



Appeal Decision

Site visit made on 15 May 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/Z4718/W/25/3359097

Kismet, Dover Lane, Holmfirth, Huddersfield, West Yorkshire HD9 2RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Wright against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/90392/W.
 - The development proposed is alterations and 2 bed extension to existing 1 bedroom annexe to form a 3 bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and 2 bed extension to existing 1 bedroom annexe to form a 3 bed dwelling at Kismet, Dover Lane, Holmfirth, Huddersfield, West Yorkshire HD9 2RB in accordance with the terms of the application, Ref 2023/62/90392/W, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: MW/1, MW/2 B, MW/3 B, MW/4 B, MW/5 B, MW/6 B, and MW/20.
 - 3) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
 - 4) Development shall not commence until details of storage and access for the collection of wastes from the premises have been submitted to, and approved in writing by, the local planning authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
 - 5) No demolition works shall be undertaken between 1st October and February 28th in any given year. Works shall be carried out in accordance with all the measures set out in Section 11 of the Bat Scoping Survey (2024) unless otherwise agreed in writing by the local planning authority.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA and E of Part 1 of Schedule 2 to the Order shall be undertaken.

Preliminary Matters

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published. Of particular relevance to this appeal, it introduced the concept of grey belt land. An update to the Green Belt chapter in the Planning Practice Guidance was published in February 2025. Parties had the opportunity to comment on the revisions to the Framework through the appeal timetable.
3. The first reason for refusal is that the proposal is inappropriate development in the Green Belt. However, following the changes to Green Belt policy in the revised Framework, the Council considers that the proposal is not inappropriate development in the Green Belt, as the appeal site is considered to be grey belt, would not undermine the purposes of the Green Belt when taken together, is in a sustainable location and the Council is unable to demonstrate that they have a five year housing land supply. On this basis it is common ground between the main parties that the proposal is not inappropriate development in the Green Belt. As I agree with that position, this issue has therefore been addressed.
4. The second reason for refusal relates to the absence of information in relation to potential impacts to roosting, commuting and foraging bats during and post development. As part of the appeal a Bat Scoping Survey¹ was submitted. As this additional information does not materially evolve the scheme, I am content to accept its submission for information purposes and am satisfied that no party with a potential interest in the outcome of this appeal is prejudiced by me doing so.
5. Permission for a two-storey side extension to create a three-bedroom dwelling was dismissed on appeal². In this case the proposal would significantly increase the height, bulk and massing of the existing annex and substantially alter its appearance. This is different to the current appeal which is much more modest in scale.

Main Issue

6. The main issue is the effect of the proposed development on protected bats species and the Kirklees Wildlife Habitat Network.

Reasons

7. The appeal site is a detached, single storey stone built bungalow with annexe which is linear in form. The dwelling is located off Dover Lane, a single access road, which runs steeply down the valley side. The bungalow abuts the valley side and although it has limited space to the rear, there are large gardens to the side of the dwelling. The annexe was approved in 2009 and is physically attached to the dwelling. To the side of the annexe there is a single detached garage and a separate double detached garage.
8. The proposal would involve the demolition of the existing single garage and replacement with a single storey extension to the annexe to provide two additional bedrooms in order to provide a separate three-bedroom dwelling.

¹ Prepared by John Gardner dated 6th November 2024

² APP/Z47818/D/22/3294294

9. Bat species are a European protected species under the Conservation of Habitats and Species Regulations 2017 (“the Regulations”) and several species are of principal importance under the Natural Environment and Rural Communities Act 2006 (“the NERC Act”). As such, they are afforded full protection under UK and EU-derived legislation.
10. The appeal site is located within a Bat Alert Area (within 200m of a significant woodland or significant watercourse/waterbody where there is a reasonable likelihood of bats roosting). Although no surveys were submitted as part of the planning application, a Bat Scoping Survey was submitted as part of the appeal.
11. The survey was undertaken outside of the optimal period for bat occupancy on 6th November 2024. However, it found that there was only a limited number and diversity of potential bat roosts and features, all of which were in the north elevation, which is the side least likely to be used by bats. As a precautionary matter the survey recommends that the soffits on the north elevation should not be stripped before the end of February, so that if there are bats present, they would not be disturbed and can come out of hibernation naturally. I am therefore satisfied that subject to an appropriately worded condition that the proposal would not harm protected bat species and that with the implementation of the measures proposed in the survey that the appeal site’s potential to support bats would be enhanced.
12. The proposed development would not harm protected bat species or the Kirklees Wildlife Habitat Network and therefore accords with Policy LP30 of the Kirklees Local Plan Strategy and Policies (2019) and Policy 13 of the Holme Valley Neighbourhood Development Plan (2021). Together these policies amongst other things seek to ensure that development proposals protect and enhance the biodiversity of Kirklees.

Conditions

13. I have considered the Council’s suggested conditions and where appropriate amended the wording to more closely align with the Planning Practice Guidance. I have also reviewed the comments of the appellant in relation to the Council’s proposed conditions.
14. In order to meet legislative requirements, a condition shall be imposed to address the period for commencement (1). I have imposed conditions relating to approved plans for the avoidance of doubt (2) and in the interests of visual amenity (3). A condition is necessary in relation to storage and access for the collection of waste (4) in the interest of amenity and highways safety. A condition relating to bats is necessary (5) to ensure species are protected.
15. I consider that it is reasonable and necessary to include a condition to remove permitted development rights (6), for Classes A (extensions), AA (additional storeys) and E (buildings incidental to the dwellinghouse), which could significantly increase the volume of the new dwelling or allow buildings to be constructed in the garden, in order to protect the character and appearance of the area and ensure appropriate levels of off-street car parking provision. However, I do not consider that it is reasonable or necessary to remove permitted development rights for Classes B (roof enlargement) and D (porches) due to restrictions in the size of these changes.

Conclusion

16. For the reasons given above the appeal should be allowed.

C Skelly

INSPECTOR