privacy of the existing dwelling as they are, again, set at a higher topographical level and are significantly within the 21m facing separation distance from the rear of the existing dwellinghouse.

### *Conclusion*

- 10.61 For the reasons set out above, it is considered that the proposal does not sufficiently protect the amenity of existing residential occupiers bordering the site. Therefore the application does not comply with the objectives of the Housebuilder’s Design Guide SPD or the Local Plan policy LP24.

### Transportation and Access Matters

- 10.62 Chapter 9 of the National Planning Policy Framework states that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree. Policy LP21 of the Kirklees Local Plan reiterates this.
- 10.63 It should be noted that a detailed Highways Development Management response was provided through pre-application advice (reference 2021/20976).

### *Vehicular Access*

- 10.64 The site access takes the form simple priority T junction, with a carriageway width of 5.5m and 2m wide footways to both sides. A 2m wide footway is also proposed along the site frontage. The posted speed limit on Cumberworth Lane in the vicinity of the site is 30mph. On site observations suggest that southbound approach speeds may be in excess of 30mph and as requested at pre-app stage a speed survey has been undertaken to determine vehicle speeds and establish the required visibility splay. The speed survey was undertaken at a point approximately 100m north of the proposed site access,

survey data identified 85 percentile southbound speeds of 34.8mph. Based on MfS2 SSD calculation and taking into account the gradient of Cumberworth Lane this equates to a required visibility splay of 59m, which the access drawing confirms is achieved. Given the accesses proximity to the Wakefield Road junction and the built-up nature and geometry of the Southern end of Cumberworth Lane, vehicles are observed to be travelling within the posted 30mph speed limit. Accordingly, a visibility splay of 43m commensurate with a 30mph speed limit is considered appropriate.

- 10.65 In the vicinity of the site access Cumberworth Lane is in the order of 5.5m wide, it will therefore be necessary to demonstrate using vehicle Swept Path Analysis (SPA) that an 11.85m long Waste Collection Vehicle can safely enter and exit the site. Widening of the site access carriageway may be required to accommodate this manoeuvre.
- 10.66 In summary, the proposed access arrangements are acceptable in principle, subject to providing a revised vehicle swept path analysis demonstrating that a Waste Collection Vehicle can enter and exit the site safely – a revised plan is subsequently required to confirm this.

#### *Pedestrian Access, Sustainable Travel and Connectivity*

- 10.67 A new 2m wide footway is proposed along the Cumberworth Lane site frontage that connects to the track/PROW (Footpath No. DEN/61/10) located to the north of the site access, which is welcomed.
- 10.68 The new footway should also be improved to the south of the site frontage linking the site to the existing footway, providing a continuous footway along the eastern edge of Cumberworth Lane to Wakefield Road. The current proposals result in a short length of approximately 20m, between the proposed and existing footways, with no suitable pedestrian provision. The intention being that pedestrians walking south will cross Cumberworth Lane to use the footway on the western side.
- 10.69 The lack of a continuous footway on the eastern side of Cumberworth Lane was raised in the Stage 1 RSA, with the recommendation that a continuous footway be provided. Highways Development Management concur with the recommendation of the Road Safety Audit and are of the view that rather than crossing and potentially re-crossing Cumberworth Lane, pedestrians walking south towards Wakefield Road are more likely keep to the east and walk in the carriageway for this relatively short length (approx.. 20m) in order to reach the existing footway to the south. The carriageway at this point is relatively narrow and increases the potential risk of vehicular and pedestrian conflict, pedestrians walking south would have their back to oncoming traffic.
- 10.70 It is noted that the applicant have investigated ownership of the strip of land required to construct the southern footway arm, which it is understood now belongs to the Crown, and that they are prepared to make a £20,000 contribution towards construction of the footway should the Council acquire the land. It appears that Urban are not prepared to enter into negotiations with the Crown and District Valuer to purchase the land required, which it is accepted could take some time, and want to place the onus for the purchase and cost of the land on the Council.

- 10.71 The Applicant (in correspondence dated 10<sup>th</sup> January 2023) has acknowledged that the purchase of the required land is not insurmountable, although could take some time to negotiate, but suggest that this responsibility and cost should be borne by the Council. Kirklees Highways Development Management are of the opinion that the land and footway are required to provide a safe pedestrian walking route to and from the development and the responsibility and cost for the purchase and provision of the footway lies with Applicant.
- 10.72 A future application will be expected to provide a connected footway across the southern radii of the site access to join up with existing footway provision further south on the eastern side of Cumberworth Lane. Similarly, a pedestrian connection to the public right of way that traverses the northern boundary of the site would also be expected. It is not considered that these matters warrant a reason for refusal in this instance, however should a future proposal not include the cited connectivity improvements, the Local Planning Authority reserve the right to attach a further reason for refusal on the basis that opportunities for enhancement have not been considered, contrary to Policies LP20 - Sustainable Travel and LP23 – Core Walking and Cycling Network.

#### *Estate Road Design*

- 10.73 The internal road layout is required to be built to adoptable standards, as set out in the Kirklees 'Highway Design Guide SPD' and 'Highways Guidance Note – Section 38 Agreements for Highway Adoptions' March 2019 (version 1) and associated documents.
- 10.74 Though swept path plans for an 11.85m Refuse Collection Vehicle have been provided by the applicant, as requested verbally in a meeting with Highways Development Management and the Case Officer on the 18<sup>th</sup> November 2022, the following information is yet to be provided despite being requested via the pre-application and at the subsequent meeting:
- Provision of a plan which confirms the carriageway and footway widths. Residential Streets are 5.5m carriageway, 2m footways, Shared Surface Streets – 5.5m carriageway, 0.6m hard margins
  - Provision of carriageway long section plans which are required to determine appropriate carriageway and footway gradients. Desirable maximum gradient 1:20.
  - Plans confirming that all internal junctions provide visibility splays of 2.4m x 23m –
  - Plans setting out the horizontal alignment to provide forward visibility splays of 23m, across all junctions and forward visibility splays must fall within the adopted highway – (a revised plan is required in respect of the forward visibility splay of the second bend which does not sit fully within the adopted carriageway)
- 10.75 Given that the bullet-pointed details were raised via pre-application advice as being necessary to support the submission of a formal planning application, the Local Planning Authority consider it valid to sustain a reason for refusal predicated on the lack of information to make an informed decision with regard to the layout of the proposal's internal access and whether that access can be safely used by the development's future occupants and adequately serviced by a refuse collection vehicle. Consequently, the application does not demonstrate that the development meets the layout requirements with regard to a safe layout set out within the Highways Design Guide SPD which is supported by Policy LP21 of the Kirklees Local Plan (with specific regard to clauses a, d, e and f).



### *Travel Plan*

- 10.76 A Framework Travel Plan has been submitted, should a future submission have a yield in excess of 50 units, the Framework Travel Plan should be updated and re-submitted.

### Scale, Visual Appearance, Heritage and Landscaping Matters

- 10.77 Policy LP24 – Design of the Local Plan states that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.78 The scale of the scheme is considered to be an appropriate response to the challenges of the site's topography. This position is considered broadly, and does not apply to instances relating to privacy loss where precise and sensitive design responses to a reduced scale would be appropriate.
- 10.79 Though refinements to the visual appearance and landscaping of the scheme are considered to be required, such matters are not determined to be sufficient to warrant a reason for refusal in this instance.
- 10.80 In respect of heritage, no objections have been received from KC Conservation with regard to impact on the listed building opposite the site access (subject to implementation of consultee advice) and no objections have also been received from West Yorkshire Archaeology Service.

### Biodiversity and Tree Matters

#### *Trees*

- 10.81 KC Trees have indicated no objections to the proposal following amendments to the development proposal in respect of providing sufficient protection to the TPO'd tree adjacent plot 31. To-date, advisory comments on street tree planting have not been adopted by the applicant.

#### *Ecology & Biodiversity Net Gain*

- 10.82 An Ecological Impact Assessment (EclA) has been submitted with the application. KC Ecology have advised that the habitats on site are of variable ecological value, with the majority comprising modified grassland of low distinctiveness. In the eastern section of the site is an area of other neutral grassland, which supports a more diverse range of botanical species. The hedgerows, scrub and trees along with an area of tall ruderal are of increased value for faunal groups including breeding birds, invertebrates, bats and hedgehog. Faunal surveys undertaken at the site identified low-moderate levels of bat foraging and commuting, mainly contained within the northern section of the site. It is considered that in order to continue usage of the site for foraging and commuting bats, a vegetated corridor in the northern section of the site along with a wildlife sympathetic lighting scheme should be adopted as part of the development. These measures could be delivered through appropriately worded conditions.

- 10.83 The site lies within the Kirklees Wildlife Habitat Network, Biodiversity Opportunity Zone – Pennine Foothills and the Strategic Green Infrastructure Area – River Dearne Corridor. It is considered that appropriate use of the mitigation hierarchy has been applied within the EclA through the inclusion of open space across the site, incorporating appropriate native species within the landscape proposals. Retention of a vegetated corridor to the north of the site aims to allow continued use of the site by wildlife, linking residential gardens to more favourable habitat to the north-west. It is considered that the development proposals will allow continued linkage between habitats of increased favourability, within the surrounding area. The inclusion of protected species provisions will seek to provide increased opportunities for bats, birds and invertebrates, along with allowing continued usage of the site by hedgehogs. In line with Policy LP30, although the majority of the habitats on site are to be lost to the proposed development, it is considered that the increase of protected species provisions along with the retention of vegetated areas throughout the site will seek to increase connectivity of ecological corridors. KC Ecology consequently recommend that appropriate mitigation and enhancement measures are placed on any forthcoming consent (through both conditions and a legal agreement), in order to ensure that protected species and habitats are safeguarded throughout the development and that opportunities for these species remain, post development.
- 10.84 A Biodiversity Net Gain Assessment has been submitted with the application, with calculations undertaken in the DEFRA Biodiversity Metric 3.1. From consultation responses with Kirklees consultees, it is understood that the site has been subject to a site strip, however, the habitats included in the baseline assessment of the site appear to be from pre-site clearance, in line with legislation and guidance. Should further information indicate this not to be the case, the Local Planning Authority reserve the right to review the BNG figure and/or take appropriate action accordingly.
- 10.85 Units obtained for the site post-development, based on retained habitats and habitat creation / enhancement included within the landscape proposals indicate that a net gain in respect to habitat areas is unlikely to be achieved with the current scheme with a potential biodiversity net loss of -4.99 habitat units (-34.75% net change). Indicated gains of 0.77 hedgerow units (+66.95% net change) and 0.10 river/ditch units (+68.27% net change) are also considered likely. Due to nature and scale of the current proposals, opportunities to address the shortfall in habitat units on-site are limited in addition to habitat retention/creation/enhancements already proposed.
- 10.86 To achieve adequate biodiversity off-setting a financial payment would be required to Kirklees Council in order to enhance biodiversity on council managed land. For the development to achieve a 10% net gain, 6.43 habitat units would be required, this equates to a financial contribution of £147,890 will be required (figure based on £20,000 per habitat unit to achieve a 10% net gain (figure taken from 2019 DEFRA Impact Assessment) inclusive of a 15% admin fee (figure taken from Kirklees Biodiversity Net Gain Technical Advice Note)). It is the intention for this financial sum to be secured through an appropriately structured legal agreement. The habitats indicated to be delivered on site would be secured through an appropriately worded condition

- 10.87 Subject to agreement of the conditions and financial contribution, the development would be considered in line with the BNG Technical Advice Note and LP30 – Biodiversity and Geodiversity.

#### Site Drainage and Flood Risk

- 10.88 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

This is reiterated in the Kirklees Local Plan Policy LP27 'Flood Risk'.

- 10.89 Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the Lead Local Flood Authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 10.90 Under the pre-application, the Lead Local Flood Authority (LLFA) indicated that the site would not require submission of a sequential test as a part of the Flood Risk Assessment (FRA). This is because the site is allocated via the Local Plan.
- 10.91 The proposed surface water outfall is currently unsuitable. A significant downstream defect has been assessed on part of the outfall culvert near Wakefield Road and work is required to reduce the risk of flooding. The volume generated by the development could increase flood risk in the short term. It is envisaged that engineering works will take place in the near future. The Local Planning Authority are advised by the LLFA that until such a time as work has been carried out, no connection, permanent or temporary, should be made. As such, any future application would be subject to this issue being resolved and a decision will not be determined until it can be proven that the issue has been resolved or that it can be resolved through a Grampian condition or a unilateral undertaking.
- 10.92 Irrespective of the defect, the LLFA have confirmed that a proposed future connection/discharge rate of no more than 5l/s is agreed in principle.

- 10.93 The LLFA advise that a new headwall and trash screen, intention of improvement and formal design of the surface water drainage solution are all noted from submitted plans. A cross section supplied by the applicant sets out the box culverted section and includes the provision of safety fences for open watercourse sections adjacent to parking areas. The LLFA advise that watercourse improvements should be conditioned for detailed design once approval for the connection can be given.
- 10.94 The LLFA have raised a point regarding whether any capping/grouting will take place on site. This is because such work can cause less infiltration of water, particularly in the construction phase. As this type of remediation has not been proposed by the applicant, it is not valid under this application. However any future application should include measures necessary to reduce risk within the construction phase/temporary drainage solution.
- 10.95 The LLFA have indicated that perimeter land drainage will need to be considered as part of a detailed drainage design to ensure that the development will not increase flood risk elsewhere, particularly from groundwater emergence.
- 10.96 As concerns overland flood routing in the event of a blockage of the surface water tank or an extreme weather event, the LLFA have confirmed they are satisfied that previous issues have been rectified and safe flood routing is now shown on relevant submitted plans.
- 10.97 Overall the LLFA are satisfied that the site can be designed to minimise flood risk subject to the downstream defect being remediated. However any future application would likely be held in abeyance until the defect is resolved given its potential to increase flood risk within the wider settlement. The framework drainage design consequently meets the requirements of LP27 – Flood Risk.

#### Planning Obligations

- 10.98 The following planning obligations are considered to be necessary to make the development acceptable in planning terms as they are supported by up to date Local Plan Policies. Likewise the obligations are determined to be directly related to the proposed development and are fairly and reasonably related in scale and kind to the development:

##### *Affordable housing*

- KC Strategic Housing advise that 9 affordable units required with a composition of 2 First Homes, 2 Other Intermediate Units and 5 Social/Affordable Rent. The units should be of a 2 and 3 bedroom mix. This contribution is in line with the 20% affordable housing requirement set out under Policy LP11 – Affordable Housing and Housing Mix of the Kirklees Local Plan

##### *Education*

- KC Education advise that a financial contribution of £59,573 is required from the proposed development for the purpose of providing provision of increased school capacity in the local area, as defined in the ‘ Providing for Education Needs Generated by New Housing’ Policy and Guidance Document and required by Policy LP49 – Educational and Health Care Needs of the Kirklees Local Plan.

### *Public Open Space*

- A financial contribution of £88,594 is required to offset shortfalls in Public Open Space Typologies of the proposal, as defined in the Open Space SPD and required by Policy LP63 – New Open Space of the Kirklees Local Plan.

### *Biodiversity*

- Based upon the submitted biodiversity net gain metric a figure of £147,890 (inclusive of 15% admin fee) in an off-site financial contribution results from the proposed development. This figure is advised by the Kirklees Biodiversity Net Gain Technical Advice Note and is in line with the requirements of Policy LP30 – Biodiversity and Geodiversity of the Kirklees Local Plan.

### *Sustainable Travel*

- A sustainable travel contribution for the purpose of providing bus and rail metro cards for new occupants of the development would be required at a cost of £52,128. (48 x £1066). The obligation is in line with the requirements of Policy LP20 – Sustainable Travel of the Kirklees Local Plan.

### *Site Management*

- The development is required to ensure management on-going management provision for shared spaces and drainage infrastructure relating to the development, as required by the Open Space SPD and Policies LP63 – New Open Space and LP28 - Drainage of the Kirklees Local Plan.

- 10.99 The applicant has submitted an financial viability assessment (on the 31<sup>st</sup> January 2023) to counter the planning policy obligations identified above. Likewise the Council have conducted a tender for appointing an independent assessor to review the submitted viability appraisal. However the application is to be decided before an independent assessor is appointed.
- 10.100 As the submitted viability appraisal has not been independently assessed, it is afforded limited weight, especially as the abnormal development costs set out within the submitted appraisal fail to take account of the economic benefits generated by the proposed site remediation for the winning and working of coal.
- 10.101 Consequently a reason for refusal is substantiated on the premise that the applicant has not agreed to the terms set out in paragraph 10.98 which the Local Planning Authority determine to be necessary to make the development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale and kind to the development.

### Representations

- 10.102 It is considered that the material considerations raised by representors and local representatives have been addressed throughout the assessment conducted in Section 10 of this report.

## Other Matters

10.103 There are no other matters.

### **11.0 CONCLUSION**

- 11.1 Despite being an allocated housing site, the proposed development is not acceptable for multiple planning policy considerations. These matters span contaminated land issues, the potential for significant adverse environmental effects resulting from site remediation inclusive of mineral extraction, residential amenity and privacy issues, insufficient information with regard to transport safety and amenity as well as a lack of agreement with regard to planning obligations.
- 11.2 The Local Planning Authority desire for HS144 to come forward, and approvals on other parts of the allocation are reflective of this. However, the Local Authorities concerns, particularly in respect of contaminated land and mineral extraction matters, are of a severity that cannot allow the application to progress to an approval that would be subject to conditions. The applicant has refused the options provided by the Local Planning Authority and therefore Officers are compelled to make a recommendation of refusal to the Heavy Woollen Planning Committee for the reasons set out at the beginning of the report.
- 11.3 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. As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

### **Background Papers:**

Application and history files.

Link to the application details:-

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91911>

Certificate of Ownership – B – 21 days notice provided to land-owners (it should be noted that this does not include 277 Cumberworth Lane subject to a Option Agreement which the Council are seeking legal advice upon).

---

## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 16-Mar-2023

**Subject: Planning Application 2023/90203 Erection of two storey rear extension Salt Pie Farm, Penistone Road, Birds Edge, Huddersfield, HD8 8XP**

#### APPLICANT

Mr & Mrs M Watson

#### DATE VALID

23-Jan-2023

#### TARGET DATE

20-Mar-2023

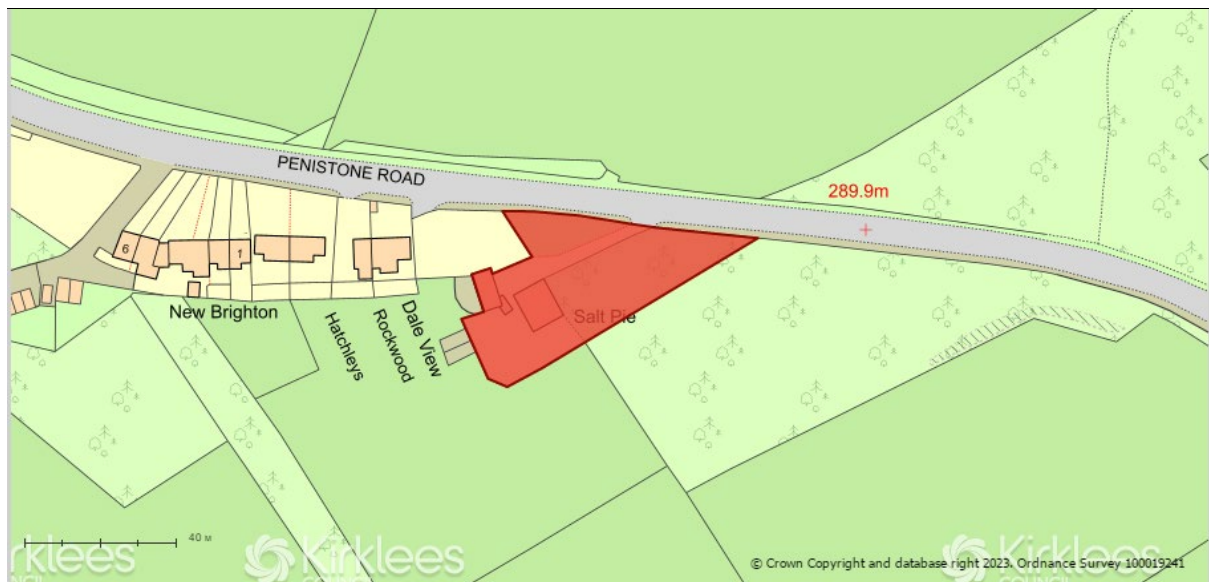
#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral wards affected: Denby Dale**

**Ward Councillors consulted: No**

**Public or private: Public**

---

**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

**1.0 INTRODUCTION:**

- 1.1 This application is brought to the Heavy Woollen Planning Sub-Committee in accordance with the Council's Scheme of Delegation Agreement set out in the Constitution as the applicant is Councillor M Watson.
- 1.2 The Chair of the Sub-Committee has confirmed that reason for the referral to the committee is valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 Salt Pie Farm is a stone built detached property with access from Penistone Road via a sloped driveway. The roof includes a short pitch to the front elevation and a long cat slide pitch to the rear appearing two storey at the front and single to the rear.
- 2.2 The property is located in an isolated site, with a short ribbon of residential properties to the east. Otherwise, the property is surrounded by open fields and in a raised position from Penistone Road. The curtilage includes an outbuilding which is currently attached via a small link extension. Other than a small conservatory to the south elevation and link extension, the property has not been extended from its original size.

**3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for a two storey rear extension.
- 3.2 The rear extension would project 3m from the original rear wall of the property and would extend across the width of the original dwelling with a height of 6.4m to the eaves. The proposed extension would have a perpendicular pitched roof design.
- 3.3 The walls would be constructed using stone with stone slate for the roof covering.



#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2021/93398 - Certificate of lawful development for rear extension - agreed

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 None

#### **6.0 PLANNING POLICY:**

6.1 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 27<sup>th</sup> February 2019).

6.2 The application site is located within the allocated Green Belt on the Kirklees Local Plan.

#### **6.3 Kirklees Local Plan (2019):**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 57** – Extension, alteration or replacement within Green Belt

#### **6.4 Supplementary Planning Guidance / Documents:**

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. 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 this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

#### **6.5 National Planning Guidance:**

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 15 – Conserving and enhancing the natural environment

#### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised in accordance the Kirklees Development Management Charter, with the publicity end date being 13/03/2023. At the time of writing this report, no representations been received. However, should any representations be received, these shall be reported in the committee update.

7.2 Denby Dale Parish Council – No objections

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

None

### **8.2 Non-statutory:**

None

## **9.0 MAIN ISSUES**

- Principle of development
- Green Belt
- Visual Amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is within the allocated Green Belt on the Kirklees Local Plan Proposals Map. As such a key consideration will be its impact on the Green Belt and it will be assessed having regard to Policy LP57 and NPPF chapter 13. Furthermore, as this is an application for works within the curtilage of a dwellinghouse, the House Extension & Alterations SPD is relevant. In addition, the impact of the development on design grounds, residential amenity and highway safety will also be considered along with, biodiversity and all other material considerations and any representations received.

### Green Belt

- 10.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in 'very special circumstances.
- 10.3 Paragraphs 149 and 150 of the NPPF set out that certain forms of development are exceptions to 'inappropriate development'. Paragraph 149 sets out that the extension or alteration of a building could be appropriate provided it does not result in disproportionate additions over and above the size of the original building. Policy LP57 of the Kirklees Local Plan is consistent with advice within the NPPF. Policy LP57 of the Local Plan relates to the extension, alteration and replacement of existing buildings in the Green Belt. In the case of extensions, it notes that these will be acceptable provided that the original building remains the dominant element both in terms of size and overall appearance.

- 10.4 Policy LP57 also outlines that such development should not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standing, curtilages and enclosures and means of access. Further to this, Policy LP57 states that with such development, the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.
- 10.5 The host property is an older stone-built dwelling with a two storey appearance from the front and single storey to the rear with the lower element to the rear having been added to the property prior to 1948 and therefore constituting as "original".
- 10.6 The increase in the footprint of the dwelling, over and above the existing house, is limited to 3m. The bulk of the increase is from the extensions proposed over the existing catslide to incorporate a full first floor, which would clearly increase the massing of the property and have the potential to result in disproportionate additions and impact on the openness and character of the greenbelt. However, much of the extension has already been agreed via a certificate of lawful development. The current application seeks to include a pitched roof form as opposed to the agreed flat roof form. The increase in massing is limited to this element over and above the permitted development rights.
- 10.7 On balance, given the lawful fall back position agreed together with the limited scale of the alteration to the roof form, the works proposed are not considered to result in any significant harm in terms of the green belt and can be considered to comply with green belt policy.

#### Visual Amenity

- 10.8 Key Design Principle 1 of the House Extension & Alteration SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Furthermore, Key Design Principle 2 of the House Extension & Alteration SPD goes onto state that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and details.
- 10.9 Paragraphs 5.1 and 5.2 go into further specific detail regarding rear extensions requiring development to maintain the quality of the residential environment, respect the original house and use appropriate materials.
- 10.10 The extension to the rear would be constructed using materials to match the main house with stone for the walling and stone slates for the roof covering. Although there would be some increase in the footprint of the dwelling, the main increase in massing would be from the increase in first floor accommodation by building over the existing cat slide roof to the rear. The scale is fairly significant. However, the applicant has a certificate of lawful development agreed for a flat roofed extension. The current scheme would include a perpendicular pitch which would result in a more satisfactory appearance, avoiding a flat roof design.

10.11 Having taken the above into account, the proposed extension would not cause any harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building, KDP 1 & 2 of the House Extension and Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

10.12 Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Extension & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

10.13 There are no neighbours to the rear or to the south east side which could be affected by the works proposed. Furthermore, the angled relationship together with the separation between the host property and the neighbouring Dale View to the west is such that the proposed extensions to the rear would result in no overlooking, overshadowing or overbearing impact.

10.14 Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extension SPD and Paragraph 130 (f) of the National Planning Policy Framework.

#### Highway issues

10.15 The proposals will result in some intensification of the domestic use. However, the parking area to the side of the property would not be affected by the proposed extension and is considered to represent a sufficient provision. Bin storage for the dwelling would not be moved as part of the proposals. As such, the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extension SPD.

#### Representations

10.16 No representations have been received at the time of completing this report. Should any representations be received, these shall be reported in the committee update.

10.17 Denby Dale Parish Council has raised 'no objection' to the proposals.

## Other Matters

- 10.18 *Biodiversity*: After a visual assessment of the building by the officer, it appears that the building is in good order, well-sealed and unlikely to have any significant bat roost potential. Even so, a cautionary note is recommended to be added setting out that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought. This is considered to comply with the aims of chapter 15 of the NPPF.
- 10.19 *Carbon Budget*: The proposal is a small scale domestic development to an existing dwelling. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.
- 10.20 There are no other matters for consideration.

## **11.0 CONCLUSION**

- 11.1 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.
- 11.2 As set out above, 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.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

1. The development to commence within 3 years from the date of the permission
2. The development to be completed in accordance with the approved plans
3. Facing and roofing materials to match the original building (natural stone facing and stone slate roofing)

## **Background Papers:**

Application and history files.

Current application:

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f90203>

Certificate of Ownership –Certificate A signed and dated.

Approved Certificate of lawful development:

[Planning application details | Kirklees Council](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93398>

This page is intentionally left blank