

Public Document Pack



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Wednesday 25 February 2026

Notice of Meeting

Dear Member

District-Wide Planning Committee

The **District-Wide Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 5 March 2026**.

(A coach will depart the Town Hall, at 11.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield 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 cursive script, appearing to read "S Lawton".

Samantha Lawton

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.

District-Wide Planning Committee

Member

Councillor Sheikh Ullah (Chair)
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Zahid Kahut
Councillor Susan Lee-Richards
Councillor Tony McGrath
Councillor Mohan Sokhal
Councillor Cathy Scott

When a Member of the District-Wide Planning Committee 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
J Taylor
C Holt
M Thompson

Green

K Allison
A Cooper

Labour

M Ahmed
J Homewood
B Addy
M Crook
J Rylah
A Sewell
H McCarthy

Liberal

Democrat
A Munro
A Pinnock
C Burke
J Lawson
D Longstaff
A Marchington
A Robinson
A Smith

Community Alliance

A Zaman

Kirklees

**Community
Independents**
JD Lawson
A Arshad

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 4

To approve the Minutes of the Meeting of the Committee held on 29 January 2026.

3: Declaration of Interests and Lobbying

5 - 6

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 Disposable 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 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: Public Question Time

To receive any public questions.

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

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Deputations / Petitions

To receive any public questions.

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

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Site Visit - Planning Application No: 2025/92440

Erection of four dwellings at Lumb Lane Nurseries, Lumb Lane, Almondbury, Huddersfield.

Contact: Danielle Cooper, Planning Services

Ward affected: Almondbury

(Estimated time of arrival at site – 11.15am)

8: Planning Applications

7 - 10

The Planning 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 register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 2nd March 2026.

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000 (ext 74993).

9: Planning Application - Application No: 2025/92440

11 - 42

Erection of four dwellings at Lumb Lane Nurseries, Lumb Lane, Almondbury, Huddersfield.

Contact: Danielle Cooper, Planning Services

Ward affected: Almondbury

Planning Update

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

DISTRICT-WIDE PLANNING COMMITTEE

Thursday 29th January 2026

Present:

Councillor Munir Ahmed
Councillor Donna Bellamy
Councillor Paola Antonia Davies
Councillor Eric Firth
Councillor Susan Lee-Richards
Councillor Mohan Sokhal
Councillor Cathy Scott

Apologies: Councillor Tony McGrath

41 Membership of the Committee

Apologies for absence were received on behalf of Councillor McGrath.

Councillor Munir Ahmed substituted for Councillor Ullah.

42 Appointment of Chair

RESOLVED – That, in the absence of Councillor Ullah, Councillor Firth be appointed as Chair of the Meeting.

43 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 27 November 2025 be approved as a correct record.

44 Declaration of Interests and Lobbying

Councillors Bellamy, Davies, Firth, Lee-Richards, Scott and Sokhal indicated that they had been lobbied on all of the planning applications listed on the agenda.

45 Admission of the Public

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

46 Public Question Time

No public questions were received.

47 Deputations / Petitions

No deputations or petitions were received.

48 Site Visit - Applications 2025/92443 and 2025/93197

Site visit undertaken.

49 Site Visit - Application No: 2025/93235

Site visit undertaken.

50 Planning Application - Application No: 2025/92443

The Committee gave consideration to Application 2025/92443 – External works to Market Building and wider site including alteration and demolition of modern additions to the Market building, new glazed screens, new WC and welfare facilities, provision of services and lighting including associated works, remodelling to the stone annexe, alterations to catering facilities, and self-contained commercial units, works to floor surfaces of Market Building. Use of Market Building for a mix of uses (sui generis) including retail, hot food takeaway, drinking establishment, restaurant / café uses, market office, public welfare facilities, storage facilities as well as provision of areas that provide a mix of fixed and flexible indoor and outdoor market stalls. Creation of areas for open market, siting of associated structures, installation of new fixed market stalls demolition of external bin store and creation of waste compound area, storage compounds, vehicular parking, remodelling and surfacing of areas of hardstanding, street furniture, car park layout, installation of parcel lockers, landscaping and associated works (Listed Building within a Conservation Area) Huddersfield Open Market, Brook Street, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jeff Needham, Jez Gunnell, Pam Day, Naeem Nazir, Alex Mettrick, Sandra Jackson and Andrew Wilson (in objection), Nick Mitchell (architect) and Jaime Nalson (on behalf of the applicant).

RESOLVED – That, contrary to the Officer’s recommendation, the application be deferred and that Officers be requested to (i) undertake comprehensive consultation with the market traders, and refine suggested plans as feasible (ii) review the feasibility study/contingency pack (iii) provide additional information on consultation responses received from Historic England and the Victorian Society in relation to impact upon heritage assets (iv) further discuss arrangements for the proposed temporary measures and (v) provide detail of an access management plan.

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

For: Councillors Ahmed, Bellamy, Firth, Davies, Lee-Richards, Scott and Sokhal (7 votes)

Against: (no votes)

51 Planning Application - Application No: 2025/93197

RESOLVED – That, pursuant to the deferral of Agenda Item 11 (Minute No.50 refers), the determination of this application also be deferred.

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

For: Councillors Ahmed, Bellamy, Firth, Davies, Lee-Richards, Scott and Sokhal (7 votes)

Against: (no votes)

52 Planning Application - Application No: 2025/93235

The Committee gave consideration to Application 2025/93235 – Removal of the Cross and reinstatement within the grass verge on Cross Street/Wyke Lane (Listed Building) at The Cross, Wyke Lane/Cross Street, Oakenshaw.

Under the provisions of Council Procedure Rule 36(3), the Committee received representations from Councillors K Pinnock, J C Lawson and A Pinnock (local members).

Under the provisions of Council Procedure Rule 37, the Committee received representations from Jean Tottie, Lindsey Sutherland, Katie Dingle and Colin Berry (in objection).

RESOLVED – That contrary to the Officer’s recommendation, the application be refused on the grounds that (i) the listed monument should be returned to its original location as the repositioning would impact upon the heritage asset/ the original location is in keeping with the area/the relocation of the structure would impact upon the heritage asset, pride of place and historical significance and (ii) the archaeological foundations need to be maintained.

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

For: Councillors Bellamy, Davies, Lee-Richards, Scott and Sokhal (5 votes)

Against: Councillors Ahmed and Firth (2 votes)

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KIRKLEES COUNCIL

DECLARATION OF INTERESTS AND LOBBYING

District Wide 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.

Agenda Item 8

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 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published December 2024 and updated February 2025, the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

The Council's Development Management Charter (December 2024) 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;
- race;
- 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 56 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 (as amended) 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, 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 Committee have been made in accordance with the above requirements.

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Report of the Head of Planning and Development

DISTRICT-WIDE PLANNING COMMITTEE

Date: 05-Mar-2026

Subject: Planning Application 2025/92440 Erection of four dwellings Lumb Lane Nurseries, Lumb Lane, Almondbury, Huddersfield, HD4 6SZ

APPLICANT

B Marsden

DATE VALID

29-Aug-2025

TARGET DATE

24-Oct-2025

EXTENSION EXPIRY DATE

11-Feb-2026

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: Almondbury Ward

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 District Wide Planning Committee due to receiving a significant number of representation contrary to officer recommendation in accordance with the Council's Scheme of Delegation. 93 representations have been made in total (through two rounds of publicity), 89 in objection with 4 comments in support.
- 1.2 The Chair of the Committee confirmed that the application would be reported to the District Wide Planning Sub-Committee, in line with the Kirklees Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a former garden nursery use accommodating a number of single storey structures, including 3 polytunnels, 6 greenhouses and one small flat roof structure. There is one point of access to the site from Lumb Lane.
- 2.2 The site is within a rural location to the south-west of Almondbury, with open countryside to the rear of the site. Residential properties are located to the south, east and west of the application site. The site slopes downwards from west to east. To the rear of the site are a number of trees.
- 2.3 The application site is not located within a Conservation Area however Grade II listed terraces are located east of the application site and the site is identified as being within a dominant area for the setting of Castle Hill.
- 2.4 The site is located within the Green Belt.

3.0 PROPOSAL:

- 3.1 The application is seeking planning permission for the erection of 4 dwellings.

The application proposes to demolish the existing buildings on site to construct the 4 dwellings.

The proposal comprises a row of three cottages and a single storey garage block to the northern section of the site, and one detached dwelling with an adjoining single storey garage and utility building to the western section of the site.

The new dwellings will be two storeys in height and will be constructed from reclaimed natural stone with stone detailing and stone slate roof tiles.

Access is proposed to be taken from Lumb Lane, with proposed hardstanding for turning and parking provided.

Soft landscaping will be incorporated throughout the site.

Detached two storey dwelling

Plot 1 (4 bed – Floor space: 280.53sqm)

Row of two storey terraces

Plot 2 (4 bed – Floor space: 132.44sqm)

Plot 3 (3 bed – Floor space: 88.58sqm)

Plot 4 (4 bed – Floor space:132.44sqm)

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2024/90625 - Erection of one detached dwelling, demolition of existing greenhouses and retention of flat roofed timber clad building – Refused

Reasons for refusal:

- 1. The development fails to satisfy any of the exceptions to permit development listed within Paragraphs 154 and 155 of the National Planning Policy Framework and constitutes inappropriate development within the Green Belt. In addition, the development fails to preserve the openness of the Green Belt and leads to encroachment, conflicting with one of the purposes of including land within it. No very special circumstances have been demonstrated which clearly outweigh the harm caused by inappropriateness and other identified harm. Therefore, the development is contrary to Policies LP24 and LP59 of the Kirklees Local Plan and policies within Chapter 13 of the National Planning Policy Framework.*
- 2. The proposed development, by virtue of the overly large scale, size, contemporary design and parking dominated frontage would be overly dominant, introducing unsympathetic and incongruous development into a semi-rural location causing detrimental harm to the visual amenities of the locality and would fail to preserve or enhance the open character of the locality and would fail to harmonise with the setting and significance of adjacent Listed Buildings, causing less than substantial harm to their significance for which no public benefits have been demonstrated. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP1, LP2, LP11, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 12, 13 and 14 of the Housebuilders Design Guide SPD.*

Officer comment: The previous reason for refusal, as set out in Reason 2, is acknowledged. However, it is important to note that the assessment of openness is no longer applicable in this instance, as the site is classified as grey belt land in accordance with Footnote 55 of the NPPF. Furthermore, the Conservation and Design Officer has reviewed the revised proposals and concluded that the development would result in a low level of less than substantial harm, which is capable of being outweighed by the public benefits arising from the removal of run-down structures and the delivery of new housing in this location.

2023/92112 - Erection of one detached dwelling and detached garage, demolition of existing greenhouses and flat roofed timber clad building - Withdrawn

Pre application

2021/20334 - Pre application advice for residential development

2021/20709 – Pre-application advice for erection of replacement dwelling - Advice provided within the pre-application letter which stated that the principle of the development was not acceptable as two residential dwellings would result in encroachment contrary to local and national policy at the time of writing the letter.

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

- 5.1 A revised scheme was submitted by the agent reducing the number of dwellings from 5 to 4. The amended scheme incorporates 1 detached property and 3 terraces.

Following consultee comments received by KC Highways Development Management and Conservation & Design, the agent amended the design of the proposed dwellings as well as addressed highway comments in regard to installing a 1m pathway along the site frontage.

The revised scheme was considered acceptable by officers.

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 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).
- 6.2 The application site is located within the Green Belt. It is also important to note that Grade II listed buildings are located to the east of the application site as well as the site being identified as a dominant area for the setting of Castle Hill.

6.3 Kirklees Local Plan (KLP):

- LP1** – Presumption in favour of sustainable development
- LP2** – Place shaping
- LP3** – Location of new development
- LP7** – Efficient and effective use of land and buildings
- LP21** – Highways and access
- LP22** – Parking
- LP24** – Design
- LP28** – Drainage
- LP30** – Biodiversity and geodiversity
- LP33** – Trees
- LP35** – Heritage
- LP51** – Protection and improvement of local air quality
- LP52** – Protection and improvement of environmental quality
- LP59** – Brownfield sites in the green belt

6.4 National Planning Policy Framework:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) last published December 2024, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014 and revised most recently on the 27 February 2025, 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. The following chapters of the NPPF are considered applicable to this enquiry: -

- Chapter 2** – Achieving sustainable development
- Chapter 11** – Making efficient 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
- Chapter 16** – Conserving and enhancing the historic environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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

these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs (and design guides) are applicable:

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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024) which was in force at the time of registering the application and undertaking publicity.

7.2 The application has been advertised by site notice and the press. The final publicity expired on 7th November 2025. The application has been re-advertised as a result of a revised scheme being submitted, being reduced from 5 to 4 dwellings. 93 representations have been submitted in total through these two rounds of publicity as follows:

Initial scheme submitted representations – 45 (1 support / 44 objection)

Revised scheme submitted representations – 48 (3 support / 45 objection)

7.3 The comments have been summarised below:

Comments in Objection

- The revised scheme for dwellings does not address any previous concerns raised in regard to loss of privacy, highway safety matters, impact on visual amenity, noise, overdevelopment and development proposed not being necessary
- Residents were not consulted on the revised scheme
- Are the supporting reports from the original five-property proposal valid for what is now a fundamentally different resubmitted scheme?
- Planning law & policy only allows minor non-material changes to an application during the consultation period. The revised scheme should not be allowed under this planning application
- The principle of development is not acceptable and no very special circumstances have been submitted
- The site is not brownfield or grey belt land
- 'Grey belt' status does not apply to the site as it has only ever housed temporary structures
- The proposed development within the green belt is contrary to policy contained within the National Planning Policy Framework
- The development is considered unsuitable for the site and its surroundings

- The land lies within the green belt and has historically been used for agriculture
- Changing its use would conflict with the long-established rural character of the area
- Use of solar panels would not be in keeping with the surrounding area
- The proposed development would result in overdevelopment
- The development will have a negative impact on the listed heritage assets and historic setting of Castle Hill
- The scale, height, and design of the proposed dwellings fail to align with the heritage of nearby properties
- The number of dwellings proposed will alter the character of this Area of Outstanding Natural Beauty
- The proposed development is out of keeping with the surrounding area
- The proposal will reduce openness and set a precedent for further development on other green parcels in the valley
- Harmful impact on the green belt setting
- Concern of the quality of materials having a negative visual impact on the area
- Planning refusal history of the site
- The land is not previously developed
- A watercourse is located close to the site
- A fuel storage tank is on the site
- Land contamination has not been addressed
- Concern of noise, loss of privacy and loss of light of surrounding residential properties.
- Difference in topography levels resulting in overshadowing impact
- No consultation with local residents
- Matters of drainage have not been addressed
- Concern of development resulting in highway safety issues – accidents / access / overspill of parking on-street which may lead to emergency services & agricultural vehicles not being able to access the road / danger to pedestrians / traffic

- Concern of construction works causing highway safety issues
- Visibility splays and parking is inadequate
- The proposed development will lead to road maintenance
- Surrounding roads do not offer acceptable widths for two-way traffic
- The proposal does not allow sufficient visitor parking spaces on site
- Concern of Biodiversity Net Gain not being achievable at the site
- Impact on wildlife has not been addressed
- Concern of wildlife/habitats currently onsite
- The proposal would have a negative impact on biodiversity at the site
- Concern the proposal will have on the woodland. A greater buffer should be imposed.
- The submitted Preliminary Ecological Appraisal fails to identify barn owl & little owl.
- Sufficient new builds being constructed and therefore there is no need for this development to be approved
- Local provisions are already at capacity
- The development is expected to harm the mental wellbeing of local residents and visitors
- The proposal would negatively affect the market value of surrounding properties
- The site is not within a sustainable location
- The site has left to become run down. It should be cleared and retained as Green Belt, not residential.
- The existing site is a well-used and valued recreational facility. The loss of the site will negatively impact users' mental wellbeing.
- No more than 2 dwellings should be allowed on site.
- The proposal will have a direct effect on current livestock in close proximity of the site
- The site is located within a Conservation Area
- The use of the site and existing parking spaces as stated within the Design and Access Statement is incorrect

- The submitted revised Heritage Statement is incorrect
- Increased hard surfacing from the development should be closely examined due to its potential impact on climate-change mitigation efforts

Comments in Support:

- The proposed development is welcomed
- The existing site looks sad and unsightly
- The existing site has rats
- Lumb Lane is a reasonably quiet road, and the extra traffic could easily be absorbed
- The proposed four-house development is an appropriate use of the land, enhancing the area's appearance
- The proposal will benefit the local community.

7.4 These comments will be addressed in section 16.0 of this report

8.0 CONSULTATION RESPONSES:

8.1 KC Ecology – No objection subject to conditions.

KC Trees – No objections.

KC Environmental Health – No objection subject to conditions.

KC Highways Development Management – No objections.

KC Highway Structures – No objection subject to conditions.

KC Conservation and Design – Subject to some minor amendments, suitable conditions relating to siting, design, scale and materials, considered that a low level of less than substantial harm could be outweighed by the public benefit of removing derelict structures and the provision of housing in this location.

Officer comment: *Amendments were received in line with the Conservation and Design comments and were considered acceptable.*

8.2 The response of the above listed consultee are discussed in greater length within the 'Assessment' section of this report.

9.0 MAIN ISSUES

- Principle of development (Including impact on the Green Belt)
- Impact on visual amenity and heritage assets
- Impact on residential amenity
- Impact on highway safety
- Climate Change

- Other Matters
- Representations
- Conclusion

APPRAISAL

10.0 Principle of development (Including impact on the Green Belt)

Housing Supply

- 10.1 Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 10.2 Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.
- 10.3 The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.
- 10.4 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.5 The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer’s assessment.
- 10.6 It is noted that this site is within the Green Belt. Irrespective of the Council’s position on the five-year supply of deliverable housing sites, the National Planning Policy Framework at paragraph 11 is clear that in the event a Council cannot demonstrate a five-year supply of deliverable housing sites, the council should grant permission “unless the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”. Footnote 7 at paragraph 11d) states that the protected areas include land designated as Green Belt.

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

Green Belt

- 10.8 The site is located on Green Belt land. The NPPF states that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’. Paragraph 153 states that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.
- 10.9 Paragraph 154 of the NPPF states “development in the Green Belt is inappropriate unless one of the following exceptions applies:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”
- 10.10 The application is for 4 new dwellings on land that was previously used for horticulture with plants growing in the glasshouses and poly tunnels. As such officers are of the view that the site was primarily used for agricultural purposes, and as such would not fall under exceptions a, b, c, d, f or g of paragraph 154.
- 10.11 With regard to sub-paragraph e), paragraph 19.31 of the Kirklees Local Plan outlines the Councils approach to assessing infilling in villages. It states that:
- 10.12 “Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.”

- 10.13 The application site lies on the outskirts of Almondbury Village and, as such, exception (e) is applicable in this case. The proposal seeks the construction of four new dwellings on a parcel of land that currently contains a mix of existing structures. The site is well enclosed, with a low stone wall, hedging, shrubs, and mature trees forming its boundary treatment.
- 10.14 A row of terraced properties adjoins the eastern boundary, while a residential complex is located to the west. Consequently, the proposed development would read as part of the established built frontage along Lumb Lane and is therefore considered to represent infill development within a clearly contained site.
- 10.15 Accordingly, the proposal is considered to comply with exception (e) of paragraph 154 of the National Planning Policy Framework.

Grey Belt Considerations

- 10.16 Paragraph 155 of the NPPF states that development in the Green Belt should not be regarded as inappropriate where:
- a) The development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed (footnote 56);
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework (footnote 57); and
 - d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157.
- 10.17 Annex 2 of the NPPF defines Grey Belt as:
- “For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.
- 10.18 To determine whether the land could be considered as Grey Belt, consideration should first be given to where or not the land strongly contributes to purposes (a), (b) or (d) set out in Paragraph 143 of the NPPF (December 2024). If the land does not strongly contribute to these purposes and is considered Grey Belt, then an assessment should follow as to whether development would fundamentally undermine the strategic function of the remaining Green Belt across the Local Plan Area as whole, as required by Paragraph 155 of the NPPF.
- 10.19 Planning Practice Guidance (PPG) published 27 February 2025 pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes.

Meeting Green Belt Purposes – Land (Paragraph 155a)

- 10.20 Planning Practice Guidance confirms that purpose (a) – to check the unrestricted urban sprawl of built up areas, specifically relates to the sprawl of towns and cities, and the villages should not be considered large built up areas for this purpose.
- 10.21 The application site is located on the outskirts of Almondbury Village, with Huddersfield lying to the north-west, Holmfirth to the south-west, and Sheffield further to the south-east. These settlements are separated by substantial distances, and the site's semi-rural position ensures it is both physically and visually detached from them. As a result, the proposed development would not contribute to the outward sprawl of nearby towns or villages, nor does the site form part of a settlement edge that could influence urban expansion. Accordingly, the land is considered to make only a weak contribution to Green Belt Purpose (a): checking the unrestricted sprawl of large built-up areas.
- 10.22 The PPG confirms that purpose (b) - to prevent neighbouring towns from merging into one another, relates to the merging of towns not villages, and that the degree of contribution depends on whether development would erode visual separation between towns.
- 10.23 The site comprises a small parcel of land within a much wider expanse of Green Belt. It is visually and functionally contained by a low stone wall, hedgerows, shrubs, and mature trees, and is capable of accommodating development without affecting the broader landscape buffers and open fields that maintain clear physical and visual separation between surrounding settlements.
- 10.24 Although the site sits within a gap between existing residential properties, its individual role in preventing the merging of towns is limited. Consequently, it is assessed as making only a weak contribution to Green Belt Purpose (b). A sensitively designed redevelopment of the site in isolation would not materially diminish the visual or perceived separation between towns, nor would it give rise to any realistic sense of coalescence.
- 10.25 The land is not located within or adjacent to a historic town, nor does it contribute to the setting or character of any such settlements. On this basis, the site is considered to make no contribution to Green Belt Purpose (d) - to preserve the setting and special character of historic towns.

Meeting Green Belt Purposes – Development (Paragraph 155a)

- 10.26 As set out in the preceding Green Belt purpose assessment, the site makes only a weak contribution to Purpose (a), a weak contribution to Purpose (b), and no contribution to Purpose (d). This indicates that the site forms a small, visually and physically contained parcel of land within a wider area of Green Belt, and that its development would not undermine the Green Belt's ability to perform those purposes strategically over the plan area.
- 10.27 In respect of Purpose (c) (safeguarding the countryside from encroachment), the proposed development relates to a parcel of land which is situated in between existing residential properties to either side. The proposed residential development would therefore infill this piece of land within defined boundaries.

On this basis, although the development would result in some localised visual change, the proposal would not result in significant material encroachment or fundamentally undermine the purposes of the Green Belt taken together across the plan area, The proposal therefore satisfies Paragraph 155(a) of the NPPF (2024).

Demonstrable Unmet Need (Paragraph 155b)

- 10.28 With regards to Paragraph 155 (b), the 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold. As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement.
- 10.29 This shortfall is a material consideration and supports the principle of development on grey belt land. The proposed development would contribute to addressing housing need within Kirklees through the delivery of 4 new dwellings. While limited in overall scale to the housing stock, it nonetheless engages this policy test and meets the requirements of Paragraph 155(b).

Sustainable Location (Paragraph 155c)

- 10.30 Paragraph 155(c) requires that the site is in or can be made a sustainable location.
- 10.31 The application site is situated within reasonable walking distance of Almondbury District Centre, including schools, shops, and public transport services.
- 10.32 It is acknowledged that future occupants of the proposed dwellings would be largely dependent on private vehicles for most day-to-day journeys. However, given the modest scale of the scheme, comprising four dwellings, the level of trip generation is not considered to be significant. It is also relevant that the site is positioned between existing residential developments.
- 10.33 Taking into account the site's semi-rural character, its proximity to local facilities and services, and the limited scale of the proposal, the development is considered to occupy a reasonably accessible and sustainable location for the purposes of Paragraph 155(c) of the NPPF.

Principle of development – Conclusion

- 10.34 The site makes only a weak contribution to Green Belt purposes (a), (b) and (d), owing to its limited scale and the surrounding context described above. Although the introduction of residential development would inevitably introduce a more domestic character through built form and associated activity, the scheme would remain contained within the existing site boundaries, flanked on both sides by established residential properties. The layout ensures that parking and amenity areas are appropriately integrated with the proposed dwellings. As a result, the development would be well enclosed and would not lead to encroachment into the wider countryside.

10.35 There is a clear and demonstrable unmet need for housing within the borough, arising from the absence of a five-year housing land supply. The site also occupies a reasonably sustainable location.

10.36 Taking these considerations together, the proposal is judged to fall within the exception set out at Paragraph 155 of the National Planning Policy Framework and is therefore acceptable in principle. As the scheme comprises four dwellings, Paragraph 155(d) does not apply.

11.0 Impact on visual amenity and heritage assets

11.1 Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.2 Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

11.3 Furthermore, LP35 states that: “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”.

11.4 Policy LP35 goes on to note that consideration should be given to the need to preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.

11.5 Paragraph 205 of the NPPF states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”. This is further supported by paragraph 208 of the NPPF outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

11.6 Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

11.7 Policy LP11 sets out that all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities.

11.8 Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.

- 11.9 Principles of the Housebuilders Design Guide are relevant, in particular consideration of the use of locally prevalent materials is required by principle 13. The design of windows and doors to relate well to the street frontage and neighbouring properties is required by principle 14. Principle 15 sets out that the design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types.
- 11.10 The proposed development is within close proximity and within the setting of a row of Grade II Listed Buildings, No. 40-50 Bottoms, Lumb Lane, Almondbury. These are 18th Century or early 19th Century terraces constructed of hammer-dressed stone, pitched stone slate roof, 2 storeys with multi-light stone mullioned window on 1st floor. There are also undesignated heritage assets close by, and other Listed Buildings further from the site. The existing traditional buildings form an attractive group on a rural lane at the far edge of a settlement.
- 11.11 The application proposes 4 dwellings which comprise a row of three cottages and single storey garage block to the eastern section of the site and one detached dwelling with associated single storey garage/utility building. The new dwellings will be two storeys in height and constructed in a reclaimed natural stone with stone detailing and stone slate roof coverings.
- 11.12 The three-cottage terrace draws architectural reference from the listed buildings at 40–50 Lumb Lane to the east, while the detached dwelling adopts the form and character of a traditional farmhouse with a secondary barn or stable range, reflecting the arrangement of buildings at Clough Ings to the west.
- 11.13 The Conservation and Design Officer has reviewed the proposals and is satisfied that the design, layout, and siting of the dwellings are appropriate.
- 11.14 The proposed detached dwelling and the terrace of three cottages are considered acceptable in terms of their character and design. Their simple architectural form reflects the appearance of surrounding traditional buildings, ensuring the development sits comfortably within the historic setting and remains sympathetic to the character of the nearby listed buildings. It is acknowledged that the width of the link extension to the proposed detached dwelling has been reduced, ensuring it presents as a more proportionate and subordinate element within the overall composition of the building. The proposed single storey extensions of plots 2 & 4 are also considered visually acceptable.
- 11.15 The Conservation and Design Officer has advised that the dwellings should be constructed from natural local stone, laid in courses consistent with traditional building methods, and finished with natural stone-slate roof tiles. A condition is therefore recommended requiring samples of all external materials to be submitted to the Local Planning Authority for approval should planning permission be approved.
- 11.16 In addition, the Conservation and Design Officer has specified that windows and doors should be timber or metal and recessed by 100–150mm. A further condition is recommended to secure this detail, ensuring the fenestration treatment preserves the character and appearance of both the site and the wider street scene, should planning permission be approved.

- 11.17 The proposed single storey detached shared garage will be positioned to the rear of the terrace row and is considered to be of an appropriate scale to accommodate on-site parking for the development. Its location behind the terraces ensures it will not have an adverse impact on the visual amenity of the wider streetscape.
- 11.18 Given the site's topography, which slopes downward from west to east, the proposed building heights have been carefully designed to respect the ridge lines of the neighbouring residential properties that flank the site boundaries. This approach maintains the established stepped roofscape and ensures the development reads as a cohesive and well-integrated addition to the surrounding built form.
- 11.19 The proposed dwellings will be set back from the street, maintaining the established building line along Lumb Lane and ensuring they do not appear unduly prominent within the streetscape. This approach helps introduce a well-integrated and appropriately scaled built form. A 2-metre footway, low stone boundary wall, and hedging are proposed along the site frontage, all of which are considered visually acceptable. The retention of the low stone wall is particularly welcomed, as it reflects the characteristic boundary treatment found elsewhere along the lane. The inclusion of soft landscaping, through hedging and grassed areas, will further soften the site frontage and contribute positively to the overall appearance of the development.
- 11.20 It is noted that the siting of the proposed buildings has been brought slightly forward in response to comments from the Conservation and Design Officer, allowing for an increased area of soft landscaping to the rear of the site. This adjustment helps to soften the development's visual impact within the wider Castle Hill landscape setting. The introduction of native hedgerows and grassed areas along the rear boundary is welcomed, as these elements will enhance the setting of the new dwellings and strengthen their relationship with the surrounding landscape.
- 11.21 It is also considered that, as the development is set well within the site boundaries, a sense of openness will be retained, thereby safeguarding the character and appearance of this rural setting.
- 11.22 It is acknowledged that a substantial area of hard landscaping is proposed to accommodate on-site parking and turning; however, the extent of hardstanding is considered appropriate to support the operational needs of the development. The proposed on-site parking situated towards the rear of plots 2-4 is also welcomed as it will not be visible within the street scene. Importantly, this is balanced by a high level of soft landscaping across the site, including grassed areas, hedging, trees, and additional planting, all of which will help to soften the visual impact of the scheme when viewed from the street. A condition is recommended to secure a comprehensive soft-landscaping scheme should planning permission be approved. The existing hedgerows along the side boundaries are to be retained, as indicated on the submitted block plan, which is welcomed given their contribution to the site's character.

- 11.23 A further condition is recommended to secure details of all boundary treatments to ensure both visual and residential amenity are appropriately protected.
- 11.24 It is considered reasonable and necessary on this occasion, to remove permitted development rights for Classes A (extensions) B (additions to the roof e.g. dormer windows), C (any other alteration to the roof – e.g. rooflights) and E (buildings incidental to the dwellinghouse) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. This is to ensure that no large, overly dominant extensions or outbuildings which could have an adverse harmful impact on the character and setting of the green belt or Grade II listed buildings, create residential amenity issues to adjacent neighbouring properties, or would result in overdevelopment of the site can be undertaken without first being assessed by the Local Planning Authority.
- 11.25 It is therefore considered that the scheme will present a low level of less than substantial harm which is outweighed by the public benefit of removing run-down structures and the provision of housing in this location. The overall design, scale and siting of the proposal is therefore considered acceptable, according with policies LP24 and LP35 of the Kirklees Local Plan, the aforementioned parts of the Housebuilders' Design Guide SPD, and guidance contained within the NPPF.

12.0 Impact on residential amenity

12.1 Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

12.2 Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

12.3 Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: “Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.” The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

- 12.4 Plot 1 will retain a separation distance of 6.1m from the shared side boundary with No. 52 Lumb Lane (Clough Ings). Given that Plot 1 sits at a lower land level than No. 52, has a generous separation distance and that the existing approx. 2m high boundary hedge is to be retained, it is not considered that the proposed dwelling would result in any adverse overbearing or overshadowing impacts on this neighbouring property. No first-floor windows are proposed in the west-facing elevation, thereby avoiding any potential loss of privacy. Ground-floor windows will remain screened by the existing boundary treatment, ensuring no overlooking concerns arise.
- 12.5 Furthermore, due to the generous separation distances between Plot 1 and all other surrounding residential properties, no additional amenity impacts are anticipated.
- 12.6 Plots 2, 3 and 4 are positioned to the eastern section of the site. The terrace row sits approximately 12.9m from the rear blank elevation of The Coach House and around 30m from Yew Croft. Given these substantial separation distances, together with the fact that the proposed dwellings face a blank elevation of The Coach House, no concerns arise in relation to loss of privacy.
- 12.7 Plot 4 will be situated on a higher land level than No. 50 Lumb Lane, which features an existing lean-to side extension. Plot 4 is positioned further to the rear of No. 50, with a separation distance of 4.4m to the side elevation of the lean-to extension and approximately 8m to the main side elevation and single-storey rear extension of No. 50. The existing hedge along the eastern boundary is to be retained, providing a buffer. Taking into account the generous separation distances and existing boundary treatment, it is not considered that Plot 4 would result in unacceptable overbearing impact on No. 50's rear garden. While some late-afternoon overshadowing may occur, given the separation distances and positioning of the proposed dwelling in relation to No. 50, the relationship between the two properties is such that no significant adverse overshadowing impact is anticipated to such a degree to substantiate a refusal in this instance.
- 12.8 The first floor east side window of Plot 4 will serve the landing, not a habitable room, and therefore raises no concern to the loss of privacy of No. 50. The proposed ground floor windows will face onto boundary treatment, acting as a screen, therefore eliminating any concern on the loss of privacy.
- 12.9 Accordingly, Plot 4 is not considered to give rise to any significant adverse effects on the residential amenity of No. 50
- 12.10 The proposed single storey detached garage maintains a separation distance of 10.8m to the side boundary of No. 50 Lumb Lane. Given the considerable separation distance in place, there are no concerns to potential overbearing or overshadowing impacts.

12.11 *Impact on future occupants*

The internal floor space of the proposed dwellings is as follows:

Detached two storey dwelling

Plot 1 (4 bed – Floor space: 280.53sqm)

Row of two storey terraces

Plot 2 (4 bed – Floor space: 132.44sqm)

Plot 3 (3 bed – Floor space: 88.58sqm)

Plot 4 (4 bed – Floor space:132.44sqm)

- 12.12 The proposed dwellings will allow a good outlook and receipt of natural light to its occupants. The landscaping of the site would ensure that a generous amount of outdoor amenity space would be provided, and floorspace would be comfortably in excess of that required under the Nationally Described Space Standards for a three and four-bedroom house.
- 12.13 It is noted that the side elevation of the proposed detached garage would sit along the rear boundary of Plot 4. Given that the garage is single storey, and that Plot 4 benefits from private amenity space to both the side and rear, it is considered that the proposal would not result in an overbearing or oppressive impact sufficient to substantiate a refusal on this basis.
- 12.14 Further to this, revised plans were sought to move the proposed 2.5m single storey rear extensions of Plots 2 & 4 away from the side boundaries of Plot No. 3 to ensure there would no oppressive impact.
- 12.15 An informative is recommended to be attached to control the hours of construction to protect residential amenity of surrounding residential properties.
- 12.16 In conclusion, it is considered that the proposals are acceptable with regard to impacts on residential amenity, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework. The proposals are also considered to accord with Principles 6, 16 and 17 of the Council's Housebuilders Design Guide SPD.

13.0 Impact on highway safety

- 13.1 Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 13.2 Principle 12 of the Housebuilders Design Guide SPD sets out, amongst other things, that parking to serve dwellings should not dominate streets and should be to the side / rear. Principle 19 of the Housebuilders Design Guide SPD also states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.
- 13.3 The proposal seeks to redevelop the existing nursery site to provide four residential dwellings. The change of use is not expected to generate a higher level of vehicular movements than the current operation of the site.

- 13.4 In relation to parking provision, Plot 1 will be served by a minimum of three on-site parking spaces, while Plots 2 to 4 will each benefit from at least two on-site spaces (one within the shared garage and one on the driveway to the front). It is also noted that on-site parking can be provided within the wider curtilage of the site. KC Highways Development Management have reviewed the proposed layout and consider the level of on-site parking for the four dwellings to be acceptable.
- 13.5 Furthermore, two ample visitor parking spaces are proposed within the development. These will provide supplementary capacity for residents and visitors, ensuring that the scheme does not result in additional on-street parking pressures.
- 13.6 The proposed internal vehicle turning arrangements have been assessed by KC Highways Development Management and are considered acceptable.
- 13.7 The proposed access arrangements and associated sightlines are also deemed satisfactory. The existing boundary fence along the site frontage will be retained at a height of 900mm, as shown on the proposed landscaping and boundary treatment plans.
- 13.8 In addition, KC Highways Development Management requested the provision of a 2-metre-wide footway along the site frontage to reflect the scale of the development. The agent has amended the block plan accordingly to incorporate this requirement. It is also noted that existing street lighting columns and telegraph poles may require relocation to facilitate the works. As these elements fall outside the red line boundary, a Section 278 agreement will be necessary, and this will be secured by way of an informative should planning permission be approved.
- 13.10 The proposed bin storage and collection point, which is located next to the access point, is considered acceptable.
- 13.11 The approved vehicle parking areas would need to be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. It is recommended that a condition be attached to this effect should planning permission be approved.
- 13.12 Due to the scale of the development, it is considered necessary for a Construction (Environmental) Management Plan to be conditioned to ensure measures are put in place to avoid obstruction to the wider highway network and to avoid risks to highway safety.
- 13.13 Finally, KC Highways Structures have been consulted as part of the application and have requested that a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls adjacent to the existing highway together with any modification to the existing boundary retaining wall adjacent to Lumb Lane shall be submitted to the LPA. As such a condition is recommended to this effect should planning permission be approved.

13.14 For the aforementioned reasons, subject to an appropriately worded condition, it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, Principles 12 and 19 of the Housebuilders Design Guide SPD and Chapter 9 contained within the National Planning Policy Framework.

14.0 Climate Change

14.1 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan 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.

14.2 In this case, it is considered that the resultant residential development would have an acceptable impact on Climate Change given the requirements in relation to building regulations as well as materials being sourced locally. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

15.0 Other Matters

15.1 *Ecology:*

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

15.3 A BNG assessment has been provided and reviewed by the Ecology officer. The site will attain a net gain of 0.16 (75.48%) habitat units and 0.01 (13.38%) hedgerow units, due to trees, grassland, and hedging being created. As such the report and metric is considered acceptable by KC Ecology.

15.4 The LPA consider it necessary to ensure an informative is in place upon any grant of permission which sets out the requirements of Biodiversity Net Gain legislation. Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

- 15.5 As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.
- 15.6 Therefore, subject to inclusion of the recommended informative note, the proposal is considered to be acceptable in this regard.
- 15.7 A Preliminary Ecological Assessment (PEA) has been submitted and has been reviewed by KC ecology who deem the assessment reasonable and acceptable.
- 15.8 The submitted PEA makes recommendations for birds, bats, riparian mammals, hedgehogs on site; and priority habitats and watercourses / drains within proximity of the site. As such, a Construction Environmental Management Plan will be conditioned to be submitted to ensure biodiversity is protected during the construction phase.
- 15.9 As the report makes recommendations for reptiles and amphibians, KC Ecology consider it necessary to further condition a Precautionary Working Method Statement (PWMS). This is to ensure clearance of the site is completed with care.
- 15.10 A badger survey was recommended and conducted. The report confirmed that badgers are using the site, and an active badger sett is within 5 m from the site's northern boundary and approximately 10 m north of the closest ground works. As such a condition is recommended to be imposed to ensure a survey is undertaken within the application site and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected during this survey, a suitable course of action shall be submitted to the Local Planning Authority to ensure the protection of badgers.
- 15.11 The bat survey submitted also confirmed that the existing building on site was seen to have negligible potential for roosting bats and is accepted.
- 15.12 Invasive species Rockspray cotoneaster (*Cotoneaster horizontalis*) has been observed onsite and therefore a condition is recommended for the submission of a full invasive species survey and management plan will be required to be submitted should planning permission be approved.
- 15.13 To protect existing habitats surrounding the site, a further condition is recommended for an artificial lighting strategy to be submitted should the applicant decide to install any external lighting.
- 15.14 In conclusion, the submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

15.15 *Land contamination :*

15.16 Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

15.17 A Phase One Desk Study by Geo Investigate, dated August 2025, ref:G25267 has been submitted and reviewed by KC Environmental Health.

15.18 KC Environmental Health conclude that a site walkover was conducted on the 8th of August 2025; the site comprises a plot of land currently occupied by a disused plant nursery. Poly tunnels and glass houses are evident on site with storage/office buildings. During the site walkover, no visible signs of contamination were observed. The historical land use of the site has been presented and reviewed since 1888, the site itself has been used as an allotment site, had a nearby farm and mill. The conceptual site model identifies several potential pollutant linkages. There are risks associated with made ground/allotment, boiler and associated fuel tank and nearby farm which necessitate further investigation. At this stage it is considered that no significant potential sources of hazardous ground gases have been identified on, or in the vicinity of, the site. If the nature of any made ground encountered or shallow coal that may have been worked are observed, it is anticipated this will be reflected in any future CSM.

15.19 It is concluded that an intrusive investigation is necessary to confirm the potential source pathway-receptor linkages identified, any intrusive report findings must consider offsite receptors. It is therefore recommended that a Phase 2 intrusive site investigation report is to be submitted to the LPA, which is recommended to be secured via condition should planning permission be approved.

15.20 The application site falls within the defined Coal Mining Development Low Risk Area and as such raises no concern in this regard.

15.21 As such, subject to the inclusion of aforementioned conditions the proposal complies with LP51 and LP52 of the Kirklees Local Plan.

15.22 *Drainage / Watercourse :*

15.23 Policy LP28 of the Kirklees Local Plan & Section 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework and the National Planning Policy Framework technical guidance document are considered to be relevant in terms of foul / surface water drainage.

15.24 The site is located within Flood Risk Zone 1 and given the scale of the proposal, and requirements of separate legislation, as well as surrounding existing infrastructure, it is considered that foul and surface water drainage can be suitably accommodated as part of the development via soakaways.

- 15.25 A watercourse runs along the rear boundary of the application site. As no development is proposed within or immediately adjacent to this feature, there are no concerns regarding potential contamination or increased flood risk. The Construction Environmental Management Plan previously recommended to be secured by condition should include appropriate measures are in place to safeguard biodiversity during the construction phase.
- 15.26 *Trees:*
- 15.27 Policy LP33 of the Kirklees Local Plan highlights that Local Planning Authorities should not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. This Policy sets also out that where trees loss is deemed to be accepted, developments will be required to submit a detailed mitigation scheme.
- 15.28 KC Trees have been formally consulted as part of this application, raising no objection to the proposal.
- 15.29 There are no trees, protected or otherwise, within the application site. However, several Tree Preservation Order (TPO) trees are located immediately adjacent to the site, separated by a watercourse.
- 15.30 Although the submitted plans indicate that the Root Protection Areas (RPAs) marginally extend into the site, it is highly likely that the roots do not encroach given the physical separation created by the watercourse to the north.
- 15.31 On this basis, the submission of arboricultural reports are not considered necessary.
- 15.32 Should any pruning be required to the protected sycamore trees, a formal tree works application will be required prior to undertaking such works.
- 15.33 Accordingly, there is no objection to the proposed development and no further arboricultural information is deemed necessary.
- 15.34 The proposed development is therefore considered to accord with policy LP33 of the Kirklees Local Plan.

16.0 Representations

- 16.1 The application was readvertised by site notice and press advertisement, which expired on 7th November 2025. As a result of the above publicity, the two rounds of publicity resulted in 93 representations being submitted in total. The comments have been summarised and addressed below:

The breakdown of the 93 representations is as follows: 4 support & 89 objections

Initial scheme submitted representations – 45 (1 support / 44 objection)

Revised scheme submitted representations – 48 (3 support / 45 objection)

Objections:

- The revised scheme for dwellings does not address any previous concerns raised in regard to loss of privacy, highway safety matters, impact on visual amenity, noise, overdevelopment and development proposed not being necessary

Officer comment: *The above comments are noted and have been addressed within the Appraisal of this report.*

- Are the supporting reports from the original five-property proposal remain valid for what is now a fundamentally different resubmitted scheme?

Officer comment: *All documents no longer relevant to the revised scheme were superseded and new reports submitted.*

- Planning law & policy only allows Minor non-material changes to an application during the consultation period. The revised scheme should not be allowed under this planning application.

Officer comment: *This comment is noted. The revised scheme was readvertised by site notice and by a press notice. As the red line boundary did not change and the scheme remained for residential development, the revision was considered acceptable and within the scope of the original submission.*

- The principle of development is not acceptable and no very special circumstances have been submitted
- The site is not brownfield or grey belt land
- 'Grey belt' status does not apply to the site as it has only ever housed temporary structures.
- The proposed development within the green belt is contrary to policy contained within the National Planning Policy Framework

Officer comment: *The above comments are noted and have been addressed within the Principle of Development section of the Appraisal of this report.*

- The development is considered unsuitable for the site and its surroundings
- The land lies within the grey belt and has historically been used for agriculture
- Changing its use would conflict with the long-established rural character of the area
- Use of solar panels would not be in keeping with the surrounding area
- The proposed development would result in overdevelopment
- Will have a negative impact on the listed heritage assets and historic setting of Castle Hill
- The scale, height, and design of the proposed dwellings fail to align with the heritage of nearby properties
- The number of dwellings proposed will alter the character of this Area of Outstanding Natural Beauty.
- The proposed development is out of keeping with the surrounding area

- The proposal will reduce openness and set a precedent for further development on other green parcels in the valley
- Harmful impact on the green belt setting
- Concern of the quality of materials having a negative visual impact on the area

Officer comment: *The above concerns are noted. Impact on visual amenity and heritage assets have been assessed within the relevant sections of Appraisal section of this report.*

- Planning refusal history of the site
- The land is not previously developed

Officer comment: *The above comments are noted and have been addressed within the Appraisal section of this report.*

- A watercourse is located close to the site

Officer comment: *This comment is noted and has been addressed within the Appraisal section of this report.*

- A fuel storage tank is on the site
- Land contamination has not been addressed

Officer comment: *The above comments are noted. A Phase II Intrusive Site Investigation Report will be required to be submitted to the Local Planning Authority through the use of a condition to ensure any land contamination has been appropriately addressed prior to any development commencing should planning permission be approved.*

- Concern of noise, loss of privacy and loss of light of surrounding residential properties.
- Difference in topography levels resulting in overshadowing impact

Officer comment: *The above comments have been addressed within the Impact on Residential Amenity section within the Appraisal section of this report.*

- No consultation with local residents
- Residents were not consulted on the revised scheme

Officer comment: *The application has been appropriately advertised by site notice and press notice in accordance with the Kirklees Development Management Charter 2024. Once receiving the revised plans, the application was re-advertised by site notice and press notice.*

- Matters of drainage has not been addressed

Officer comment: *This comment is noted and has been addressed within the Other Matters section of the Appraisal section of this report.*

- Concern of development resulting in highway safety issues – accidents / access / overspill of parking on-street which may lead to emergency

services & agricultural vehicles not being able to access the road / danger to pedestrians / traffic

- Concern of construction works causing highway safety issues
- Visibility splays and on parking is inadequate
- The proposed development will lead to road maintenance
- Surrounding roads do not offer acceptable widths for two way traffic
- The proposal does not allow sufficient visitor parking spaces on site

Officer comment: *The above comments are noted and have been addressed in the Impact on Highway Safety of the Appraisal section of this report.*

- Concern of BNG not being achievable at the site
- Impact on wildlife has not been addressed
- Concern of wildlife/habitats currently onsite
- The proposal would have a negative impact on biodiversity at the site
- Concern the proposal will have on the woodland. A greater buffer should be imposed.
- The submitted PEA fails to identify barn owl & little owl.

Officer comment: *The above comments are noted. A Preliminary Ecological Assessment and Biodiversity Net Gain Assessment has been submitted and reviewed by KC Ecology who consider the reports reasonable and acceptable as outlined within the 'Other Matters' section of the Appraisal section of this report.*

- Sufficient new builds being constructed and therefore there is no need for this development to be approved

Officer comment: *The representation is acknowledged. However, given that Kirklees Council cannot currently demonstrate a five-year housing land supply, there is a demonstrable unmet need.*

- Local provisions are already at capacity

Officer comment: *The representation is acknowledged. However, given that Kirklees Council cannot currently demonstrate a five-year housing land supply, and noting that the proposal is for a modest development of four dwellings, the impact on local provision is considered to be limited in this instance and is therefore acceptable.*

- The development is expected to harm the mental wellbeing of local residents and visitors
- The proposal would negatively affect the market value of surrounding properties

Officer comment: *The above comments are not material planning considerations and therefore cannot be assessed as part of this application.*

- The site is not within a sustainable location

Officer comment: *This comment is noted and has been addressed within the 'Principle of Development' section of the Appraisal section of this report.*

- The site has been left to become run down. It should be cleared and redesignated as green belt, not residential.

Officer comment: *This comment is noted; however the proposed development is considered to comply with local and national planning policy as set out within the 'Appraisal' of this report.*

- The existing site is a well-used and valued recreational facility. The loss of the site will negatively impact users mental wellbeing.

Officer comment: *This comment is noted, however matters relating to mental wellbeing are not a material planning consideration.*

- No more than 2 dwellings should be allowed on site.

Officer comment: *This comment is noted, a detailed assessment on principle and visual impact of the proposed development has been undertaken within the Appraisal of this report.*

- The proposal will have a direct effect on current livestock in close proximity of the site

Officer comment: *The proposal is not considered to directly impact livestock located close to the site and reasonable measures will be put in place such as the submission of a Construction Environmental Management Plan to ensure biodiversity and habitats are protected.*

- The site is located within a Conservation Area

Officer comment: *This site is not located within a Conservation Area.*

- The use of the site and existing parking spaces as stated within the Design and Access Statement is incorrect

Officer comment: *The information submitted has been fully assessed by officers and is considered sufficient to ensure a reasonable and fair assessment has been undertaken.*

- The submitted revised Heritage Statement is incorrect

Officer comment: *The submitted Heritage Statement has been reviewed by KC Conservation and Design and the information submitted is considered reasonable and acceptable.*

- Increased hard surfacing from the development should be closely examined due to its potential impact on climate-change mitigation efforts.

Officer comment: *This comment is noted. A Sustainability Statement and Climate Change Statement has been submitted as part of this application, detailing mitigation efforts and the proposed hardstanding is considered acceptable.*

Support:

- The proposed development is welcomed
- The existing site looks sad and unsightly
- The existing site has rats
- Lumb Lane is a reasonably quiet road and the extra traffic could easily be absorbed
- The proposed four-house development is an appropriate use of the land, enhancing the area's appearance.
- The proposal will benefit the local community.

Officer comment: *The above comments are noted.*

17.0 CONCLUSION

- 17.1 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.
- 17.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard conditions regarding time scale
2. In full accordance with plans
3. Sample materials
4. Windows and doors should be timber or metal and recessed by 100–150mm
5. Remove permitted development rights
6. Soft landscaping scheme
7. Boundary treatment scheme
8. Front boundary wall to be no taller than 900mm
9. Approved vehicle parking areas would need to be surfaced and drained
10. Construction Management Plan
11. A scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls
12. Construction (Environmental) Management Plan
13. Precautionary Working Method Statement
14. Badger Survey
15. Full invasive species survey and management plan

16. Artificial lighting strategy
17. Phase 2 Intrusive Site Investigation Report
18. Remediation Strategy
19. Implementation of the Remediation Strategy
20. Submission of Verification Report

Background Papers:

Application and history files.

Website link: Application under consideration

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Certificate of Ownership –Certificate A signed (29/08/2025)

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