

KIRKLEES
UNITARY DEVELOPMENT PLAN
INSPECTOR'S REPORT
VOLUME II

Report into Objections to the Unitary Development Plan

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CONTENTS

		Page
 <u>VOLUME I</u>		
Chapter L1	LAND NEED AND SUPPLY	1
Chapter 1	PART I - STRATEGIC FRAMEWORK	21
Chapter 2	DEVELOPMENT FRAMEWORK	27
Chapter 3	NATURAL ENVIRONMENT	42
Chapter 4	BUILT ENVIRONMENT	53
Chapter 5	ENVIRONMENTAL PROTECTION	65
Chapter 6	MINERALS	80
Chapter 7	WASTE DISPOSAL	94
Chapter 8	TRANSPORT	114
Chapter 9	DERELICT AND NEGLECTED LAND	159
Chapter 10	BUSINESS AND INDUSTRY	163
Chapter 11	HOUSING	179
Chapter 12	COMMUNITY FACILITIES	196
Chapter 13	SHOPPING AND SERVICE USES	202
Chapter 14	RECREATION	224
Chapter 15	HUDDERSFIELD TOWN CENTRE	241
Chapter 16	MONITORING AND REVIEW	256
 <u>VOLUME II</u>		
Chapter 17	GREEN BELT SITES IN STATUTORY LOCAL PLAN AREAS	257
	Area 1	259
	Area 7	267

Area 8	274
Area 9	283
Area 10	295
Area 11	307
Areas 12 & 13	329
Area 14	336

Chapter 18 GREEN BELT SITES IN AREAS WITH NO STATUTORY LOCAL PLAN 383

Areas 2 & 3	384
Area 4	417
Area 5	431
Area 8	448

VOLUME III

Chapter 19 BUSINESS AND INDUSTRY SITES 451

Area 1	452
Area 3	454
Area 4	456
Area 5	462
Area 8	466
Area 9	481
Area 10	483
Area 11	485
Area 12	495
Area 14	496

Chapter 20 HOUSING SITES 498

Area 1	499
Area 2	505
Area 3	512
Area 4	520
Area 5	524
Area 6	532
Area 7	533
Area 8	541
Area 9	557
Area 10	572
Area 11	577
Area 12 & 13	592
Area 14	594

Chapter 21	URBAN GREENSPACE AND GREEN CORRIDORS	603
	Area 1	604
	Area 3	608
	Area 4	613
	Area 5	619
	Area 7	622
	Area 8	626
	Area 10	636
	Area 11	640
	Areas 12 - 14	644
Chapter 22	MISCELLANEOUS SITES	655

APPENDICES

Appendix A	INDEXED LIST OF OBJECTIONS
Appendix B	INDEXED LIST OF COUNTER OBJECTIONS
Appendix C	LIST OF SUPPORTING REPRESENTATIONS
Appendix D	LIST OF REPRESENTATIONS SUPPORTING PROPOSED CHANGES
Appendix E	SCHEDULE OF CORE DOCUMENTS
Appendix F	COUNCIL STATEMENTS OF CASE
Appendix G	OBJECTORS' DOCUMENTS
Appendix H	INQUIRY APPEARANCES
Appendix I.1-3	HOUSING RTS - APPEARANCES, DOCUMENTS AND OBJECTORS REPRESENTED
Appendix J.1-3	BUSINESS AND INDUSTRY RTS - APPEARANCES, DOCUMENTS AND OBJECTORS REPRESENTED
Appendix K	CHANGES TO THE PLAN RECOMMENDED AS MODIFICATIONS
Appendix L	ABBREVIATIONS USED IN THE REPORT
Appendix M	ALLOCATION B8.16 - RECOMMENDED BUFFER ZONES
Annexes A-L	LISTS OF OBJECTIONS REPORTED IN SPECIFIC SECTIONS

CHAPTER 17 - THE GREEN BELT IN STATUTORY LOCAL PLAN AREAS

17.1 INTRODUCTION

17.1.1 In this chapter objections to the Green Belt boundary in the areas with an adopted Local Plan are reported, whether seeking enlargement or reduction of the Green Belt as proposed in the UDP. There are three adopted Local Plans which cover the northern half of the district. These are:

Heavy Woollen District Local Plan - adopted 1985

Huddersfield Local Plan - adopted 1986

Colne Valley Local Plan - adopted 1988

The plans were prepared in the context of the West Yorkshire Structure Plan, which had been approved in July 1980. The Structure Plan had established the broad areas to be included in the Green Belt and policy N10 identified four factors to be taken into account in defining precise boundaries in local plans.

17.1.2 PPG2 confirms that the general extent of Green Belts has been fixed through the approval of structure plans and that this should be altered only exceptionally. Similarly detailed boundaries should not be changed unless alterations to the structure plan have been approved or other exceptional circumstances exist. The advice emphasises that the quality of the landscape or the fact that land has become derelict are not grounds to alter the boundary. PPG2 also distinguishes the five purposes of including land in Green Belts from objectives of the defined Green Belt. The degree to which land fulfils these objectives is not relevant to inclusion in the Green Belt or continued protection. The purposes of Green Belts are of paramount importance.

17.1.3 The deposit draft plan was prepared in the context of RPG2, issued in 1989. This stated that a full scale review of the Green Belt for West Yorkshire was not warranted but that, exceptionally, it might be necessary to review existing boundaries where economic regeneration might be constrained by a lack of suitable industrial sites. Where release from the Green Belt was proposed, opportunities for development elsewhere would first have to be fully considered or it would have to be demonstrated that the land was no longer capable of making a significant contribution to the objectives of the Green Belt. At the time the RPG was produced, national policy did not distinguish the purposes of Green Belts from their objectives.

17.1.4 In March 1996 the new regional guidance in RPG12 was issued. This does make subtle changes compared with the framework within which the plan was prepared. For example, the advice is that no significant change to the general area of the Green Belt should be necessary. Changes to the boundary should be made only exceptionally and then only as part of a wider review of policies within the development plan. The possible need to provide safeguarded land between the urban area and the Green Belt to meet longer term development needs is repeated in very similar terms but within the somewhat modified framework of the advice as a whole.

17.1.5 In the UDP, taking into account the effect of changes to the plan proposed by the Council, ten variations to the statutory Green Belt boundary as defined in the three local plans are proposed, of which six are in order to provide land for business and industry. In Chapter L1 I concluded that it is necessary to make available some Green Belt land for this purpose in order to provide sufficient sites of reasonable size, without significant constraints, and attractive to prospective occupiers, particularly by being accessible to the motorway network. The broad level of provision in the current plan in this respect was judged to be correct. Whereas the specific advice in RPG2 identifying the need to provide suitable industrial sites as grounds to review Green Belt boundaries no longer applies, in Chapter L1 I considered all relevant arguments, including those made in pursuit of site specific objections. As a result I am satisfied that in the circumstances of Kirklees the revision of the Green Belt boundary so as to provide additional allocations amounting to some 35ha for business and industry is justified. This is the background against which objections to the allocations and those seeking release from the Green Belt on the basis of the need for land for business and industry must be examined. Given that the broad level of development provided for in the allocations is reasonable, the strength of objections to them will be measured by whether the site can be shown to be unsuitable to fulfil the objectives of the plan or that there is compelling evidence that more suitable land not currently allocated for this purpose is available. A similar approach will apply to those objections seeking new allocations, including whether the land materially contributes to the purposes of the Green Belt.

17.1.6 Many objections have sought variation of the statutory Green Belt on the grounds that there is a need to provide additional housing land immediately or safeguarded land to meet longer term requirements. In Chapter L1 I concluded that the appropriate figure for necessary housing provision is met by the housing supply agreed with the HBF. Whereas there will be a need to consider changes to the Green Belt boundary, this should be undertaken comprehensively when new regional guidance taking account of the 1992-based household projections is available. Thus in progressing the current deposit draft plan to adoption within the context of RPG12, the provision of additional housing land or safeguarded land for this purpose is not an exceptional circumstance which would justify variation of the Green Belt boundary from that in an adopted Local Plan. Objections promoted on this basis and other objections seeking a change to the statutory boundary must be considered on their merits but having regard to the need to demonstrate exceptional circumstances. Since the provision of land for housing is not an exceptional circumstance, evidence concerning the suitability of land for housing will not normally be relevant where exclusion from the statutory Green Belt is being sought. Neither is an offer to provide affordable housing an exceptional circumstance giving grounds to exclude land from the Green Belt. The approach in the plan is to seek to negotiate with developers the inclusion of an element of affordable housing where appropriate, which is consistent with PPG3 and C13/96. The overall housing requirement does not exclude those who might be unable to buy on the open market, but is derived from the projected number of households, with an allowance for concealed households. National guidance does not endorse making general exceptions to planning policy in order to provide affordable housing and such an argument could be too readily repeated to be grounds to release Green Belt land. Special considerations apply in rural areas, as explained in Annex A of PPG3, but this advice is reflected in policy H11 and such exception sites are not to be identified in development plans.

AREA 1 - COLNE VALLEY

17.2 POLICY D8, SITE CV1 *DRUMMER LANE, BOLSTER MOOR, GOLCAR*

Objections: 0754 J & P Ainley, L. Bamforth

Issue

17.2.1 Whether the land should be inset in the Green Belt and allocated for housing because this would not compromise the purposes of the Green Belt.

Conclusions

17.2.2 The objection concerns a triangular site surrounded by roads on all sides. The site is within a settlement concentrated within the triangle but also extending beyond it, especially to the south-west, where there is a significant group of dwellings. Within the triangle are redundant poultry sheds and open land amounting to about 1.3ha, while the Council concede that this core is mainly surrounded by frontage development on all three sides. The landscape in the vicinity is predominantly open, rising steadily northwards, the settlement being included at the northern edge of an AHLV.

17.2.3 The Council also acknowledge that some infilling has been allowed on the road frontages, which is accepted in policy CV/GB5 of the CVLP. The situation now is that the objection site appears substantially built up when seen from surrounding roads, the open core only becoming significant in long range views from higher land, notably around Scapegoat Hill. Thus the contribution of the land to the purposes of the Green Belt as part of the open countryside is small. Nevertheless such a small settlement should not be inset in the Green Belt because the latter would be weakened by numerous minor exclusions. This could also imply excessive opportunity for new development, bearing in mind the reservations about this here on sustainability grounds, particularly because of the deficiencies of public transport and the distance to local shops. There would also be a risk of harm to the character of a small rural settlement from intensification of buildings, unless suitable means exist for this to be sensitively controlled. Identifying the objection site for development would also fail to give clear guidance for planning decisions within the remainder of the settlement. The village needs to be treated as a whole and the current version of PPG2 provides more comprehensive guidance on this subject. In its present form the plan contains a general policy, D13, on infill development in Green Belt settlements but the Council accepts that the implications of the new guidance will have to be incorporated by means of modifications or a review of the plan. This will enable the specific characteristics of each settlement to be taken into account in defining infill boundaries, where appropriate, and in devising policies to protect the character of the settlement. Such an appraisal should be carried out comprehensively by the Council with local consultation, rather than attempting to incorporate current guidance piecemeal in response to objections, with the additional uncertainty this would create in terms of the planning policy framework for the remainder of the settlement. Whatever the eventual outcome of further consideration of the implications of PPG2, the evidence available now demonstrates firmly that there are not exceptional circumstances which would justify a change to the Green Belt and the land should not be allocated for housing, either as a whole or restricted to the open core.

Recommendation

17.2.4 No modification.

17.3 POLICY D8, SITE CV5 MANCHESTER ROAD/QUEENS ROAD WEST, MILNSBRIDGE

Objections: 0756 Economic Developments Ltd

Background and issue

17.3.1 The objection is concerned with open land between Deep Lane and the rear of houses fronting Manchester Road. This slopes down from Deep Lane, at a reduced gradient closer to the houses. The CVLP, adopted in 1988, defined the Green Belt boundary and allocated the land outside the Green Belt for housing. A permission granted in 1990 allowed residential development to a new line within the Green Belt, one reason for this being the need to provide a sufficient width for development. This line is followed in the UDP in defining the boundary between the Green Belt and housing allocation H1.17.

17.3.2 The objection seeks the redefinition of the housing site boundary (and by implication a variation in the Green Belt) in accordance with a plan submitted which would take in some 35-40% of the land between the deposit draft Green Belt boundary and Deep Lane. Previous planning history also referred to is an outline approval in 1981 for residential development (40 dwellings) which included all the land up to Deep Lane. The issue is what should be the Green Belt boundary having regard to:

- i. the contribution of the land to the purposes of the Green Belt;
- ii. the desirability of selecting a well-defined boundary.

Conclusions

17.3.3 The land is part of a gap between Milnsbridge and Crosland Hill which tapers towards the north-east and widens to the south-west, where it links with a more expansive area of open countryside. The objection land forms part of a relatively narrow open gap at this point and serves important purposes in protecting the countryside which separates the settlements from encroachment and preventing the sprawl of the built-up area. The objector suggests that even if the Green Belt boundary were moved to Deep Lane the slope would preclude development of all the land. Any development which might be permitted is argued to be unobtrusive because of existing screening on the site and adjoining land. Nevertheless in my judgement it is vitally important to maintain the openness of all of this land as part of the Green Belt, especially because this is so narrow. If the land were not part of the Green Belt there would be the possibility of buildings, which would be likely to be visible from Deep Lane and to result in a significant loss of openness seen from across the valley at Lowergate. New development to the south-west is referred to as an example but at its narrowest the Green Belt there is the same as proposed in the plan at the objection site and for the most part is wider. The buildings there are no more intrusive than I judge development on the allocated site would be, whereas a change in the boundary as sought would result in a greater encroachment. Any loss of openness in the vicinity of housing

allocation H1.17 would reduce the effectiveness of the Green Belt and might eventually lead to pressure for equivalent changes on adjoining land which would further prejudice the functions of a narrow and vulnerable part of the Green Belt. Although reference is also made to the identification of the site within a Regeneration Area, where environmental improvement is to be encouraged, the objector acknowledges that it is not necessary to extend the housing site to achieve development and this status is not a reason to reduce the weight afforded to the purposes of the Green Belt.

17.3.4 PPG2 advises that Green Belt boundaries should be well-defined and follow recognisable features. Whereas the objector argues that exceptional circumstances are not required to vary a boundary where this standard is not met, that mis-interprets the guidance. The advice in paragraph 2.6 of PPG2 that detailed Green Belt boundaries defined in an adopted Local Plan should be altered only exceptionally is clear and unambiguous and is not modified by the subsequent comments on how boundaries should be chosen.

17.3.5 The boundary proposed in the UDP does not in my view follow any discernible physical feature. Although the Council suggest that there is a change in slope at this point, I have been unable to perceive one and none is indicated in surveyed contour plans. In the terms of the advice, there is not a readily recognisable feature. The current CVLP boundary is only slightly better in this respect. The proposed Green Belt line is capable of measurement but would have no presence until development has occurred and a visible boundary been created. Deep Lane would be a better boundary in these terms but readjustment of boundaries to improve definition because a better line exists is a reason that could too easily be repeated and is not an exceptional circumstance. Bearing in mind also that there are strong grounds to retain all the land in the Green Belt so as to support its purposes at a particularly vulnerable point, no modification is justified.

Recommendation

17.3.6 No modification.

17.4 POLICIES D8 AND NE5, SITE CV6 *LOWESTWOOD MILLS, LINTHWAITE*

Objections: 0845 Anthony Dann Associates

Issue

17.4.1 Whether there are exceptional circumstances to exclude land adjoining Lowestwood Mills from the Green Belt and allocate this for a comprehensive mixed development incorporating Lowestwood Mills.

Conclusions

17.4.2 The objection site lies between the River Colne and the Huddersfield Narrow Canal and consists of 3.1ha of open land and the adjoining Mills, a six storey Grade II listed building. The Mills are unallocated. The open land, part of the Green Belt, is low lying, very flat, and occupies a dominant position in the valley floor. The land makes an important

contribution to the purposes of the Green Belt by protecting the countryside from encroachment and preventing the sprawl of Linthwaite towards Wellhouse, which is separated from the main urban area by a relatively narrow gap.

17.4.3 The case for excluding the land from the Green Belt is not promoted on the basis of a general need for the development sought but in order to secure the restoration and beneficial use of the Mills. While this is a desirable objective, if the land were excluded from the Green Belt and allocated for development it could be difficult to ensure that the linkage with restoration were maintained. This is a highly visible location on the open valley floor and the prominence of buildings would be increased by the need to be above the flood level. Industrial and commercial uses are suggested, amongst others, but this is not a desirable location to establish these because of the relatively poor accessibility of the Colne Valley.

17.4.4 Various uses are suggested for the Mills as part of a comprehensive package including the open land, so that these are advocated in conjunction with the release of the Green Belt. The uses proposed for the building include retail and leisure. Although the restoration of the Mills would be desirable, this does not override the preference in the plan to locate these activities within existing centres and no evidence is presented which would justify setting aside the principles in policies S4 and S12.

17.4.5 A general objection to the allocations sought is the need for an improvement of the junction of Bargate with Manchester Road, which would require significant land acquisition and would be likely to affect several different ownerships.

17.4.6 This land makes an important contribution to Green Belt purposes. There are serious reservations concerning the suitability of several of the particular uses sought and other reasons why making the allocations would be inappropriate. Hence the necessary exceptional circumstances to vary the Green Belt do not exist and the Mills should remain unallocated, with any proposals considered on their merits against policy D2.

Recommendation

17.4.7 No modification.

17.5 POLICY D8, SITE CV7 VICTORIA MILLS, VICTORIA LANE, GOLCAR

Objections: 1377 Readicut International plc

Issue

17.5.1 Whether there are exceptional circumstances to exclude the land from the Green Belt.

Conclusions

17.5.2 Victoria Mills are substantial modernised premises on the south-western edge of Golcar which have a significant impact on the surroundings. Nevertheless the site does make some contribution to the purposes of the Green Belt because of the open land to the north and west of the building, which links with the wider countryside to the west and south. Permission for a warehouse extension has been granted but I am unable to judge the effect of that because no details have been submitted. If development on the site were not restricted and the open land, including that to the north of the main building, were lost then the current rural transition would disappear. I also agree with the Council that Victoria Lane is a well-defined boundary, whereas the fences and footpath around the objection site would be less suitable. The objector quotes the advice in para 2.8 of PPG2 but that is directed at circumstances where the detailed Green Belt boundary has not yet been defined. Here there are not the exceptional circumstances that would justify a change.

Recommendation

17.5.3 No modification.

17.6 POLICY D8, SITE CV13 *SOUTH OF BLACK ROCK MILLS, LINTHWAITE*

Objections: 0219 & 0220 Patons RTN

Issue

17.6.1 Whether to exclude the land from the Green Belt because of industrial use or infrastructure present.

Conclusions

17.6.2 The objection applies to land lying south of Black Rock Mills. Much of this is steeply sloping wooded land and part borders a stream where there is pipework and other features associated with the Mills. Nevertheless the visual impact of these works is minimal and does not detract from the character of this part of the land, which contributes to the attractive open countryside to the south-east of Linthwaite and serves the purposes of the Green Belt.

17.6.3 The north-western portion of the site has a different character. Included in the Green Belt are level hardstandings to the south of mill buildings and a heap of waste material. The evidence makes no reference to the planning history of this part of the land, so that it is impossible to determine whether its physical condition and use is lawful. Although open, in its present state the land is more closely associated with the industrial area and does not contribute significantly to the purposes of the Green Belt. In general, exceptional circumstances to revise the Green Belt boundary would only exist if the current use and condition of the land is lawful and this will require further investigation. In so far as it is not lawful, then it would be for the Council to decide what further action is expedient. If the Green Belt boundary is to be revised, it will be important to avoid

progressive extensions to the urban area so that reinforcement, perhaps by fencing and planting, may be desirable.

Recommendations

- 17.6.4 i. that the lawful use of the area of hardstandings and waste material immediately to the south of Black Rock Mills be investigated;
- ii. that the plan proposals be confirmed without modification unless the lawful use is shown to be for industry or a related activity.

17.7 POLICY D8, SITE CV14 *EAST OF BLACK ROCK MILLS, LINTHWAITE*

Objections: 0219 & 0220 Patons RTN

Issue

17.7.1 Whether to exclude the land from the Green Belt because of industrial use or infrastructure present.

Conclusions

17.7.2 The site consists of attractive fields bounded by stone walls sloping down from Gillroyd Lane to the rear of Black Rock Mills, which are on a lower level and relatively unobtrusive. The land contributes to the purposes of the Green Belt by restricting the sprawl of the built up area and safeguarding the countryside from encroachment. A small reservoir on the land is appropriate to its rural surroundings and does not detract from the open character of the site.

Recommendation

17.7.3 No modification.

17.8 POLICY D8, SITE CV15 *BROAD OAK FARM, BROAD OAK/COWLERSLEY LANE, LINTHWAITE*

Objections: 1375 Eric Roberts & Sons

Issue

17.8.1 Whether there are exceptional circumstances justifying a change in the Green Belt boundary and allocation of part of the land for housing.

Conclusions

17.8.2 The objection proposes the exclusion from the Green Belt as defined in the CVLP of an area of some 6.8ha and the allocation of a substantial part for housing. A number of

the arguments made in support of the objection are not relevant to the determining issue. I include in this category the viability of the farm unit. There is no detailed evidence to substantiate the claim that this is no longer viable but even if this were demonstrated, its relevance is presumably seen to be that the condition of the land might deteriorate and PPG2 explains that this is not relevant. The quality of the proposed boundary to the Green Belt is mentioned but the existing boundary is well-defined and differences in this respect would not amount to an exceptional circumstance. In the introduction to this chapter I explain that the suitability of land for housing, the degree to which it contributes to the objectives of the Green Belt and an offer to provide affordable housing are not exceptional circumstances. Concerning affordable housing, Annex A of PPG3 is mentioned by the objector but I disagree that this site on the edge of the built-up area, which is also claimed to be adjacent to the PUA established in the WYSP, can realistically be regarded as in a rural area and therefore within the scope of the advice. In any event the advice is directed at possible exceptions to a plan and resists the identification of sites for affordable housing outside allocations for general housing.

17.8.3 It would be relevant if, as claimed, the land does not contribute to the purposes of the Green Belt because it is closely related to the urban area and would constitute rounding off. In my view this site forms an obvious part of the open countryside on the edge of the built-up area. The land is readily visible from Church Lane and the footpath which crosses the site. Development as proposed would constitute urban sprawl, particularly because there is no physical feature marking part of the proposed boundary, and would encroach into an area of countryside. Thus there are no exceptional circumstances which would merit a change in the Green Belt boundary.

Recommendation

17.8.4 No modification.

17.9 POLICY D5, SITE CV17 REAR OF MOUNT ROAD, MARSDEN

Objections: 0761 Mr J B Donnelly

Issue

17.9.1 Whether there are exceptional circumstances justifying an addition to the Green Belt and AHLV to include this land.

Conclusions

17.9.2 This site is part of the sloping open land on the western edge of Marsden. The objector's case is based principally on the similarity of the site to adjoining land which is in the Green Belt and difficulties affecting future development. It is desirable that there should be some opportunity for future development in settlements in the Green Belt and this is one of only two areas of POL in Marsden. In assessing the merits of the objection, it is necessary to decide whether these amount to exceptional circumstances but there is nothing to suggest a change from what would have applied when the boundary of the Green Belt was

fixed in the CVLP. Although the land is similar to that which is within the Green Belt, the gradient here is slightly less and a degree of containment is created by the buildings to the south-west, east and north-east. I am not satisfied that the reservations about drainage and access could not be overcome in the details of a scheme if development were to be contemplated in a review of the plan. Overall, there are not the exceptional circumstances which would justify variation of the Green Belt boundary. The AHLV should not be altered independently. The site is not intrinsically attractive and it would be illogical to seek to protect the landscape quality of a site which was either designated as POL or unallocated in the plan.

Recommendation

17.9.3 No modification.

AREA 7 - HUDDERSFIELD SOUTH

17.10 POLICY D8, SITE HS2 ADJOINING 179 WESTGATE, ALMONDBURY

Objections: 0443 Mr & Mrs Duncan

Issue

17.10.1 Whether the boundary of the Green Belt should be changed.

Conclusions

17.10.2 The objection seeks the variation of the Green Belt boundary to permit the erection of one dwelling. Whether a revised boundary would follow the building line illustrated on the objection plan or would define a rectangular area up to the public footpath is unimportant for evaluating the merits of the case.

17.10.3 The site is part of a large swathe of open countryside which extends southwards. Hence the Green Belt at this point, including the objection land, is important to protect the open countryside from encroachment. The boundary has been drawn tight up to the rear of existing development, thereby assisting in the maintenance of the character of Almondbury Conservation Area, of which the site is part.

17.10.4 Various arguments are made in support of a revision but even a single dwelling would harm the openness which is the most important attribute of the Green Belt. The presence of buildings on adjoining land is not grounds to make a change here, especially because the integrity of the Green Belt would be prejudiced by piecemeal variations. Hence a change in the boundary would not be justified. The objection form mentions policy D13 but the application of the policies in the plan would be a matter for the Council when this is adopted.

Recommendation

17.10.5 No modification.

**17.11 POLICY D8, SITE HS3
IVY STREET/WILLIAM STREET, CROSLAND MOOR**

Objections: 0771 Executors of Law Ainley

Issue

17.11.1 Whether there are exceptional circumstances whereby the land should be excluded from the Green Belt and allocated for housing.

Conclusions

17.11.2 As now revised the objection seeks the deletion from the Green Belt of an area of about 1.0ha and its allocation for housing, which would also require an extended access. In conjunction with this proposal, the landowner is willing to reclaim and dedicate adjoining derelict land and carry out certain other works, also on land within the Green Belt.

17.11.3 Three exceptional circumstances are suggested. I have explained at IR 17.1.6 that housing need is not an exceptional circumstance in the preparation of this plan and nor are the arguments made concerning the suitability of this location for housing. Before considering the relevance of the improvements proposed on adjoining land, it is appropriate to assess the significance of the objection site for the purposes of the Green Belt.

17.11.4 The land is situated within a relatively narrow band of Green Belt which tapers towards the north-east and widens to the south-west, where it links with a more expansive area of open countryside. This part of the Green Belt separates Crosland Moor from Milnsbridge and in effect checks the sprawl of the built-up area and prevents these settlements from merging. Although surrounded by the urban area, the land appears as a continuation of the countryside. There is a disagreement over the extent to which the appearance of the area would be changed if the land were developed. This is an elevated plateau and there is a steep drop to the north-west. The adjoining land within the settlement is used as allotments and allocated as UGS. In my judgement development would create an urban edge and visually narrow the Green Belt where its width is already restricted. The objector argues that the projection of development would be no greater than occurs to the north-east but this is not a reason to reduce the width here. It is also suggested that the land has extremely limited visibility. Whereas it is true that the width of the site cannot be appreciated from many viewpoints, this is not universally so and it can be seen from Haughs Lane. From other positions only the edge of development might be observed but this would be an adverse change from the current open aspect. This would be especially so in Lower Gate, from where buildings would be likely to appear on the skyline. In comparison with the housing allocation at site H7.1, which is not in the Green Belt, the width of the Green Belt at that point exceeds that in the vicinity of the objection site, even if the latter is not released.

17.11.5 The reclamation of derelict land and other works proposed would be very beneficial, especially in a regeneration area. PPG2 explains that Green Belt boundaries should not be altered or development allowed because land has become derelict. Whereas in this case it is the reclamation of adjoining land which is being proposed, the principle is equally applicable. Overall, the prospective benefits do not outweigh the important contribution of the land to the purposes of the Green Belt.

Recommendation

17.11.6 No modification.

17.12 POLICY D5, SITE HS6 JACKROYD LANE/NEWSOME ROAD, NEWSOME

Objections:	0241 Mr P Brierley	0242 Mr M Brook
	0244 Mrs P Brierley	0758 M Ford
	1635 J Hawdon	2764 S Brown
	2766 Mr R Eastwood	2767 Miss T Gardner
	2769 Dr H Norris Nicholson	2770 Ms H Hall
	2771 M Sawyer	3565 H Adams
	5470 Mr N Harvey	

Issue

17.12.1 Whether the site should be protected from development as Green Belt or UGS because of its contribution to Green Belt purposes, value as open land or barriers to a housing development.

Conclusions

17.12.2 This site of some 4.1ha was allocated for housing in the consultation draft plan and in a proposed change which was subsequently withdrawn. The POL allocation in the deposit draft plan therefore remains. The Council asked that counter objection [5470] be heard in relation to that, so that this has been treated as a late objection.

17.12.3 The land is predominantly gently sloping grazing land. There is built development on three sides, the exception being the eastern boundary with a recreation ground and woodland. The site is therefore essentially urban in that it is contained by buildings and detached from the open countryside. A fundamental requirement for inclusion in the Green Belt would not therefore be met, so that this re-allocation sought by objectors would not be justified.

17.12.4 In seeking greater protection for the land as UGS objectors refer to the value of the land for wildlife and recreation and in the setting of Castle Hill. Whereas these qualities are relevant to the identification of UGS, I do not believe the land has sufficient merit. These fields have no special habitat value and there is other recreation space nearby through which a green corridor leading into the Green Belt is provided. The footpath across the land is pleasant but this is not adequate grounds to retain its open setting. Castle Hill is a good distance to the south, separated by Green Belt land from the urban area, and the outlook from there includes both rural and urban land. The potential merging of Newsome and Lowerhouses is referred to but the adjoining open land protected as UGS would divide up the urban area. A reasonable balance must be maintained between the identification of settlements, particularly where open land is attractive or valuable for wildlife or recreation, and provision for new development in accessible locations. The benefits of keeping this land open do not justify long term protection.

17.12.5 Impediments to housing development mentioned include the road network, particularly Newsome Road, crowded schools, and former mine workings. These are matters which would have to be investigated further if a housing allocation were contemplated but the evidence does not suggest insuperable difficulties. There is no fundamental barrier to the provision of access, including the increased use of Newsome Road, nor are there grounds to expect difficulties of construction to preclude development. The availability of school

places would be best determined at the time the suitability for an allocation is being reviewed.

Recommendation

17.12.6 No modification.

17.13 POLICY D8, SITE HS8 *LADY HOUSE LANE, BERRY BROW*

Objections: 0792 Mr and Mrs Babb

Issue

17.13.1 Whether the land should be excluded from the Green Belt.

Conclusions

17.13.2 The objection relates to some 0.6ha of open land on the edge of the urban area. Various suggestions for revised allocations are made, but fundamental to these would be the exclusion of the frontage from the Green Belt, with that area then allocated either for housing or as POL.

17.13.3 There is open land, mainly in agricultural use, to the east and south, but the objection site is overgrown. The land forms part of the open countryside on the edge of the built-up area and its retention as Green Belt would serve the purposes of safeguarding the countryside from encroachment and checking the sprawl of the built-up area. The exceptional circumstances suggested in support of the objection are concerned principally with the appearance of the land and the effect of this both on residents nearby and on the character and quality of the Green Belt. However PPG2 confirms that the purposes of the Green Belt are fundamental to its designation and continued protection. The quality of the landscape is not relevant in this respect, nor should land be excluded because it has become derelict. Whereas development and landscaping might improve the appearance of the land, its essential openness would be lost and the purposes of the Green Belt prejudiced. The objector also suggests that this would produce an improvement in the definition of the Green Belt but there would be no advantage compared with its current position in terms of the clarity of the Green Belt boundary.

17.13.4 Inclusion of affordable housing is also mentioned but general arrangements to achieve this are in the plan. Such provision would not be grounds to make an exception to normal planning policy and this is not a rural area to which paragraph 11.47 of the plan or Annex A of PPG3 might apply.

Recommendation

17.13.5 No modification.

17.14 POLICY D3, SITE HS11 EAST OF BENHOLMLEY BECK, ALMONDBURY

Objections: 2225 S Sneyd

Issue

17.14.1 Whether there are exceptional circumstances justifying inclusion in the Green Belt.

Conclusions

17.14.2 This is an irregularly shaped area of grass, much of it steeply sloping, which is surrounded on three sides by residential development. The fourth side adjoins open land in the approved Green Belt, this boundary being defined by a stone wall and reinforced by a bank of woodland. Whatever the merits of the site, it is very clearly within the urban area and would not therefore fulfil the fundamental tests necessary for inclusion within the Green Belt, which has a logical and well-defined boundary at this point.

Recommendation

17.14.3 No modification.

17.15 POLICY D5, SITE HS12 NORTH OF KAYE LANE, ALMONDBURY

Objections: 2226 S Sneyd

Issues

- 17.15.1 i. whether there are exceptional circumstances justifying variation of the Green Belt boundary;
- ii. whether the land merits designation as UGS.

Conclusions

17.15.2 This site of about 2ha consists of open paddocks on the south-western edge of Almondbury. The objector's case is based on the value of the public footpath across the land and the setting to it provided by these open surroundings. These are not new conditions which could be capable of constituting exceptional circumstances to alter the current Green Belt boundary. Furthermore the site is contained by housing to the south and new residential development to the north-east, so that it is reasonable to include this within the urban area rather than to keep it open as Green Belt.

17.15.3 The designation of UGS is based upon the value of open land, which may include its importance visually or for recreation. This depends upon a qualitative judgement and I agree with the Council that this site does not have the visual importance or the recreation value which would merit protection. The site is unexceptional grazing land which is not prominent in public views and the only recreation use derives from enjoyment of the public footpath. Should development be proposed upon review of the plan, it would be possible to consider whether the setting of the footpath needed special protection.

Recommendation

17.15.4 No modification.

17.16 POLICY D3, SITE HS13 *LONGLEY PARK, HUDDERSFIELD*

Objections:	0050 Mr R Taylor	0051 Mrs L Taylor
	0052 Longley Park Golf Club	0053 Mrs B Ellis
	0054 Friends of Longley Park	1549 Mrs H Kaye
	1904 D Edwards	

Issue

17.16.1 Whether there are exceptional circumstances justifying inclusion in the Green Belt.

Conclusions

17.16.2 Longley Park includes woodland and a golf course, which has a particular benefit by virtue of its position close to the centre of Huddersfield. Part was suggested for business and industry in the consultation draft but the whole is now shown as UGS. Essentially the objectors seek more permanent protection because of the value of the site visually, for recreation, and for wildlife. The land is not contiguous with any currently designated area of Green Belt and is part of the urban area. Linking the site with the Green Belt to south-east would take in a substantial built up area in Lower Houses. To the south the link with open land around New Laithe Hill is tenuous and this open area is a good way from the Green Belt and is significantly contained by built development. Some of this open land is subject to similar objections, that is sites HS6 and HS14, but I have recommended separately that these should not be included in the Green Belt. Overall, the objection site has very considerable merit but it is within the urban area and detached from the Green Belt. Protecting the openness of the land by inclusion in the Green Belt would be unjustified.

Recommendation

17.16.3 No modification.

17.17 POLICY D5, SITE HS14 *NEW LAITHE HILL/HIGH LANE, NEWSOME*

Objections:	0241 Mr P Brierley	0242 Mr M Brook	0243 Mr J Heeley
	0244 Mrs P Brierley	0758 M Ford	0762 Ms W Harper
	0791 Mr R Wakefield	1048 Mr R Jenkinson	1635 J Hawdon
	2764 S Brown	2766 Mr R Eastwood	2767 Miss T Gardiner
	2769 Dr H Norris Nicholson	2770 Ms H Hall	2771 M Sawyer
	3565 H Adams		

Issue

17.17.1 Whether having regard to:
i. the contribution of the site to Green Belt purposes;

- ii. its value as open land; and
 - iii. the potential for long term housing development;
- designation as POL should be replaced by Green Belt or UGS.

Conclusions

17.17.2 This site consists of agricultural land which adjoins the Green Belt in the HLP. The current Green Belt boundary appropriately recognises that the effect of the development on three sides of the site is that the land is associated with the urban area. Keeping the site open would not therefore materially contribute to Green Belt purposes, so that the current boundary linking between built development adjoining two sides of the site is logical.

17.17.3 The general character of the land is of pleasant fields, fairly flat towards the north but more sloping in the south. Public footpaths cross the land, creating some recreation value. A green corridor is shown through the eastern part but the general approach in the plan is that these can be safeguarded within new development and there is not special habitat which would merit more extensive protection as UGS. The value of the land for agriculture should be taken into account if development is contemplated but it is not a reason to vary the Green Belt boundary nor is it a factor in protecting the public benefit of the site as UGS. Some objectors refer to the effect of the land in separating Newsome and Lowerhouses but that is not sufficient grounds to keep open land of unexceptional appearance situated in the urban area. The viewpoint from Castle Hill lies across fields to the south, from where there is an extensive and varied panorama, mainly open to the south and substantially urban to the north. Because of its size and position fairly close to the slopes of the hill, the openness of this land contributes to the view in this direction. This and the opportunity to cross the pleasant open fields on public footpaths are the main benefits from keeping the land open but these are not of sufficient weight to justify allocation as UGS.

17.17.4 The current POL allocation implies that the site would be capable of development in the longer term. Objectors mention former mines and pressure on local schools to resist this. There is no evidence to suggest a severe mining constraint which could not be overcome. The situation in schools is likely to change and would need to be reviewed before an allocation were made. The local highway network receives particular attention. High Lane, New Laithe Hill and Jackroyd Lane do have some deficiencies, but these are not so severe as to preclude devising satisfactory access arrangements. Reference is also made to Dog Kennel Bank but, while this is narrow, I am not convinced that the effect of additional traffic there would prevent this land being used for housing.

Recommendation

17.17.5 No modification.

AREA 8 - HUDDERSFIELD NORTH

17.18 POLICY D8, SITE HN5 *BRADLEY VILLA FARM, BRADFORD ROAD*

Objections: 1160 Mr and Mrs P Kershaw

Background and issue

17.18.1 The argument in support of exceptional circumstances to exclude this land from the Green Belt relies on the requirement for housing land or alternatively for safeguarded land. Since I have concluded that this does not constitute an exceptional circumstance, the issue is whether the land contributes to the purposes of the Green Belt.

Conclusions

17.18.2 The objection site consists of some 8.9ha of agricultural land on the northern edge of Huddersfield. The site is bounded on two sides by existing housing and rises initially to the north of the dwellings fronting Bradley Road before falling. The gradual downward slope continues beyond the site boundary to the M62 and a stream, Bradley Park Dike. Further north is the urban area of Brighouse.

17.18.3 This land forms part of a fairly narrow open gap between Huddersfield and Brighouse. Looking south-east from Bradford Road where this crosses the M62, there is an open view across the objection land, with only a very minor part of the existing buildings fronting Bradley Road being visible. Development of the land would result in part in skyline development and bring about a substantial reduction in openness because a more extensive urban edge would be visible. Screening by landscaping would take a considerable time. There would also be a significant view of development on the land from Shepherds Thorn Lane, which forms part of the Kirklees Way. In terms of the purposes of the Green Belt, this land checks the sprawl of Huddersfield, contributes to preventing a merger with Brighouse, and safeguards the countryside from encroachment. Whereas a comparison is drawn with the housing allocation on site H8.39, there the gap between settlements is greater and the land is not visible from Bradford Road. Furthermore, although there is some merit in the principle of such a comparison, the fact that site H8.39 is not in the Green Belt constitutes a fundamental difference.

Recommendation

17.18.4 No modification.

17.19 POLICY D8, SITE HN6 *PARK HILL, BRADLEY GRANGE, BRADLEY*

Objections: 1265 J B Brooke & Sons Ltd

Issue

17.19.1 Whether there are exceptional circumstances justifying a change to the Green Belt.

Conclusions

17.19.2 The objection site has been varied by excluding land which is within Bradley Park golf course. The objection proposes that land at the north-eastern edge of the site be used as open space but remains within the Green Belt, with a housing allocation being sought on the land to the west. Neither the need for housing land nor the suitability of this site in that respect constitute exceptional circumstances which would justify a change in the Green Belt boundary.

17.19.3 The boundary of the Green Belt in the vicinity is a straight line which does not follow any natural feature. From here the Green Belt extends to the north-east towards the River Calder and beyond to Cleckheaton. For most of its length housing development has been completed up to the Green Belt boundary. Immediately to the south of the objection site is an area of open land where the permitted housing development has not taken place. There are a few saplings along this section of the boundary.

17.19.4 As to whether the land fulfils Green Belt purposes, it forms part of a swathe of open land which prevents urban sprawl and safeguards the countryside from encroachment. Development would prejudice these functions, especially because on the eastern part of the land this would be prominent on the upper slopes of the valley. While excluding this land would not of itself lead to the merging of settlements, the land also contributes to that purpose of the Green Belt.

17.19.5 The current Green Belt boundary is not well-defined, as recommended in PPG2, since it does not follow an obvious feature. Nevertheless, in continuing the line established on each side, the boundary here reinforces the general approach of avoiding an extension of development towards the skyline. The objector's proposed northern boundary would be easier to identify because it would coincide with a wall and woodland. The eastern boundary would cross open land where there is claimed to be a change in slope but this is not a clear feature. Significantly, by introducing a variation in the current regular line, pressure for further changes in the Green Belt boundary would be encouraged. Thus there would not be an overall benefit from the change in the detailed definition of the boundary.

17.19.6 The objection also describes the land as unused urban fringe with no agricultural value and of little benefit to amenity. Nevertheless PPG2 emphasises that it is the contribution of land to the purposes of the Green Belt rather than its use, condition or appearance which is important to its continued protection. The objection site contributes to Green Belt purposes and there are not exceptional circumstances which would be grounds to exclude it from the Green Belt.

Recommendation

17.19.7 No modification.

17.20 POLICY D8, SITE HN14 ADJACENT TO 711 NEW HEY ROAD, OUTLANE

Objections: 0416 R H Gee

Issue

17.20.1 Whether there are exceptional circumstances justifying the exclusion of the land from the Green Belt.

Conclusions

17.20.2 PPG2 confirms that detailed Green Belt boundaries defined in an adopted Local Plan should be altered only exceptionally. In this case the boundary was set in accordance with the recommendation of the Inspector who reported on an objection to the HLP which related to this land. The site fronts New Hey Road, has an area of about 0.12ha, and lies between No 711 and a recreation ground. The purpose of the Green Belt which is most relevant is the safeguarding of the countryside from encroachment. The site is part of a fairly narrow band of open land between Outlane and the M62. The land is seen as part of this wider area, in conjunction with the paddock behind and the adjoining recreation ground, so that its small size does not prevent it from performing a role as countryside. The motorway is on an embankment at this point and the open land bordering Outlane, including this site, is readily seen and performs an important function in maintaining an open gap next to the motorway.

17.20.3 Garages built behind dwellings at 955A and 955B New Hey Road are mentioned in support but development within an approved residential curtilage is not comparable to a proposed realignment of the Green Belt boundary. Potential deterioration in the appearance of the land is projected but PPG2 emphasises that, for example, a Green Belt boundary should not be altered because land has become derelict. This site contributes to Green Belt purposes and there are no relevant exceptional circumstances justifying a change in the approved boundary.

Recommendation

17.20.4 No modification.

17.21 POLICY D8, SITE HN18 GIPSY POND, LINDLEY MOOR ROAD

Objections: 2251 Mr G Pare

Issues

- 17.21.1 These are whether the land:
- i. fulfils Green Belt purposes;
 - ii. is suitable for development for business and industry.

Conclusions

17.21.2 This site of about 10ha consists mainly of gently sloping land between the M62 and a steep north-facing scarp, but also extends to include part of the latter. In the deposit draft plan, as in the HLP, the boundary of the Green Belt follows Lindley Moor Road. This is a strong feature, reinforced particularly here by juxtaposition with the M62. In my view there is a very strong logic to retaining the present boundary because development on the objection site would be prominent from the residential area to the south-east, from the motorway, and from an extensive area spreading northwards into Elland. The Green Belt here makes an important contribution to preventing urban sprawl and encroachment into the countryside. Although a significant gap between Huddersfield and Elland would remain, its character and appearance would be seriously damaged because of the visibility of development here, which would be on the skyline viewed from the north, so that the urban edge of Huddersfield would be much more noticeable.

17.21.3 In the objection the site is put forward as an alternative to allocation B8.1, Crosland Road/Lindley Moor Road. In contrast to the objection site, that land is not in the Green Belt in the HLP. Land in the Green Belt should only be used if suitable land not subject to this policy constraint cannot be found. I have recommended elsewhere that allocation B8.1 should be upheld with some detailed modifications. An allocation on the objection site would only be justified if there were an additional need. Some release of Green Belt land is necessary to provide a sufficient range and choice of sites, especially of above 4ha in size, readily accessible from the motorway. Bearing in mind the substantial size of allocation B8.1, a further allocation here would not contribute usefully to the range and choice of available locations, so that the exceptional circumstances necessary to justify a change in the Green Belt do not exist. There are several further reasons why this would not be a good site for an allocation. Development would necessarily be taken closer to the edge of a prominent scarp slope and would therefore be visually intrusive on the skyline over a wide area. Although close to the built up area in Huddersfield, the barrier created by the M62 would make it very possible that a good standard of public transport would not be achieved. Legal and practical difficulties may be costly to resolve and could inhibit development because of their effect either individually or cumulatively. There would be a need for improvements to the access road from Old Lindley Road but a covenant protects the land as open space for the benefit of the residents of the area. Visibility improvements at the junction with Lindley Moor Road would require acquisition and probable demolition. The available evidence on drainage suggests that this would be costly to provide.

Recommendation

17.21.4 No modification.

**17.22 POLICY D8 AND PARAGRAPH 2.31, SITE HN20
LAND AT BATTYEFORD, MIRFIELD, BETWEEN THE RIVER CALDER
AND RAILWAY LAND**

Objections: 1064 Clough House Group

Issues

- 17.22.1 i. the extent to which the land contributes to Green Belt purposes;
ii. the suitability of alternative Green Belt boundaries;
iii. whether there are exceptional circumstances to change the Green Belt boundary.

Conclusions

17.22.2 The objection seeks the exclusion from the Green Belt of an extensive band of land south of the River Calder, both north-west and south-east of Wood Lane. The boundary for the objection is based on the boundary of the Green Belt in the current development plan. For the most part that boundary is in Town Map 11, approved in 1970. A small element is in the area of the HWDLP, adopted in 1985. The advice in PPG2 is that the inclusion of the land in the Green Belt in the UDP should be supported by exceptional circumstances and no reason has been advanced why this should not be followed.

17.22.3 The land is mainly open, with the few buildings predominantly in the vicinity of Wood Lane. Nevertheless it has a very varied character and there are complex changes in levels east of Wood Lane, so that summarising its contribution to the surroundings is difficult. To the north-east is the urban area of Mirfield, narrowing in a westerly direction towards the important gap separating Mirfield and Huddersfield. There is a significant view across the western part of the land from the vicinity of the sports pitch on Huddersfield Road. Keeping this part of the site open does prevent the spread of Mirfield into the open countryside to the south, thereby checking sprawl and safeguarding the countryside from encroachment. This land adds to the breadth of the open gap between Mirfield and Huddersfield and thereby contributes to preventing the merging of towns. Thus the western land, beginning approximately at Wood Lane, makes an important contribution to several Green Belt purposes.

17.22.4 The character of the land south-east of Wood Lane and its impact on the surroundings is very different. There is a distinction between the land north of the railway and that to the south, shown as derelict land in the plan. The latter contains scrub vegetation and in part rises steeply above the railway, so that it is very prominent and forms the context within which other open land in the approved Green Belt is seen. The effect of this steep prominent scrub, of the railway where it is on an embankment, and of the urban area north of the Calder, is that the land north of the railway is associated with the urban area and is much less a part of the surrounding rural land than is the case to the west of Wood Lane. This is not universally so because, for example, there is some higher land with young trees which is more visible and merges with the railway and the derelict land to the south, but it is a reasonable general assessment. Thus the land north of the railway would make a correspondingly smaller contribution to restricting sprawl and is not strongly associated with the countryside. It is also removed from the gap between Huddersfield and Mirfield. The

derelict land south of the railway is an integral part of the open countryside and prominent. Together with the railway land this makes an important contribution to preventing the sprawl of the urban area and safeguarding the countryside.

17.22.5 The Council criticises the clarity of the current development plan boundary but I do not agree that this is a significant defect. There are identifiable features which coincide with almost all of the boundary, so that this is not a good reason to seek another boundary. There is a minor disparity between the HWDLP boundary and the Town Map boundary in the south-eastern extremity. The HWDLP moved the Town Map boundary out to the line of the railway track. Where this returns along the former administrative boundary to the Town Map line there is no physical definition. It would be preferable to resolve this, but it is not a major consideration.

17.22.6 The boundary proposed in the UDP mainly follows the River Calder and is readily identified. However at the eastern end it has an irregular and contrived boundary which does not follow clear features. Some of this land is in the former Town Map area and some in the HWDLP area. It is unsatisfactory to seek to change to a less clearly defined boundary.

17.22.7 In so far as it is necessary to look for an alternative boundary, the Council identified the former bridge abutments about mid-way along the eastern land as a possibility. Whatever may have existed here, these now appear as an isolated feature and there is not a continuous north-south line between the railway and the river. In my judgement an alternative boundary could be based on the railway track, which would coincide with the HWDLP. If there were grounds to distinguish the western and eastern land, the only possible clearly defined division is at Wood Lane. I therefore go on to consider what boundary should be chosen, having regard to the need for exceptional circumstances if a change is to be made from the approved development plan.

17.22.8 In Chapter L1 I concluded that in the area of the non-statutory local plans where that test applies, there are exceptional circumstances to review the Green Belt boundary, particularly arising from the strategy in the WYSP. Underlying this is the increased emphasis on the concentration of development in the main urban areas. The objection land is closely related to a priority urban area, so that this principle would not apply. The WYSP, approved in 1980, gives a broad outline of the extent of the Green Belt and gives one element as wedges between each of the priority urban areas. Such a wedge between Huddersfield and the Heavy Woollen District is clearly identified on the Key Diagram and arguably affects some of the objection land. This could not have been taken into account in the preparation of the Town Map and, as I have indicated, the western land does make a significant contribution to this gap. The importance of this is emphasised by the pressure on other land, such as sites MF4 and MF5 to the north of the built up area. The Council also argues that there have been physical changes to the land. This is difficult to evaluate, although it may help to explain why some lengths of disused railway line were excluded from the Green Belt. The Council's evidence refers to the reclamation which has taken place on land north of Helm Lane and this is now agricultural land comparable to other open land within the Green Belt to the south. The derelict former railway land to the east of Wood Lane has now been substantially assimilated into its surroundings as a result of prolonged regeneration, although it would benefit from further enhancement. Other possible exceptional circumstances mentioned are connected with the leisure use of the area. These are relevant to the objectives of the Green Belt but do not affect initial designation.

17.22.9 I am satisfied that the need to reflect Structure Plan policy and changes in the character of some of the land amount to exceptional circumstances which justify including the western land and the derelict land east of Wood Lane in the Green Belt. The objector argues that omission of the land from the Green Belt has not produced the harm implied over more than 25 years. However the Council's general approach has been to apply the provisions of the DDKLP, so that the land would have been treated as in the Green Belt. Even if that were not so, the policy and historic arguments strongly favour inclusion in the Green Belt, so that continued exclusion on the basis of the perceived low probability that such harm would occur should have little weight. The land east of Wood Lane and to the north-east of the railway has a greater relationship to the urban area, so that the arguments which amount to exceptional circumstances do not apply. Furthermore it is essential to select a clearly defined boundary and Wood Lane is the only fully satisfactory possibility. Since no evidence was put forward concerning any alternative allocation in so far as the objection succeeds, I make no comment in that respect.

Recommendation

17.22.10 Modify the proposals map by deleting the Green Belt notation on that part of site HN20 north of the railway track and east of Wood Lane.

**17.23 POLICY D5, SITE HN27
WEST OF PRINCE WOOD LANE, PRINCE ROYD, BIRCHENCLIFFE**

Objections: 2261 Mr R N McSwcney

Issue

17.23.1 Whether there are exceptional circumstances to include the land in the Green Belt.

Conclusions

17.23.2 The objection applies to a field adjoining housing development. This is part of a larger area of POL subject to other objections seeking a housing allocation [IR 20.59]. The Green Belt boundary here is well-defined following Grimescar Beck and there are no exceptional circumstances to justify a change. The objection site would not constitute a coherent area of Green Belt capable of contributing to Green Belt purposes because it does not significantly connect with other Green Belt land. The area is low lying and bounded by trees, with a stream on its northern edge. Its value as open land should be considered when the future of the whole of the POL is reviewed but these attributes are not grounds for inclusion in the Green Belt.

Recommendation

17.23.3 No modification.

17.24 POLICY D8, SITE HN34 NEW HEY ROAD, OUTLANE

Objections:

2019 J A Saxton

Issue

17.24.1 Whether there are exceptional circumstances justifying excluding the land from the Green Belt.

Conclusions

17.24.2 The objection originally sought both housing and industrial use but the latter has now been excluded. An illustrative housing layout shows a mound adjoining the embankment to the M62 and it is now proposed that this part of the land should remain in the Green Belt.

17.24.3 The case for the objector is that the arguments as a whole constitute exceptional circumstances. PPG2 states that the essential characteristic of Green Belts is their permanence. In this case, where the detailed boundary has been defined in an adopted local plan, compelling arguments would be needed to justify a change. Many of the points made, such as not causing a loss of recreation facilities or damage to nature conservation or wildlife interests, are not exceptional and could easily be repeated on other land. It is also important that the essential purpose of these and similar arguments is to justify the release of the land for housing but I have already decided that, in the circumstances of this plan, providing additional land for housing does not amount to an exceptional circumstance in this respect (IR 17.1.6). Hence the suitability of the land for housing is not generally relevant. The absence of other opportunities for housing development in Outlane is cited but this is a small settlement close to the urban area of Huddersfield where specific allocations are not necessary. The Council point out that some permissions exist within the settlement, which is inset within the Green Belt, and that further opportunities may become available subject to policy D2.

17.24.4 Notwithstanding the general point that suitability for housing will not be an exceptional circumstance, the evidence concerning noise levels here is very significant. The advice in PPG24 is that at this level of noise planning permission for residential development should not normally be granted. An example given of where this general presumption might be set aside is if no alternative quieter sites are available. That is obviously not the case here, where sites suitable for inclusion in the plan are being selected. The PPG advocates that wherever practicable noise-sensitive development should be separated from major sources of noise and this is an important reason to resist residential development here.

17.24.5 The site forms part of a fairly narrow gap between existing development in Outlane and the M62. This gap is important in providing an open setting to the motorway and is particularly visible because this part of the carriageway is on an embankment. The land therefore contributes to the purpose of the Green Belt to safeguard the countryside from encroachment. The present boundary follows for the most part the rear of existing properties in the village and is irregular. Whereas establishing a regular line is suggested, this would not be clearly defined as advocated in PPG2 and, given the narrowness of this tract of land next to the motorway, the inevitable reduction in width would be undesirable.

Recommendation

17.24.6 No modification.

**17.25 POLICY D8, SITE HN38
FORMER GEES GARAGE, NEW HEY ROAD, OUTLANE**

Objections: 0774 & 5823[PC] Hillbrook Printing Inks Ltd

Issues

- 17.25.1 i. whether there are exceptional circumstances to vary the Green Belt boundary;
- ii. whether the land should be allocated for housing.

Conclusions

17.25.2 The objection concerns about 0.6ha transferred to Kirklees from Calderdale in 1994. These former garage premises and the surrounding open land were bisected by the district boundary, which passed through the building. The land originally in Kirklees is unallocated in the UDP while that formerly in Calderdale is within the Green Belt in an adopted Local Plan. A proposed change supported by the objector would leave the objection land unallocated. The opportunity to reconcile the planning status of the overall site following the local government boundary review is an exceptional circumstance in which a variation of the Green Belt boundary is justified. These premises are part of the linear development in Outlane. The boundary selected would exclude the whole of the building and the adjoining open land from the Green Belt and would follow Mulehouse Lane and the stone wall which is the eastern limit of the site. This is also the new boundary between the local authorities and is the only clearly defined possibility available. Hence I support the proposed change to the plan.

17.25.3 A counter-objection by the same objector seeking an allocation for housing under policy H6 has been accepted by the Council. This goes beyond the scope of the proposed change and is in effect a late objection to the deposit draft plan. The former garage building is understood to be used for the storage of printing inks. The Council points out that sites currently in use have not generally been allocated for an alternative use unless, for example, a planning permission exists. This is a reasonable approach which provides greater certainty but does not prevent additional windfall housing sites coming forward on unallocated land, subject to policy D2. In this case there is an existing use for business and industry so that policy B4 would also apply and no relevant evidence has been submitted by the objector in this respect. For these reasons a housing allocation would be inappropriate.

Recommendation

17.25.4 That the proposals map be modified in accordance with change A4 resulting from boundary alterations in CD113.

AREA 9 - MIRFIELD

17.26 ALLOCATION B9.2 *SLIPPER LANE, MIRFIELD*

Objections:	2026 M Bolt	2027 A P Bannon	2028 D Brown
	2029 Mirfield Civic Society	2120 Mrs H Shaw	2135 Mirfield Road Safety Committee
	2169 Kirklees Green Parties	2240 P Disbrey	2504 Mirfield Town Council
	2692 P Jennings	2693 L M Stalmach	2694 H Allinson
	2695 P Cusworth	2696 J R Flexney	2697 M Craggs
	2698 S Allinson	2699 D Strang	2700 Mrs T Silverwood
	2701 D Cusworth	2702 E Brown	2703 S R Butler
	2704 Mr & Mrs J A Gill	2705 J G Kent	2945 D Clough
	2948 S E Skelton	2949 H Fearnley	2980 Mrs M D Clough
	2985 R Craggs	2994 K Andrews	2995 M Hill
	2996 S Silverwood		

Background and issues

17.26.1 The site has a gross area of about 14.3ha. The developable area is given in the plan as 12.5ha. The Council's proposed changes included the deletion of the allocation under policy B2 and reinstatement of the site as Green Belt. This change was subject to counter objections and representations in support, but was rescinded in July 1995. In addition to reinstating the B2 allocation, a further change would increase the buffer zone at the east side of the site, reducing the net developable area to about 11.3ha. All the objections to the deposit draft seek the deletion of the allocation in its entirety.

17.26.2 The issues are whether the alteration of the Green Belt boundary is justified and the allocation appropriate having regard to:

- i. the suitability of the site for business and industry, including:
 - a. highway safety and congestion;
 - b. visual impact;
 - c. the effect on the amenity of local residents;
 - d. infrastructure requirements;
- ii. the need for the site for business and industry.

Conclusions

17.26.3 The site has a frontage of some 200m to the A62 Leeds Road. The Council's assessment of the effects of additional traffic is based on the larger developable area given in the deposit draft and on a single access point to the A62. The road, which is subject to only the national 60mph speed limit, has a poor accident record. Accident reduction measures have recently been introduced and the junction with Slipper Lane closed. In 1977, the DoT declined to permit access from Taylor Hall Lane onto the A62, then a trunk road, to serve a landfill site. Whilst development of the site would involve a new junction not far from Slipper Lane and Taylor Hall Lane, the effect of a new access would not be comparable to these. Slipper Lane was a minor road junction with no control of turning movements. The Council rejected improvements, not because they were not technically feasible, but on the grounds that the cost was not justified by traffic levels on Slipper Lane. Similarly an uncontrolled junction was suggested at Taylor Hall Lane. In contrast, the optimum position in terms of horizontal and vertical alignment could be chosen for a new access. There would be ample scope within the site for access arrangements to safe standards to be provided and undertaken in conjunction with the development. Although the objector [2994] argues that

light controlled junctions on derestricted stretches of road have a generally poor safety record, in this case signals already operate in the vicinity along the A62 at the junctions with Sunny Bank Road and the A644, to the north and south respectively. Whether controlled by traffic lights or in the form of a roundabout, the new access would be likely to reduce traffic speeds along the A62 with consequent safety benefits.

17.26.4 Anticipated traffic distribution would be about 40% to the west, via the A62 to Huddersfield and the M62 crossing Cooper Bridge roundabout, 30% to the north-east, via the A62, and 30% to the south-east, split via Sunny Bank Road and Stocks Bank Road. Traffic flows along the A62 would be taken close to, but within, the design capacity and an allowance would remain to accommodate general traffic growth within the plan period.

17.26.5 At peak times there is queuing at the junctions with Sunny Bank Road and Stocks Bank Road and at Cooper Bridge roundabout. The objectors report that the roundabout is also affected by traffic connected with events at the MacAlpine stadium and that standing traffic occurs on the M62 near junction 25 at peak times. Evidence is provided by the objector [2705] of unsafe manoeuvres, such as mounting the pavement, by drivers frustrated by delay at Stocks Bank Road. Such manoeuvres are undesirable irrespective of development of the site, but are capable of containment by relatively minor measures such as barriers along the pavement edge. Additional traffic from the site could add to delays at peak times, but is unlikely to coincide with events. The Council shows that junctions onto the A62 are physically capable of alteration to increase capacity, if this proves necessary. A right turn lane at the A644, a left turn lane from Sunny Bank Road and traffic signals at Stocks Bank Road could all be accommodated. With regard to Cooper Bridge roundabout, the need for any highway improvements would be covered by footnote 6 to the allocation as recommended by the HA. As objectors represented at the inquiry accepted, wherever new industrial development is sited in this area, whether further south on the A62 Leeds Road, in the A644 corridor of Mirfield or at the Three Nuns site, traffic would feed onto the roundabout. Particularly bearing in mind the description of Mirfield as a primarily dormitory town, the option of restricting employment generating development throughout the area is highly undesirable and would merely serve to continue the present situation of significant car borne commuting out from the town.

17.26.6 Most existing industry areas in Mirfield is at the south end of the town and the site is well located to provide employment opportunities at the north end. As the objector [2027] argues, the benefit of these opportunities to Mirfield residents would be restricted if the only access is via congested routes to the A62 and if the present poor public transport service persists. Bus routes diverge from the stretch of the A62 fronting the site into Roberttown and Mirfield and a bus stop near the junction where they diverge cannot be regarded as adequate. These limitations can be overcome. Pedestrian and cycle links directly with the residential areas to the south and south-east, which have lower car ownership rates than the rest of Mirfield, and improvements to accessibility by public transport would be requirements related to the development covered by policies T16 and T19, modified as recommended. Although primary access for the site needs to be to the A62, to direct HGV traffic and large scale car movement away from the residential areas, the Council does not rule out other links. Its proximity to the residential areas and the nature of the intervening land and public access routes, make the site well placed for alternative modes of travel from its residential hinterland to be developed. A measure of increased congestion on commuter routes to the A62 is not a cause for concern which should inhibit desirable development.

17.26.7 With regard to point b, the site is at the top of a hill, above the Calder and Nun Brook valley. The rise from the south and west continues for a short distance into the site, which then levels to a plateau. Due to this ridge and with the addition of planting in the buffer zone shown for the south-west edge, the long range impact of development on views from the valley could be contained to a reasonable degree. The site is open to the A62 frontage and its nature would be significantly altered. Nevertheless, it is perceived from the A62 as part of the urban fringe and the landscape quality of the site, which is largely flat, featureless fields, is not exceptional. Longer range impact in views from the north-west would be precluded by existing development and the lie of the land. Interruption of views from individual properties is not a matter to override planning considerations.

17.26.8 On point c, buffer zones some 30m wide are shown where the site adjoins housing areas. Existing buffers are also provided by intervening playing fields and a waste disposal site. Given the large size of the site and the opportunity to control the detailed siting and design of buildings, access arrangements and location of uses within the site, there need be no significant detriment to residential amenity from industrial processes or traffic movements. The buffer zone along part of the east boundary would be increased to about 80m width by a further change. This had not been advertised and, since it does not arise directly from objections, I make no recommendation on it. Nevertheless, I consider that there need be no significant detriment to residential amenity on the basis of a narrower buffer. There are no evident topographical features requiring such extensive landscaping to assimilate development into the surrounding landscape and the effective use of a significant area for potentially productive uses would be lost. In the interests of consistency, I draw attention to my conclusions and recommendation at IR 19.9.27 and 19.9.30ii.

17.26.9 Off-site highway and drainage works, and possibly water supply reinforcement, will be necessary. These works are not unduly onerous. A cost of around £1million is estimated by the objector [2994], who agreed development of the size proposed is capable of bearing costs of that general magnitude. Given the large size of the site, necessary clearance from overhead power lines should be possible without requiring diversion or sterilisation of a large proportion of the site. There is no reason to doubt the viability of the site or to consider it unrealistic for industrial development.

17.26.10 On issue ii, allocations for business and industry in the plan give a reasonable level of total provision and distribution. The site forms an important element in that supply. It is one of only 8 sites of over 4ha with motorway accessibility, i.e. within 4km of a junction, and the only such site served by junction 25 of the M62. The objector's [2027] view that, not being immediately at a motorway junction or feeder road, it cannot be regarded as accessible is not supported by researched evidence provided in BRT/00536/2 and discussed in Chapter L1. Whereas freight movement is important over a longer period of the working day, congestion at strategic junctions between the site and the M62 is mainly at peak times, so would not remove the sites's attraction in terms of motorway accessibility.

17.26.11 In arguing against the level of allocations made, objectors are concerned that industrial land elsewhere in the district has been allowed to be used for retail purposes. Whatever the merits of such decisions in the past, that land no longer forms a resource available for industrial use, such as to make new allocations unnecessary. Allocation of this site under policy B2 would make it clear that proposals for purposes other than use classes B1 and B2 would not be in accord with the plan. Control over other uses could therefore

be exercised and supported by section 54A of the Act. Whilst there is a supply of vacant premises, existing premises cannot cater for all sectors of demand. Increased reliance on these in place of allocations would not be consistent with PPG4 and RPG12 advice to provide a variety and choice of sites and to make available attractive and developable sites throughout the region. There should be emphasis on recycling land in the urban fabric, but its location and nature are factors in how far this is possible. Much of this land in Kirklees is constrained and has poor access for modern requirements. Bearing this in mind and the importance placed by RPG12 on sites with good access to motorways, the plan strikes a good balance between previously used land and greenfield sites.

17.26.12 With regard to alternatives to this site, the A644 corridor is suggested, but only as a general case. No specific assessment has been done and the objector [2994] was not aware of any neglected land in Mirfield with similar motorway accessibility. One site along the A644 is allocated in the plan, but generally the land there is fragmented, in a narrow strip so that numerous access points would have to be considered and surveys by the Council suggest little owner interest in bringing land forward. Land is cited outside Kirklees, which has not been allocated in the development plans for those areas. Irrespective of the merits of that land, it is not within the power of the Council to create allocations outside its area and it must approach its own plan preparation in the light of the prevailing situation. In considering objections seeking an industrial allocation at the Three Nuns site, I found that this would have greater landscape impact than at site B9.2, would not be so well placed for proximity to a potential workforce and would be more harmful to purposes of the Green Belt. Whilst the openness of site B9.2 itself would be lost by development, the firm boundary of the A62 means release of the site would not lead to uncontrolled sprawl of the built-up area nor to coalescence of settlements. Housing in Mirfield already borders the south-east side of the A62 and the site does not extend into the gap between Mirfield and Roberttown further than this existing development. It is contained between two arms of Mirfield and is not in the critical gap between Huddersfield, Brighouse and the Heavy Woollen towns.

17.26.13 There is no compelling evidence of alternative sites better able to meet the objectives of the plan. Without this site the aim of strengthening and diversifying the economic base would be undermined and this provides exceptional circumstances to alter the Green Belt boundary.

Recommendation

17.26.14 No modification.

17.27 POLICY D8, SITE MF1 LAND AT CYPRUS CRESCENT, NORTHORPE

Objections: 0736 Mr & Mrs Sykes

Issues

17.27.1 The objectors consider that the land would be suitable for housing. As the site of about 0.3ha is below the threshold used for allocations, its removal from the Green Belt would leave the land with no notation. The issues raised are whether exclusion from the

Green Belt is justified having regard to the nature of the site and its surroundings and opportunities to provide low cost homes and upgrade Cyprus Crescent.

Conclusions

17.27.2 Housing on the south side of Cyprus Crescent opposite the site is an isolated group set in otherwise open countryside. As PPG2 advises, wherever practical Green Belt should be several miles wide. In such broad zones it is inevitable that pockets of development will be included and there is nothing exceptional about the site's situation in that respect. To exclude land on that basis or because a site can be made relatively unobtrusive could be repeated too often and would seriously erode the openness of the Green Belt and undermine its role. The quality of the landscape is not relevant to the inclusion of land in the Green Belt and boundaries should not be altered merely because land has become derelict. In this case despite various outbuildings the site is predominantly open and the small scale buildings do not seriously harm the appearance of the surrounding area.

17.27.3 There is no evidence of a local requirement for affordable housing nor of particular problems to residents from the unmade condition of Cyprus Crescent and lack of formal parking areas. The site, being away from any settlement and facilities, is inherently unsuitable for affordable housing. Any local benefit from upgrading Cyprus Crescent would be outweighed by increased use of the substandard highway network leading to it. These factors do not therefore tell in favour of the site for housing. I find no exceptional circumstances to justify alteration of the Green Belt boundary to remove this site.

Recommendation

17.27.4 No modification.

17.28 POLICIES H6 AND D8, SITE MF2 *SHILLBANK LANE, NORTHORPE*

Objections: 0992 Brighthouse Estate Co (Contractors) Ltd

Issue

17.28.1 Whether the release of the land from the Green Belt and allocation for housing are justified on the basis that the site fails to perform a Green Belt purpose.

Conclusions

17.28.2 The objector advances shortage of housing land in the district as a reason to release the site from the Green Belt. The introduction to the chapter explains why this argument does not provide exceptional circumstances for alteration of the Green Belt boundary.

17.28.3 The site is within an area between two former railway lines. Further to the north and south, this area is substantially open countryside which separates Ravensthorpe/Dewsbury from Northorpe/Mirfield. In the vicinity of Shillbank Lane, there is considerable intrusion of built development into the area between the former railway lines in the form of Spring

Place Mills and housing south of the road, a further pocket of housing north of the road and more scattered houses and a club along Eastfield Road. However, the development is not to a great depth and there is a degree of open land on both sides of Shillbank Lane, so that a respite from the more concentrated development of the two main built-up areas is provided and assists in preventing the coalescence of the towns.

17.28.4 The site, of about 1.3ha, lies on both sides of Shillbank Lane over a lengthy frontage and forms a crucial part of this open, undeveloped land. To the north of the road it comprises overgrown land, including small trees, and is mainly at a higher level, above an overgrown embankment and low retaining wall. A belt of trees along its north boundary where it adjoins fields limits views from the north, but is a rural feature contributing to the overall rural character of that part of the site, rather than dividing it from the wider countryside. The part south of the road is crossed by a track leading to Spring Place Mills and comprises overgrown land with trees east of the track and grazing land bounded by a post and wire fence to the west. Shillbank Lane, which runs at a slightly lower level below a retaining wall, does not prevent the open appearance of this part from complementing the green embankment and treed area opposite. Thus, despite houses on a similar level fronting the old line of Shillbank Lane, the southern part does not have a confined, urban character.

17.28.5 In the vicinity of Shillbank Lane, the gap between the major towns of Dewsbury and Mirfield is particularly vulnerable, due to its narrowness and the degree of existing built intrusion. The maintenance of the remaining areas of open land, including the objection site, is of significant importance to the purpose of the Green Belt in preventing the merger of neighbouring towns and the site should remain within the Green Belt.

Recommendation

17.28.6 No modification.

17.29 POLICY D8, SITE MF3 LAND AT SANDS LANE, MIRFIELD

Objections: 2371 Mr and Mrs R H Sutcliffe

Issue

17.29.1 Whether release of the land from the Green Belt and allocation for housing are justified by recent development in the locality.

Conclusions

17.29.2 The objectors advance shortage of housing land in the district as a reason to release the site from the Green Belt. The introduction to the chapter explains why this argument does not provide exceptional circumstances for alteration of the Green Belt boundary.

17.29.3 The site of about 3.5ha is used as a practice course for Dewsbury Golf Club. It includes a section of Hagg Wood, which is subject to a TPO and is designated as AHLV and SWS. There are no explicit objections to these designations. Development in the locality

is cited, but has been mainly in the form of change of use or extension to existing property. Nearby development has not been of such a nature or at such a scale as to render the Green Belt ineffective. The area, including the objection site, remains essentially open countryside containing the sprawl of Mirfield and which it is necessary to keep permanently open.

Recommendation

17.29.4 No modification.

17.30 POLICIES D8, B2 AND B15, SITES MF4 AND MF5 *THREE NUNS/COOPER BRIDGE, MIRFIELD*

Objections: 0516 Commercial Development Projects Ltd
2502 Tetley Pub Company Ltd

2294 Kirklees Estate, Lady Armytage
2806 Lindley Moor Action Group

Background and issues

17.30.1 With regard to MF4, [2294], [2806] and [2502] relate to an area of about 28ha shown in the consultation draft as site 9.1 and [0516] to a slightly larger area including Nun Brook House. [0516] and [2294] were subsequently revised to smaller areas of about 22ha by excluding the eastern part between Mock Hall and a footpath opposite Stocks Bank Road. At a late stage, [0516] was revised again to exclude that part of the site east of Kirklees Way and a section between Park Bottom Wood and Kirklees Way, reducing the site area by more than half. All seek removal of the site from the Green Belt and its allocation for business and industry. [2502] also seeks recognition that part of the site could be used for supporting services (hotel). MF5 is an area of about 1.2ha. It comprises the Three Nuns Public House, which is outside MF4, and an area to the west within MF4. [2502] seeks removal of MF5 from the Green Belt and provision for hotel development. In so far as [2502] seeks rewording of policies B15 and D8 the objection is covered at IR 10.9 and 2.6.

17.30.2 An area of about 21ha of MF4, as far east as the footpath but excluding the area within MF5 and Nun Brook House, was deleted from the Green Belt and allocated under policy B2 by a proposed change agreed in November 1994. The change was subject to substantial counter objections and supporting representations. It was withdrawn in July 1995.

17.30.3 The issues are whether there are exceptional circumstances to justify alteration to the Green Belt and allocation for business and industry and/or hotel use having regard to:

- i. the impact on the purposes of the Green belt;
- ii. the need for and suitability of the site for business and industry, including hotel use;
- iii. plan aims to encourage more energy efficient and safe patterns of movement;
- iv. the impact on visual amenity.

Conclusions

17.30.4 The sites are for the most part open countryside, close to the boundary with Calderdale district. They lie at the extreme south-west fringe of the Heavy Woollen towns in an area where the convergence of this major urban grouping with Huddersfield and the

Calderdale town of Brighouse is at its closest. The Green Belt continues within the adjoining district through to Brighouse. Whilst there is scattered development fronting the north-west side of the A62 near the sites, the built-up area of Mirfield is restricted to the south-east side of the road. Development of the sites would breach the distinct boundary presently provided by the A62 and thus, in addition to the encroachment into countryside represented by the development itself, would make further encroachment and sprawl of the urban area more likely. Extension into the gap between Mirfield and Brighouse, in an area where convergence of three major urban areas makes the prevention of coalescence particularly important, would be highly damaging to the purposes of the Green Belt.

17.30.5 The allocations of land for business and industry in the plan give a reasonable level of total provision. [2502] claims a particular shortage of land suitable for Class B8 uses, due to restrictions on such uses at sites B9.2, B8.1 and B8.16. As concluded in IR L1.1, there are adequate unrestricted sites. My recommendations concerning B8.1 would allow further scope for these uses.

17.30.6 Whilst MF4 is close to junction 25 of the M62, allocations at Slipper Lane and Colne Bridge are also accessible to the motorway. The difference in proximity is not of such an order as to significantly alter investment potential. With regard to development on the scale envisaged in the original objections, uncontested traffic analysis by the Council indicates that significant highway works would be needed. It shows that a conventional roundabout junction would not have the capacity to serve expected flows and suggests major re-alignment of the A62 could be necessary, possibly incorporating a gyratory system through the site. Although this does not imply that the site is not developable, it is likely to act against its relative attractiveness for investment. No similar analysis has been done for the development area suggested most recently by [0516]. The reduced area has other drawbacks in that high pressure gas mains and a major water main crossing the site would then affect a greater proportion of the developable area. A benefit claimed for the original MF4 site was its availability through being in one ownership. That owner [2294] has subsequently submitted a counter-objection, indicating that the proposal for a business and industry allocation is not supported and that a portion of the site has been sold to a third party. The objector [0516] considers Slipper Lane as unattractive because of its proximity to a waste disposal site, but that has little impact on the overall character of the allocated site. Taking all the above into account I am not persuaded the site has any significant advantage over Slipper Lane or similar allocations in the plan in terms of attraction to developers or industrialists and ready availability for development. Concerning hotel use no evidence is given of a special need for such sites nor reasons why they cannot be accommodated in the urban areas.

17.30.7 With regard to sustainable patterns of travel, the objectors claim development on MF4 would be well related to the settlement pattern, encourage shorter journeys to work and keep HGVs out of built-up areas. However, this is a peripheral site and its location in relation to housing areas, particularly the separation by a busy major route, is likely to discourage commuting by modes other than car. Slipper Lane is better placed in relation to residential areas and as well placed for HGVs to use main roads which do not pass through built-up areas. The site has no rail or water links, indeed [2294] emphasises its strategic location in terms of road access to all parts of the country, so it has no special advantages in respect of those energy efficient modes of transport.

17.30.8 Site MF4 is predominantly grazing land with trees, hedgerows and stone walls. There are many historic elements in the surrounding landscape. Despite loose knit frontage development along the A62 for part of site and woodland to the north, business and industrial development here, even if limited to the lower ground west of the footpath, would be very prominent and cause significant visual damage. Although accommodating open uses and colourful play equipment connected with the Three Nuns Public House, that part of MF5 within MF4 is mainly undeveloped and contains trees subject to a TPO. The trees assist in softening the appearance of the public house complex, enabling it to be absorbed into the surrounding countryside as a pocket of development. Hotel development of MF5 would alter the balance between built form and soft landscape features, consolidating the visual intrusion of the commercial premises and damaging the appearance of the surrounding countryside.

17.30.9 I conclude that on all the issues there is no justification for removal of the land from the Green Belt and allocation for business and industry and/or hotel use.

Recommendation

17.30.10 No modification.

17.31 POLICY D8, SITE MF6 *SPRING PLACE MILLS, NORTHORPE*

Objections: 0913 Thornton, Kelley & Co Ltd

Background and issues

17.31.1 The objection seeks the removal from the Green Belt of an area, defined on a plan, of about 0.6ha to the west of Spring Place Mills. Subsequent to the start of the inquiry, the objector argues for the removal of additional areas north of the mills, Plot A, and south of the mills and seeks a housing allocation, including land east of the objection site. The original objection was clear and unambiguous and did not include these additional areas. Plot A is divorced from the objection site, the area to the south would approximately double the size of the objection site, so cannot be regarded as a minor adjustment, and the areas to the east are outside the Green Belt. I am satisfied that consideration of these additional areas does not fall within the remit of the objection.

17.31.2 The objector, referring to PPG12 Annex A, is of the view that the Inspector has discretion to consider late objections. Annex A was cancelled by the revised PPG1. The current text of the Code of Practice on Development Plans, available in a separate booklet, more clearly outlines at paragraphs 5 and 44 the Inspector's powers in this respect. Having regard to Sections 13(4)&(6) and 16(1)&(1A) of the 1991 Act, I am satisfied that it is only the local planning authority which has the discretion to allow consideration of objections not made in accordance with the regulations. As the Council is not exercising its discretion in this case, the report in respect of this objection does not give consideration to the additional areas, although Plot A is subject to a separate objection [0992] covered at IR 17.28.

17.31.3 In the later submissions, the objector also seeks a housing allocation, of varying extent, on the objection site. The objection does not specify that an allocation is sought.

Nevertheless, it makes reference to the restrictions created by inclusion in the Green Belt on potential industrial or residential development of part or all of the objector's land. Thus, the arguments advanced concerning potential housing development are relevant to the consideration of the objection and are taken into account in the report.

17.31.4 The issues are whether there are exceptional circumstances to justify alteration of the Green Belt having regard to:

- i. the contribution of the land to purposes of the Green Belt;
- ii. the quality of the Green Belt boundary;
- iii. the impact on economic regeneration;
- iv. the effect on the housing land supply and urban regeneration;
- v. the implementation of a strategic cycle and pedestrian route under policy T18.

Conclusions

17.31.5 Most of the site is grazing land, with the south-east part used for storing felled trees, mulched bark and road scrapings. It is substantially open in character and adjoins open land to the west and south. Although noted as a football ground on the OS plan, the land to the west is rough grassland used by horses and is of very similar nature to the majority of the site. Whilst there are trees and a mature hedgerow along the west boundary, these are a typical rural feature, similar to lines of trees and bushes elsewhere within the countryside to the south-west, and cannot be regarded as separating the site from the larger green wedge. Thus, the site is itself part of the countryside and serves the purpose of preventing encroachment.

17.31.6 The site is within the same general area between two former railway lines as site MF2. As I conclude at IR 17.28, the area provides a respite from the more concentrated development of the two main built-up areas of Ravensthorpe/Dewsbury and Northorpe/Mirfield and assists in preventing the coalescence of the towns. The objector interprets the area south of Shillbank Lane as not forming part of the strategic Green Belt represented on the WYSP Key Diagram. Given its diagrammatic form an exact replication of the wedge cannot be expected, but what is clear is that the importance of areas of the Green Belt extending into the Heavy Woollen conurbation and separating towns within that overall conurbation is recognised.

17.31.7 The site does not contribute to an open frontage along Shillbank Lane, but its openness assists in limiting the depth and consolidation of development. It can also be appreciated from the Canker Dyke Bridge to Church Lane footpath, along which a very real sense of travelling between two built-up areas is obtained, and makes a valuable contribution to this vulnerable area of Green belt in preventing the merger of neighbouring towns.

17.31.8 With regard to issue ii, the suggested Green Belt boundary along the west side of the site would follow a line of trees, the type of feature advised in PPG2. However, the existing boundary, unchanged since the Green Belt was set, is distinguishable on the ground by a post and wire fence along the edge of a track, so that differences in this respect do not amount to an exceptional circumstance. Where the site extends eastward the fence formerly on the Green Belt boundary has been removed and distinction from the commercial curtilage of Spring Place Mills blurred by the use of land on both sides of the boundary for open storage in connection with a tree felling business. The removal of a fence, which could be

repeated in many places, is not a reason to alter the Green Belt. It appears that no permission has been granted for the storage. Its status as a lawful use likely to continue in the future was not established and the uncertain situation does not justify my recommending modification to alter the boundary. Nevertheless, in the present changed circumstances the boundary, cutting across an area of homogeneous nature and use as well as following no physical feature, is not ideal. It would be advisable for the Council to investigate the storage use and, if it is established that the physical change to the land is lawful and likely to be permanent, to give consideration to a review of the boundary accordingly.

17.31.9 On issue iii, Spring Place Mills includes older buildings which are not well suited for modern manufacturing. Scope for the objector to reorganise or expand by redevelopment would be beneficial to the economic base of the area and in line with plan strategy to assist existing firms. It seems to me that there is considerable opportunity for rationalisation on the existing site. Some more modern buildings are let out to other firms, part of the mill site is occupied by residential properties and there are significant areas of underused land. No specific proposals have been drawn up, but an illustrative scheme indicates that an area smaller than the mill site would accommodate the objector's industrial needs. The suggested scheme does not fully utilise the scope for relocating tenants onto the vacant south-west part of the mill site to allow redevelopment on an east-west axis. Even as suggested, no new building would be necessary on the objection site and the degree of intrusion into the Green Belt for parking or access areas would be small scale. There is therefore no demonstration that release of the site from the Green Belt is necessary to accommodate future industrial space for the objector or justified to aid economic regeneration.

17.31.10 As set out in the introduction to this chapter, the provision of additional housing land does not provide exceptional circumstances for revision of the Green Belt. Concept plans are submitted, incorporating rationalisation of the industrial use on the north part of Spring Place Mills and housing on the objection site and south part of the mills. The first plan showed the housing connected with allocation H10.1 on derelict land to the east. However, the connection was removed in the later concept plan and there is no suggestion that such a link is essential to allow the implementation of H10.1 and regeneration of that urban derelict land to proceed. There is therefore no local reason to support removal of the land from the Green Belt to facilitate use for housing.

17.31.11 At present parking areas at Spring Place Mills cover part of the line of a proposed strategic cycle and pedestrian route. Relocation of this parking into the Green Belt is not essential for implementation of the route. In addition to the opportunities for rationalisation within the existing site as already discussed, a condition is imposed on the permission for the parking areas requiring details of the layout and operational use to allow for implementation of the pedestrian/cycleway. There is also an existing footpath to the east of the site giving the possibility of a link in the route there. I conclude on all the issues that there are no exceptional circumstances which justify a change in the Green Belt boundary.

Recommendation

17.31.12 No modification.

17.32 POLICY D8, SITE MF7 SHILLBANK LANE, MIRFIELD

Objections: 2374 M D Kelly

Issues

17.32.1 Whether there are exceptional circumstances to remove the site from the Green Belt, having regard to development in the vicinity, the contribution of the land to Green Belt purposes and possible future development.

Conclusions

17.32.2 The plan is not intended to amend any part of the Green Belt boundary in the vicinity, but on the proposals map the embankment on the north-west side of the private road adjoining this site is shown excluded from the Green Belt. The Council explained that this is a drafting error and will be rectified at modification stage. On this basis there has been no change in policy terms to the treatment of the locality. Despite housing constructed at Shillbank View within Northorpe, the embankment remains open. As the objector accepts, the nature of the site itself has not altered. Thus, there have been no physical changes relevant to the performance of the Green Belt at the site or on adjoining land.

17.32.3 I find no reason to disagree with previous Inspectors' conclusions, on appeals at the site and in respect of the HWDLP, concerning the importance of retaining what remains of a gap between Northorpe and Ravensthorpe. The site is within the same general area between two former railway lines as site MF2. As I conclude at IR 17.28, the area provides a respite from the more concentrated development of the two main built-up areas of Ravensthorpe/Dewsbury and Northorpe/Mirfield and assists in preventing the coalescence of the towns. It is not unusual for the Green Belt to wash over existing buildings and in this case the lower density development included makes the approach reasonable. The site contains a dwelling and various small outbuildings, but is substantially open with an extensive garden area and overgrown land. Together with the treed area of the former railway north of Shillbank Lane, it is appreciated from the Church Lane to Canker Dyke Bridge footpath as part of open land linking the wider countryside to the north and south. Its openness also assists in limiting the consolidation of development in this vulnerable and narrow gap. The site therefore serves an important purpose in assisting to prevent the merger of neighbouring towns.

17.32.4 Regardless of whether or not permitted development rights for the erection of ancillary residential buildings apply to the whole of the site, its retention in the Green Belt and the resultant application of restrictive plan policies would be useful in resisting the impact on openness from additional residential units. Pressure for such development is demonstrated by the number of applications and appeals over the years. There are no exceptional circumstances which justify removal of the site from the Green Belt.

Recommendation

17.32.5 No modification.

AREA 10 - DEWSBURY, THORNHILL AND RAVENSTHORPE

17.33 ALLOCATION B10.1 OWL LANE, SHAW CROSS

Objections:	0915 D M Clarke	0918 D Cowgill	1017 I Holmes
	1018 B Holmes	2951 Bywell Protest Group	2952 S J Tebb
	2966 C D Child	2979 F Lister	3051 J H Rushworth
	3052 D Embleton	3053 V Shaw	3084 P Duffy
	3086 Mr & Mrs S Clark	3101 A Senior	3134 D H Thompson
	3135 C A Hankinson	3136 J L Thompson	3137 J Duffy
	3138 Dewsbury E Lib Dems	3139 Ind. Labour, G Powell	3140 Mr & Mrs A Hardaker
	3154 Mr & Mrs I McBurive	3155 Mr & Mrs R McGregor	3156 G Gannon
	3157 A E Mitchell	3158 Mr & Mrs M J Hey	3224 M Senior
	4533 A & D Myers		

Background and issues

17.33.1 The site covers about 24.5ha. The north part is allocated in the HWDLP for employment, industry and warehousing and the new element amounts to about 12.2ha. The site is shown in the plan with buffer zones to the south and part of the west boundaries, giving a developable area of about 21.9ha. All the objections seek the deletion of the business and industry allocation and primarily relate to the new element. Some seek designation of the site for leisure or for nature conservation and some seek, in the event of the allocation being maintained, a buffer zone between the site and residential properties on Leeds Road. The Council's proposed changes reduce the extent of the buffer zone on the south boundary and remove the buffer zone on the west boundary, giving a developable area of about 24.3ha. This proposed change was in association with the removal of housing allocation H10.32, objections to which are dealt with at IR 17.34.

17.33.2 Objectors express concern that local residents were unaware that the plan allocation extends further than that in the HWDLP and that there was confusion over the extent of the buffer zones. However, there is no suggestion that the legal requirements for consultation on the plan were not met. Both the plan and the proposed changes were advertised and the extent of the allocation, buffer zones and reduced buffer zones accurately depicted on plans. Whilst it was made known at a public meeting that one group on the Council favoured extending the buffer zone again, there was no claim that the Council had made such a decision. The meeting was a year after the proposed changes were advertised, so did not affect the opportunity for counter objections to be lodged. Later letters and a petition were submitted as part of the case for objection [3139] enabling relevant points concerning the extent of buffer zones to be taken into account.

- 17.33.3 i. whether the alteration of the Green Belt boundary is justified and the allocation appropriate having regard to:
- the need for the release of Green Belt land in the light of vacant industrial premises and derelict land;
 - the effect on Green Belt purposes;
 - potential problems from methane, subsidence and surface water drainage;
 - the effect on the natural environment, wildlife and recreational opportunities;
 - highway safety and congestion;

- ii. whether the scale and location of buffer zones are appropriate to safeguard the amenity of local residents.

Conclusions

17.33.4 The site is one of only two allocations for business and industry of above 20ha in the plan and is accessible to both the M1 and the M62. Many of those represented at the Business and Industry RTS pressed for the provision of some larger sites to give a choice of plot size and tenure, together with the opportunity for future expansion. RPG12 confirms the importance of sites with good access to motorways and the need to provide a small number of very large accessible sites. The site benefits from good bus connections and proximity to a sizeable residential area, bringing it within the type of site favoured by PPG13. The relationship between employment opportunities and housing would be reinforced by pedestrian and cycle links with the residential areas to the south and west, thereby avoiding an unnecessarily circuitous route via the vehicular access from Owl Lane. This matter would be covered by policy T16 as recommended to be modified.

17.33.5 Planning permissions granted for industrial units within the HWDLP allocation have been implemented since the base date of the plan. Whereas the objector [3139] argues that the delay in developing that part of the site shows a low level of demand, the Council claims there is substantial demand and cites interest in the site from firms, including overseas companies. The information given by the Council is that, although the north part of the site was allocated in 1985, it was not actively marketed until about 1990 when the ownership changed, that the Owl Lane link was constructed between 1991 and 1993 and that units already constructed have specific end users. Bearing in mind changes in ownership and the surrounding road network, development has been relatively rapid since the site became genuinely available and this supports the Council's view on demand. The size and nature of site B10.1 and its location make it capable of attracting inward investment to diversify the economic base and interest shown is consistent with this.

17.33.6 The site, with the new element of allocation, is a very important part of the total provision of business and industrial land, which as set out in Chapter L1 is necessary to further the economic strategy and accord with national guidance. The conclusions in that chapter took account of evidence of vacant premises. While industrial floor space available in Kirklees grew between 1991 and 1994, the size of units altered very markedly leaving a high proportion of small units. This trend and evidence provided by objectors seeking allocations, of interest from industrialists being for sites suitable for larger premises, supports the view that existing premises cannot cater for all sectors of demand. Increased reliance on these in place of allocations would not enable an adequate choice of development opportunities to be provided. Concentration of new development as far as possible on recycled land is important, but the balance of allocations between such land and greenfield sites is realistic. Available recycled land could not substitute for the characteristics of this site.

17.33.7 With regard to the contribution of the site to Green Belt purposes, the gap between Shaw Cross and Chickenley Heath is vulnerable due to its narrowness and the existence of a scatter of buildings within it. These include a rugby league stadium on Owl Lane, acknowledged to be inappropriate in the Green Belt but permitted on the basis of very special circumstances. Nevertheless, existing development to the south of site B10.1 extends

eastward to a similar extent as the allocation and industrial development permitted on the north part extends further east than the remainder of the site. Loss of the openness on the south part of the site will not in itself therefore lead to coalescence. Remodelling of the land form has occurred at the tip east of site B10.1. Given the strong visual break created by mounding, allocation of the site is unlikely to encourage further growth in that direction which could lead to coalescence or uncontrolled urban sprawl.

17.33.8 On point c, objectors refer to the site being affected by former colliery workings, a colliery tip and a landfill site further east. There are two potential sources of gas in the area and the Council accepts that methane levels may be relatively high. Investigation of the hazards and any necessary remedial measures, to ensure the site is suitable for its intended use and that increased site coverage does not lead to gas migration to adjoining residential areas, should be established, prior to any development. Such a procedure is not unusual and is as envisaged in PPG23. Shaw Cross colliery, which closed in 1970, is described as having been a gassy and wet pit, but no detailed information other than that considered at the appeal in 1991 into the rugby league stadium is relied on. The Inspector in that appeal reached his conclusions having considered all the evidence, including the results of a survey undertaken on the stadium site. He found that, whilst further survey work was necessary prior to construction, there was no evidence of occurrences of methane or other gases which could not be satisfactorily dealt with by tried and tested methods. There is nothing to suggest that gas levels at B10.1, which is no nearer the landfill site, make potential problems there more severe or more difficult to overcome, such as to preclude development in principle. Measures to ensure building stability are common development requirements in former mining areas. The construction of the stadium and industrial units on the north part of the site strongly indicates that any problems from ground conditions or gas are surmountable.

17.33.9 Surface water drainage in the area is to Chickenley Beck. Following a hydraulic survey, removal of blockages and a flow balancing reservoir were found necessary prior to the development of the stadium and industrial units on the north part of site B10.1. The Council acknowledges that increased flow balancing facilities are likely to be needed for development of the remainder of the site. Such a requirement is not unusual and could be met by enlargement of the existing reservoir or, given the large size of the site, by formation of additional facilities on-site. Adverse impact on residents in Chickenley from drainage problems could therefore be avoided.

17.33.10 On point d, the north part of the site is in the process of development and the south part is rough grassland. Tree cover is limited and the site provides neither exceptional visual quality nor particularly valuable wildlife habitats. Being open land at the fringe of a housing area it is used by residents for informal recreation, such as dog walking, but formal public access is restricted to footpaths along the west and south boundaries. Continued wider access could not be guaranteed. The ward is well served by playing fields, above NPFA standards and above the district average. In the immediate vicinity open land is protected in the plan as UGS at the playing field and school to the north-west and as Green Belt to the east. In terms of scarcity and quality, retention of the site as open space or designation for leisure or nature use is not warranted given competing needs for business and industrial land.

17.33.11 Vehicular access is from Owl Lane, the B6128, via a purpose built roundabout a short distance south of the traffic signal controlled junction with the A653 and Grange Road. Although objectors regard the junction as a bottleneck, an improvement scheme has recently

been implemented designed to cater for the estimated traffic from the site and involving a new road layout at the junction. The A653 provides direct access to the M62 at junction 28 and to Dewsbury town centre. The B6128 provides access onto the A638 which links with the M1 at junction 40. Given these important links, there is no evidence to show that traffic distribution onto Grange Road is likely to be so significant as to negate its value in providing improved access to the Regeneration Area. The Council's Highway Service does not forecast capacity constraints. Vehicular access is onto the main road network rather than onto residential streets and, although traffic from the site would pass a school on Leeds Road to the north-east, this would be in the context of the overall traffic flows on a primary route. There are no specific highway safety difficulties or pollution effects, beyond the primarily national issue of the general effects of increasing traffic.

17.33.12 Thus, on issue i, I conclude that the site is well suited for business and industry and would make a valuable contribution to the overall need for such land. There is no evidence that this contribution could be replaced by more suitable land elsewhere, so that the site is necessary to ensure economic regeneration is not constrained by a lack of suitable industrial sites. This provides exceptional circumstances for alteration of the Green Belt.

17.33.13 On issue ii, industrial development has the potential to create disturbance, noise and pollution, but a closer relationship between housing and employment, including industry, is supported by PPG4 and PPG13. In this case, the size of the site, its lower level than much of the adjoining development and the opportunity to control detailed siting of buildings and the location of particular uses enable significant detriment to occupiers of the nearby school and housing to be avoided. Although, based on the previous local plan, residents may have expected a period of reduced activity following completion of the landfill site and stadium, few existing properties directly adjoin the site. The impact on amenity from development on B10.1 need not be so great as to preclude the principle of development.

17.33.14 Nevertheless, development of this large site would transform its character and buffer zones are appropriate. In view of my recommendation to retain the housing allocation at H10.32, the buffer zone shown in the plan on the west boundary should remain. As the Council acknowledges, sensitive uses relevant to the selection of buffer zones set out in paragraph 10.19 of the plan can include schools and play areas. It is not the practice in the plan to identify buffer zones where planning permission has been granted, but that part of the site outside the HWDLP allocation and bounding the school is not subject to a permission. There is no significant change in the topography along the boundary from that where the site adjoins site H10.32. It would be inconsistent and undesirable if the buffer zone were not continued alongside the school. Where the site borders properties in Leeds Road industrial development has been permitted and is likely to proceed regardless of the plan designation. Benefit would not therefore accrue from designating a buffer zone there, contrary to practice in the plan. A development brief for that part of the site includes two major landscaped areas to provide an appropriate setting and protect the amenity of residents in Leeds Road. Coupled with the drop in level, this will ensure industry does not visually dominate existing housing. At the south end of the site the plan shows a buffer zone about 130m deep. Exclusion of productive buildings from such a large area is an inefficient use of land and is not warranted by the lie of the land in terms of assimilating development into the surrounding area. Although stated by the Council at the inquiry to be about 20m wide, the reduced buffer zone shown in the proposed changes scales from plan ref: 10.3 to about

35m and is sufficient to provide a satisfactory transition between residential and commercial areas with scope for substantial planting.

Recommendations

- 17.33.15 i. modify the proposals map by reducing the buffer zone on the south boundary in accordance with the proposed changes as shown on plan ref: 10.3 in CD113 and by extending the buffer zone on the west boundary northward adjacent to the school as far as the HWDLP employment allocation boundary;
- ii. modify the estimated developable area under policy B2 accordingly;
- iii. that the modification set out in the proposed changes to remove the buffer zone from the west boundary be not made.

17.34 ALLOCATION H10.32 RUMBLE ROAD, SHAW CROSS

Background and issues

17.34.1 The objections are listed in Annex G. Those to the deposit draft seek the deletion of the housing allocation. Some seek the retention of the site in the Green Belt. A proposed change agreed by the Council on 2 November 1994 would delete the allocation and designate the land as UGS. Counter objection 5804 seeks a housing allocation.

17.34.2 The issues are whether:

- i. removal of the land from the Green Belt is justified having regard to the need for housing land and potential changes on adjoining land;
- ii. designation as UGS is appropriate having regard to the value as open land;
- iii. allocation for housing is appropriate having regard to the suitability and need of the site for housing, including the effect of traffic and impact on amenity for local residents, infrastructure, drainage and ground conditions and school capacity.

Conclusions

17.34.3 The counter objector refers to constrained housing allocations in Dewsbury, but does not contest the assessment of development potential agreed in the Joint Study with the HBF. Apart from phased sites where low potential results from the rate of development rather than constraints, the contribution from sites where housing may not be achieved within a 10 year period, is not relied on as part of the overall supply. Therefore, although about 11% of the housing land in Dewsbury/Ravensthorpe is categorised as having low potential, this does not give a local reason to alter the conclusions on the housing land supply situation reached in Chapter L1. As set out in the introduction to this chapter, release of the site from the Green Belt would not be justified on the basis of providing additional housing land.

17.34.4 The site, of about 4.4ha, is grazing land, bordered by housing and a school on three sides and open land to the east which extends across the gap between Chickenley Heath and Shaw Cross. Although interspersed with buildings, the swathe of open land means that at present the site forms an integral part of the countryside and is capable of performing

Green Belt purposes. However, the adjoining area is allocated for business and industry, B10.1, and I do not recommend deletion of that allocation. The effect of industrial development would be to wholly enclose this site, cutting it off from any other Green Belt land. The retention of a small, isolated pocket of land as Green Belt would be inappropriate and the change in the surroundings of the site provides exceptional circumstances for its removal from the Green Belt.

17.34.5 On issue ii, UGS is urban open land identified as of value in terms of character and visual amenity, opportunities for recreation and sport or wildlife. Whereas UGS designated in the deposit draft followed a survey of urban open land, which provided a systematic, district wide assessment, this site was not included in the study as it was at that time in the Green Belt. It has not therefore been formally assessed by the Council using the pro-forma standard for other UGS designations. The site is relatively flat, featureless grassland of undistinguished character and unexceptional appearance. Objectors cite species of animals and birds using the site, but it does not contain specifically valuable habitats and opportunities for movement by wildlife between the site and the countryside would be reduced by industrial development to the east. Legitimate public access for recreation is restricted to use of a footpath along the east edge. Whilst such open, relatively flat land could have recreation potential, specific schemes to promote recreation use and resources to achieve them are not claimed. The site adjoins an extensive school playing field and is not far from other playing fields and a recreation ground, nor from open countryside east of site B10.1. Thus, there are local opportunities for recreation and open land which provides visual relief from the built-up area, so that the value of the site as open land is not enhanced by scarcity. UGS designation would not be merited.

17.34.6 On issue iii, the Council's Highway Service does not object with regard to the effect of additional traffic. Access to the site, which has an estimated capacity of about 110 dwellings, could be gained from Rumble Road, a short residential street. DoT document DB32 advises that a carriageway of 5.5m collecting traffic from around 300 dwellings is likely to have a capacity far greater than required even at peak times and Rumble Road is wider than this. The prospect of increased traffic from the site creating capacity problems is remote, even allowing for use of the road as one of two accesses to the adjoining school. There is a drawback in that Rumble Road forms a crossroads with Canterbury Road at its exit onto Bywell Road, a configuration generally to be avoided for safety reasons. However Bywell Road is a local distributor road, rather than a through route where free flow of traffic is important, so the possibility of controls at the junction if necessary is not excluded. This could have an ancillary benefit of improving crossing facilities on Bywell Road for pedestrians, including school children presently aided by flashing school warning signs. Bywell Road gives access onto either the A653 or A638. The effect of the additional traffic on the strategic network would therefore be spread and there is no evidence that it would be significant in the context of overall flows.

17.34.7 Additional traffic on Rumble Road could increase disturbance to residents of dwellings fronting that road, but access through a residential street to housing beyond would be neither unusual nor unreasonable. Although many of the adjoining dwellings are bungalows, whether single or two storey dwellings were proposed, relationships to preclude unreasonable levels of overlooking or dominance could be adequately controlled at detailed stage. The opportunity for local residents to take informal recreation on the site would be removed by the development, but in any event only the use of the public footpath could be

guaranteed. The environment through which it runs would be transformed by business and industrial development to the east and housing on this site. Nevertheless, careful design, making use of the buffer zone on site B10.1 and possibly public open space required in connection with new housing, could ensure enjoyment for users of the footpath was retained, albeit in surroundings of altered character.

17.34.8 Consultations with utilities and Council service areas reveal no insurmountable constraints to development. Existing problems with the water supply, standing water and ground conditions from former mining are cited by local residents. They refer to a natural spring on the land and give examples of flooded gardens and cellars and damage to property attributed to subsidence. Whilst such potential problems would need to be addressed prior to any development, the nature of works to improve the infrastructure and ensure adequate surface water disposal and stability for new buildings would be within the scope of normal development requirements. The emergence of a pond on fields to the east is mentioned. Following a hydraulic survey a flow balancing reservoir was found necessary prior to the development of a nearby sports stadium. The pond illustrates a measure to deal with the effects of development, rather than an uncontrolled or unexpected consequence.

17.34.9 High levels of methane are cited. Regular monitoring occurs in the vicinity and the adjoining area is one where the Council acknowledges there may be relatively high levels. Investigation of the hazards and any necessary remedial measures, to ensure that the site is suitable for its intended use and increased site coverage does not lead to gas migration to nearby residential areas, should be established prior to any development. Such a procedure is not unusual and is as envisaged in PPG23. The construction of the sports stadium to the east and industrial units to the north-east, on land as closely associated with the former colliery and landfill site, supports the view that any problems from ground conditions or gas could be overcome.

17.34.10 The local infant and junior schools are at capacity and housing development at the site would generate additional potential pupils. However, there is no suggestion that physically there is not room for expansion at the schools should this be necessary.

17.34.11 The site is close to an established residential area, which benefits from bus routes and local schools. It is about 1.5km from Dewsbury town centre, less than 1km from a local centre and close to employment opportunities and thus falls within the type of site favoured by PPG13. Overall, it is capable of development for housing, located so as to promote sustainable patterns of travel and does not merit long term protection as open land.

17.34.12 Although the housing land supply situation does not create a compelling need to increase the supply, as RPG12 confirms the housing requirement is not a limit. Allocation of H10.32 at this stage would assist in coordinating layout of the housing and adjoining business and industry sites. The environment of the existing public footpath along the boundary between the two sites would be affected both by housing development, including the provision of associated public open space, and by business and industry development, particularly the detail of the layout and landscaping of the buffer zones. Bearing in mind the requirements and objectives of policy T16, the provision of pedestrian links would be important and interrelated between the two sites. Coordination of these elements would be useful and desirable. In these circumstances allocation, rather than designation as safeguarded land for future development, would be more appropriate.

Recommendation

17.34.13 That allocation of site H10.32 under policy H6 be retained and that the proposed change as shown on plan ref: 10.3 in CD113 to modify allocation H10.32 to UGS be not made.

17.35 POLICY D8, SITE DRT1 GIBRALTAR FARM, THORNHILL

Objections: 0733 Mrs C Taylor

Background and issue

17.35.1 The objection seeks allocation for housing, but the site of about 0.2ha is below the 0.4ha threshold used for allocations in the plan. It would be unreasonable to make an exception in one case and a general move to a lower threshold could lead to an undesirable level of detail in the plan. I therefore consider the case on the basis that removal of the land from the Green Belt would leave it with no notation. Policy D2 allows for development to be permitted subject to a number of criteria, so that I have taken into account the objector's arguments concerning the potential contribution of the site to housing land. The issue raised is whether there are exceptional circumstances to alter the Green Belt to remove this site.

Conclusions

17.35.2 The land lies on the south side of Briestfield Road which, as the objector agrees, in this vicinity defines the boundary of the village. South of the road is predominantly pasture land on the north side of the Howroyd Beck valley. Due to bushes and small trees, the site is less open than the grassed fields immediately to the east. Nevertheless, it forms an integral part of the countryside, which forms the foreground to the village as seen in the approach from the south and which allows views out from the village across the valley to countryside beyond. Although lower than the road, buildings at Gibraltar Farm impinge on the scene on this side of the road and development on the site would do likewise. Whereas Gibraltar Farm is a group of agricultural origin, residential development would create an isolated pocket of urban use intruding into the countryside and not well related to the pattern of the settlement.

17.35.3 The objector considers there is little opportunity in Thornhill to provide individual plots of the type which this site could supply. This is not borne out by figures from the LSR. These show a reasonable and steady supply of sites below 0.4ha suitable for housing. Although housing here would make use of an undeveloped frontage to an existing road, the Council draws attention to the substandard nature of the highway. Regardless of the benefits in general of making use of existing infrastructure, breaching the boundary of the settlement by releasing land south of Briestfield Road/Low Road would be likely to generate cumulatively larger volumes of traffic than could safely be accommodated. It would also seriously harm the purposes of the Green Belt in preventing sprawl and in safeguarding the countryside from encroachment. I find no exceptional circumstances to justify alteration of the Green Belt.

Recommendation

17.35.4 No modification.

17.36 POLICY D8, SITE DRT2 *BRIESTFIELD ROAD/JACKSON LANE, THORNHILL*

Objections: 1669 D B Ramsden

Issues

17.36.1 The site of about 0.25ha is below the 0.4ha threshold used in the plan for allocations, but the objector considers it suitable as a building plot for housing. The issues are whether there are exceptional circumstances to remove the land from the Green Belt, taking account of recent development to the west and existing development on part of the site.

Conclusions

17.36.2 Since the Green Belt was defined in the HWDLP, a house has been constructed to the west. This is restricted to occupation by an agricultural worker and is therefore appropriate development in the Green Belt. In these circumstances, I do not regard its construction as providing exceptional circumstances for the alteration of the Green Belt boundary. The settlement limits on the south side of Thornhill are strongly set by Jackson Lane, Low Road and the section of Briestfield Road between them. Despite the visual intrusion of the new house, the area to the south of these roads remains predominantly open countryside, with just a few isolated buildings mainly of agricultural origin.

17.36.3 The gas board station on the objection site is low key, being a very small building in a fenced compound. Most of the site is open, visible from elevated land in the approach from Briestfield as forming part of the countryside. It continues to contribute to the purpose of preventing encroachment into the countryside. Its overgrown nature is not unsightly, so there would be no significant benefit through visual enhancement from development and, as PPG2 advises, the condition of land is not a factor in Green Belt designation. There are no exceptional circumstances to justify removal of the land from the Green Belt.

Recommendation

17.36.4 No modification.

**17.37 POLICIES H6, D5 AND D8, SITE DRT3
LAND SOUTH OF LEES HALL ROAD AND OUZELWELL CRESCENT,
THORNHILL LEES**

Objections: 2291 Diocese of Wakefield

Background and issues

17.37.1 The objection relates to a site of about 17.2ha. The plan designates the north part as POL (Area A) and the south part as Green Belt (Area B). The objection sought deletion of the plan designations and the allocation of Area A for housing and of Area B as POL. The objection also stated that there is a need for an appraisal of all the land to identify precise boundaries to development in the short, medium and long term related to provision of open space, landscaping and recreational areas. Later submissions include a concept plan and suggested areas for the allocations, including UGS, giving a general east-west split between POL and housing rather than a south-north split. Bearing in mind the rider in the objection, that precise boundaries require an appraisal, and as the proportion of the site intended for housing remains similar, I agree with the Council that nothing in the later evidence provided by the objector is immaterial to the original objection. The report takes account of possible different dispositions of the allocations sought.

17.37.2 The issues are whether:

- i. allocation of Area A, in whole or part, for housing would be appropriate;
- ii. in the light of the need for housing land or safeguarded land, there are exceptional circumstances to justify removal of Area B from the Green Belt, having regard to:
 - a. its contribution to Green Belt purposes and the quality of boundary;
 - b. benefits from comprehensive development through potential alternative allocation for housing, POL and associated open space (UGS).

Conclusions

17.37.3 Area A was PAD in the HWDLP, subject to policy HW/GB8. With regard to the need for its allocation, as I conclude in Chapter L1 appropriate housing provision is met by the supply agreed with the HBF. Although sites previously identified in the HWDLP as urban green areas or open space are allocated in the plan, a number of those cited include previously developed land and their value was assessed using the same criteria as for this site under the Council's systematic urban open land study. The split of how this land is allocated in Dewsbury/Ravensthorpe/Thornhill (DRT) is 87% to UGS or POL and 6% to development allocations. In the district as a whole the split is 86% and 7% [CD34 Addendum]. This degree of allocation of open land does not indicate a significant move to "town cramming". Nor does it suggest that the plan is at variance with PPG3 and PPG17 advice, that a balance is needed to ensure that, while effective use of land in urban areas for housing, industry or other built development is made, valuable open land is not lost.

17.37.4 The suitability of allocation H10.5 is disputed. Both owners are reported to be prepared to release the land. There are access and drainage problems, but it is assessed in the Joint Study with the HBF as a mixture of high, medium and low development potential which does not support a view that the problems cannot be realistically overcome. The fact that it has not been developed in the past is not conclusive evidence of insuperable

constraints. Market interest in the locality in the past could also be a factor and I note that 5 other HWDLP housing allocations in Ravensthorpe/Thornhill also remain to be repeated in the plan. The area has a relatively high proportion of housing allocations. Whilst, as the Council accepts, further concentration would not overload the infrastructure, this means that a range and choice for housing to support new employment proposals is provided. In view of the above points, there is no identified need for an allocation here, either as an addition to or in place of other sites.

17.37.5 With regard to the suitability of Area A for housing, there are no serious physical constraints to development. It is well placed close to employment opportunities, a local centre and public transport in the type of location favoured by PPG13 and there is the added advantage that housing here would increase the catchment for use of the existing and proposed railway stations, supporting their viability.

17.37.6 Area A is mainly grazing land, with a small area of allotments. In the urban open land appraisal, it did not score highly in terms of value for recreation or wildlife, but was assessed as of high visual quality. The recreation value of the allotments should not be overlooked, but the area affected is a small proportion of the site. Retention or replacement would not be difficult, so the matter is not significant to the question of overall allocation. The land is closely related to housing on the south edge of Thornhill, which extends around its west side at Ouzelwell Crescent, and is generally lower than the surrounding sweep of countryside with few trees or other distinguishing landscape features. Nevertheless, it allows views out from the settlement, particularly across the open frontage to Lees Hall Road, to rising countryside beyond and is seen as part of the rural setting of the built-up area from footpaths to the south and south-east. The application of policy D5 which protects this open, rural character for the plan period has merit and would not disrupt existing beneficial uses.

17.37.7 The south boundary of Area A is a straight line. Development of the area would tend to create a harsh edge to the settlement, poorly related to topography, the pattern of existing development and the relationship of Thornhill with Overthorpe. Whilst these points could be mitigated by partial allocation at the west end, based on the closer relationship with housing extending south of Lees Hall Road, that is not one of the dispositions for allocation advanced. In contrast the concept plan would concentrate housing on the east section, making it less well related with the pattern of development and where harm to open views from Lees Hall Road would be greater.

17.37.8 Overall on issue i, there is no identified need for allocation. The housing requirement is not a limit, but as there is no control over the phasing of land release substantial additional provision could reduce the probability of more difficult brownfield sites being developed. It is therefore right to adopt a cautious approach to increasing total allocations. Whilst in many respects a housing allocation here would be appropriate, following this approach and taking into account that Area A does have some open land value and that its development would lead to a less than ideal settlement edge, I conclude that it is not appropriate to allocate it at this stage.

17.37.9 On issue ii, Area B is mainly grazing land, with two areas of allotments. It is contiguous with a wide swathe of countryside to the south, which as a whole performs an important role in controlling the sprawl of the major built-up area of DRT and concentrating development towards the urban area in the interests of regeneration. Area B, as part of the

countryside, contributes to Green Belt purposes. Whilst lower than much of the surrounding countryside, so that its development would not itself create sprawl above the valley south of the river, it would narrow the link between the hillside to the east and the wider countryside. Also, it is a large area spread over a long section further south than the existing projection of the settlement, so that its development would represent considerable encroachment.

17.37.10 The south boundary of Area B follows the route of a gas pipeline. For just over half its length, this coincides with strong and recognisable features of fencing and hedging, but the remainder of the boundary is not well defined. West of the allotments, fencing and hedging above the pipeline ceases. Whilst there is a tree belt west of the allotments, this is associated with a drain and runs further south than the boundary of Area B, progressively diverging from its line. The present Green Belt boundary lacks any definition on the ground. This is unchanged since it was set so, although the suggested boundary would in part be better defined, it is not an exceptional reason for alteration. In the event of development proceeding on Area A, consideration of additional land to the south would enable the boundary to be reappraised and would assist in setting a suitable edge for the settlement. However, the pressures to allocate Area A at this stage, as opposed to what may occur in the course of a review of the plan, are not such as to turn the desirability of such an appraisal into an exceptional circumstance for alteration of the Green Belt.

17.37.11 With regard to benefits from comprehensive development, the suggested package would provide land readily developable for housing. The overhead power lines are not high voltage such as to greatly constrain development and the 18" high pressure gas main is routed where it could be readily incorporated within open space or landscaping. However, as explained in the introduction to this chapter, neither the provision of additional housing land nor the provision of additional safeguarded land to meet future housing needs gives an exceptional reason to release Green Belt land. Although the package would provide open space in a ward where current provision is below NPFA standards, this is not a factor of great weight. Provision in the ward is better than in much of the Heavy Woollen area and local standards are yet to be prepared to enable the relative importance of additional open space to be assessed. The suggested concept plan incorporates open space to soften the edge of the development, but nevertheless is formatted on the basis of a straight southern boundary of artificial form. This is essentially determined by the route of a pipeline and does not reflect the relationship between Thornhill and Overthorpe and the desirability of maintaining open land at the east end of the site where the two settlements are at their closest.

17.37.12 In summary, I conclude that allocation of Area A is not appropriate at this stage, although the case is finely balanced. If allocation were to be made it should be accompanied by a review of its southern extent, including the Green Belt boundary, and not be made separately from that review. I also conclude that some release from the Green Belt in this locality could be made without serious compromise to its purposes, but that the exact boundary suggested by the objection site is not the optimum solution and that exceptional circumstances do not exist at this time for such alteration.

Recommendation

17.37.13 No modification.

AREA 11 - BATLEY AND BIRSTALL

17.38 ALLOCATION B11.19 NAB LANE, BIRSTALL

Objections: 2600 Howden Clough Greenbelt Protection Group, Mr B Pratt

Issues

17.38.1 Whether the allocation is appropriate and the release of Green Belt land justified bearing in mind:

- i. the scale and proportion of industrial development in this area in the past;
- ii. the use of industrial land for other purposes, including retailing.

Conclusions

17.38.2 Batley and Birstall, in particular the area near the M62 junction 27, have been a focus for business and industrial development. The rapid and extensive development has transformed the character of the area, removing a considerable tract of open land. While the concern of local residents at this change is fully understandable, it was implicit in the HWDLP allocations. These reflected the particular attributes of the area close to the M62 in attracting industrial investment and which the Inspector into the HWDLP described as the best location for new industry in the whole plan area. In the context of the district, the Heavy Woollen area forms one of the two main urban areas and is generally better placed for access to the M62. Thus, the situation where Batley and Birstall have, as the objector highlights, borne a significant proportion of the take up of land for industry relative to the district as a whole was not unwarranted. Past development does not remove the continued relevance of the area, and this site, in fulfilling economic objectives of the plan.

17.38.3 Although substantial areas at Centre 27 are in retail and leisure use, some of this occurred on Green Belt land, rather than sites allocated for employment, and significant industrial development on allocated sites has also taken place. Thus, the pressure for higher value non-industrial development cannot be regarded as evidence of a lack of demand at this motorway junction for industrial sites. Whatever the merits of the decisions to permit retail and leisure use in the past, that land is not now available for industrial use, such as to provide an alternative to allocation B11.19. Where land is released from the protection of Green Belt designation on the basis of its suitability for business and industry and the economic need for such land, permitting its use for other purposes without exceptional reasons would undermine the strategy and coherence of a plan and confidence in it. In this case, the allocation under policy B2 would make it clear that proposals for purposes other than use classes B1, B2 and B8 would not be in accord with the plan. Adequate control over other uses could therefore be exercised and supported by section 54A of the Act without modification of the plan.

Recommendation

17.38.4 No modification.

17.39 POLICY D8, SITE BB1 LEA ROAD, CARLINGHOW

Objections: 2993 Mr K Rumbold

Issues

17.39.1 Whether exclusion of the land from the Green Belt and allocation for housing are justified having regard to:

- i. the desirability of bringing derelict and neglected land into beneficial use;
- ii. an offer of dedication of adjoining land for recreational uses;
- iii. the contribution to purposes of the Green Belt.

Conclusions

17.39.2 The site, of about 0.4ha, is vacant and unmaintained. Policy DL1 encourages reuse of derelict and neglected land, but beneficial use need not involve development inappropriate in a Green Belt and is not therefore dependent on removal from the Green Belt. This is illustrated by derelict land identified in policy DL3 for reclamation for specific end uses, which includes sites in the Green Belt. PPG2 makes it clear that detailed boundaries should not be altered merely because the land has become derelict.

17.39.3 An objective of the Green Belt, once defined, is to provide opportunities for outdoor sport and recreation near urban areas. The objector indicates a willingness, in the event of this site being allocated for housing, to dedicate the cricket ground in his ownership to the Cross Bank Cricket Club. The continued use of that area of the Green Belt for recreation would accord with the objectives set out in PPG2, but need not be dependent on dedication as suggested since there are plan policies to protect private playing fields from development. Also, housing of the scale possible on the site could not be regarded as creating a need for the facility of a cricket ground, so that the offer is not necessary or reasonably related to the proposed development. C1/97 advises that a benefit going beyond what is necessary should not affect the outcome of a planning decision. Bearing that in mind, the offer carries insufficient weight to justify modifying the plan.

17.39.4 Although there are poplars, protected by a TPO, along the north boundary, in close views these do not visually isolate the site from housing bordering it to the west, north and east. Development here would be well related to the existing built pattern. Due to this pattern of building on three sides and a substantial, partially treed embankment along its south side, separating it from the cricket pitch, the openness of the site does not make a critically important contribution to the purposes of the wider area of Green Belt. However, although the housing to the east has been built since the HWDLP, this was on land allocated for housing in the local plan so that its future impact would have been known at that time. The situation cannot be regarded as having materially changed since the Green Belt boundary was set. Taking account of the overall land supply situation for housing, the provision of additional land for that purpose is not an exceptional circumstance to alter the Green Belt boundary. Whilst the relatively limited impact on Green Belt purposes will be a factor in any future general review of the boundary to meet longer term development requirements, it does not at this stage create exceptional circumstances for alteration.

Recommendation

17.39.5 No modification.

17.40 POLICY D8, SITE BB2 SOOTHILL MANOR, BATLEY

Objections: 0508 Tri-Care Ltd

Issues

- 17.40.1 Whether removal of the site from the Green Belt is justified bearing in mind:
 - i. the contribution of its development to the Batley City Challenge strategy;
 - ii. the quality of the Green Belt boundary.

Conclusions

17.40.2 The site is less than 0.4ha and no specific allocation is sought. The intention is that removal from the Green Belt would allow a scheme for sheltered housing to proceed, complementing the existing residential care home at Soothill Manor. Batley is one of the poorest housing areas in Kirklees by stock condition, overcrowding and relative deprivation. Part of the City Challenge strategy is to secure a wider choice from new housing, including that for the elderly. However, the site is outside the City Challenge area. While sites have been identified for action by Housing Associations as part of the City Challenge programme, there is no evidence that this is one of them. The addition of this peripheral, greenfield site is not critical to the availability of opportunities to accommodate new housing, as there are significant areas of derelict or underused land and buildings within the built-up area of Batley which can be used. Its development would not aid City Challenge strategy to improve the environment by reclaiming and upgrading such areas.

17.40.3 The north part of the site is occupied by two cottages and Soothill Manor, set in landscaped gardens. The south part is a grassed and treed area. The spaciousness of the development and the visually softening effect of tree groups within and near the site give it an essentially rural character. It is separated from the built-up area by a ridge to the west and forms part of the wider countryside east of Batley. Development here would be a clear encroachment onto the countryside. Whereas at consultation stage an extensive area to the east was proposed to be removed from the Green Belt for industrial purposes, the plan does not retain that proposal. There is therefore no general alteration of the Green Belt in the locality, arising from other exceptional circumstances, to make the quality of the boundary to be set a relevant factor. The existing boundary is secure and well defined by the physical feature of a hedge and wall along the west of the Manor grounds. I find no exceptional circumstances to alter this.

Recommendation

17.40.4 No modification.

17.41 POLICIES D8 AND B2, SITE BB3 MOORFIELDS, BIRSTALL

Objections:

0735 J Binns

1340 Semley Properties

Background and issues

17.41.1 Since deposit of the plan and submission of the objections, the boundary between Kirklees and Leeds has been altered. This report covers the reduced objection site up to the new administrative boundary at its east end. Objection 1340 has been amended so that the west boundary follows the line shown in Appendix ASE2 [BB3/00384/34] and corresponds with the west boundary in objection 0735. The area to the east within the Leeds district is subject to an objection to the Leeds UDP, seeking deletion of the Green Belt and allocation for business and industrial uses under the relevant policies in that plan. A joint session was heard with the Leeds UDP inquiry. For ease of reference in this report, I describe the land within Kirklees, of just under 2ha to which [0735] and [1340] as amended relate, as the objection site and that within both Kirklees and Leeds, of about 7.8ha, as the release site.

17.41.2 The Council's proposed changes included the allocation of the objection site, marginally enlarged at its west end, under policy B2. This was subject to counter objections and representations in support and was withdrawn in July 1995.

17.41.3 The issues are whether there are exceptional circumstances to justify alteration to the Green Belt and allocation for business and industry, having regard to:

- i. the contribution of the site to purposes of the Green Belt;
- ii. the need for and suitability of the site for business and industry;
- iii. the effect on highway infrastructure.

Conclusions

17.41.4 Other than some unauthorised open storage, the objection site is grazing land and retains an essentially rural character. It forms part of a narrow strip of predominantly open land between the Drighlington By-pass and the M62 and faces further open land sloping upward north from the By-pass, all of which is designated as Green Belt. Since the setting of the Green Belt boundary, there has been development in the vicinity, in the form of the By-pass and a warehouse at Field Head Lane. Neither the context for the decisions to permit this development, which involved considerations of route alignment and of a replacement building respectively, nor the resulting impact undermines the Green Belt so as to render it ineffective and no longer appropriate.

17.41.5 As the objector [1340] accepts, this area of Green Belt performs the role of separating Drighlington from Birstall, which particularly opposite the east end of the release site has advanced in the form of prominent commercial buildings to directly adjacent to the M62. Far from diminishing the importance or function of the Green Belt, the By-pass has opened it up to east-west movement. This enables development to the north and south respectively and the open area to be seen together and a sense of travelling along a narrow gap between built-up areas to be appreciated. Whilst the lie of the land screens views of the objection site from parts of Drighlington, there are clear viewpoints from public footpaths west and south of the covered reservoir at the edge of the Penfield estate. From this higher ground, the objection site visually forms an integral part of the countryside between the

Penfield estate and the Field Head estate in Birstall, including open land south of the M62, and of countryside stretching away to the west.

17.41.6 Development of either the objection or release sites would create a substantial, freestanding complex of built development divorced from Birstall and largely divorced from Drighlington, with just a tenuous link via the small pocket of housing and warehousing at Field Head Lane. The objection site accounts for a significant proportion of the width of the gap between Drighlington and Birstall. In addition to encroachment onto countryside from the development of the site itself, the effect would be to severely erode the separation of the two settlements. This separation is extremely vulnerable due to the narrowness of the gap and development pressures, as highlighted by other objections to the plan seeking deletion of the Green Belt south of the M62. The role of the objection site in helping to prevent coalescence is therefore particularly important and it is essential for the site to be kept permanently open to ensure Green Belt purposes are not harmed.

17.41.7 With regard to the need for the site for business and industry, the objector [1340] does not rely on detailed enquiries to demonstrate a specific land supply requirement, but cites these as an illustration of high developer interest. The principal area of interest is claimed to be between junctions 26 and 29 of the M62 and along the M621. Elements of the argument are directed to the Leeds context. In the Kirklees situation the demand from developers for M62 related sites and the existence of an element of foot-lose demand, which may go to other districts if sites are not available, are factors recognised by the Council and taken into account in my consideration of the overall business and industrial land supply in Chapter L1. I concluded there that the total amount, quality and distribution of the supply, both between motorway related sites and other areas and between motorway junctions, is reasonable. There is no overriding need to provide a greater concentration near junction 27.

17.41.8 In commenting on allocated sites in Kirklees, the objector [1340] uses a qualitative feel, not specific criteria, to identify those regarded as having good motorway access. In contrast the drive time, converted to distance from junctions, put forward at the Business and Industry RTS was supported by researched evidence. There are no grounds to depart from this definition and discount allocated sites further from junction 27 or from other motorway junctions than the 5 assessed in [1340]. Of those assessed, B11.1, 11.2 and 11.3 are subject to a footnote relating to potential off-site highway improvements. However, as the objectors accept, the objection site would also need to be subject to such a footnote and agreement has not yet been reached on the adequacy of highway improvement measures put forward despite prolonged discussion with the HA. The slope on part of B11.1 and clearance required for a high voltage overhead line will limit how it can be laid out but, at about 7.8ha, it is large enough to remain capable of providing for a range of units. The Council disagrees that it is all in one ownership, but even if reserved as expansion land it can serve the economic strategy of the plan, which recognises the importance of established firms as well as inward investment. As considered in IR L1.1, figures for past take-up of land include that used for expansion, so it would be unreasonable to discount potential expansion land as an element in the supply. B11.2 and 11.19 have permission for Class B1 use. Given relative land values, this may make them unavailable for Class B2 or B8 uses but does not place them at a disadvantage to the objection site, as the objectors seek allocation for Class B1 use, as well as Class B2 or B8. The evidence on B11.3 and 11.4 is that development is already proceeding, so that ground conditions from previous tipping are not proving to be an insurmountable constraint.

17.41.9 On the comparative suitability of this land, the Council does not claim that there are insurmountable technical constraints to development of the objection or release sites. Nevertheless, off-site drainage works and substantial off-site highway improvements remain to be resolved. Although the objector [1340] sees the release site, particularly the area of the objection site, as suitable for a prestige development such as a Class B1 headquarters to enhance the profile of Kirklees, there would be no guarantee of this in the allocation sought. The promotion of that type of development in this location, which is not well placed in relationship to housing, other facilities or for public transport accessibility, would run contrary to PPG4 advice. This stresses the importance of locating developments, especially those likely to have large numbers of employees, to minimise trips and enable service by energy efficient modes of transport. The release site would create a large, flat site attractive for uses, such as warehousing, requiring large, single-space structures and ready HGV access avoiding built-up areas. Nevertheless, in common with other land near the motorway in Kirklees it does not benefit from rail or water access and is not therefore the type of site favoured by PPG4 and RPG12 for development attracting significant freight traffic. My conclusions, that specific provision for distribution uses is not necessary, remain as at IR L1.1. The benefit claimed for the site that it would serve areas of high unemployment is not borne out by the detailed figures. The wards closest to the site on both sides of the administrative boundary, Birstall in Kirklees and Morley North and South in Leeds, are below the district averages for unemployment.

17.41.10 Taking all the above into account, I do not find a demonstration that allocated sites are flawed and unsuitable for development nor any compelling superiority in the objection site, so as to make an additional or alternative allocation under policy B2 necessary.

17.41.11 The objector [1340] argues that there would be a gain from development of the release site, arising from off-site highway improvements which would benefit the locality as a whole and road users generally. The principle behind this suggestion, that in effect measures beyond those necessary for development can be secured, is called into question by the latest guidelines for developer contributions to trunk road improvements. "Control of Development Adjacent to Trunk Roads - Guidelines for the Highway Agency" July 1996 signal a change in emphasis from developers being required to pay for improvements to cater for all traffic expected in a 15 year design period, to developers being expected to pay only for road improvements to ensure conditions are no worse than if the development had not taken place.

17.41.12 In this case, the HA does not accept the TIA put forward by the objector [1340] and there is no agreement over the acceptability of alterations proposed to the Field Head Lane/A650 junction and to the junction 27 North roundabout (Gildersome Interchange). There are no existing capacity problems at the Field Head Lane junction. Whilst concern is expressed over accidents there, the HA is reported to be considering the need for remedial measures. There is no evidence that any necessary safety improvement measures are reliant on development of the site or would involve alterations on the scale proposed. With regard to the Gildersome Interchange, evidence from the Leeds Highway and Transportation Department (BB3/05844/3) refers to alternative alterations advanced in connection with a Leeds UDP allocated site to the east. Thus, alterations in the area cannot be regarded as reliant solely on the release site being developed. It is not clear that any highway benefits would accrue.

17.41.13 I conclude that on all the issues there is no justification for removal of the land from the Green Belt and allocation for business and industry.

Recommendation

17.41.14 No modification.

17.42 POLICY D8, SITE BB5 GRANGE FARM AND CROFT HOUSE FARM, BATLEY

Objection: 1098 Savile Estate

Issues

17.42.1 These are whether there are exceptional circumstances for alteration of the Green Belt and allocation for business and industry having regard to:

- i. the need for and suitability of the site for business and industry, including considerations of traffic generation and agricultural land quality;
- ii. the impact on purposes of the Green Belt.

Conclusions

17.42.2 The allocations of land for business and industry give a reasonable level of total provision, without further release of Green Belt land. The evidence submitted in connection with this objection, including a list of enquiries from firms seeking land for commercial development, is compatible with the information considered at IR L1.1 and does not alter this overall conclusion. The list of enquiries confirms the regional context of demand, with firms expressing interest in locations over a long stretch of the M62, and shows no requirements of a scale above the capabilities of the size of sites allocated in the plan.

17.42.3 With regard to the importance of the site to supply as a particularly large, relatively flat, motorway related site, the allocations include B10.1 at Shaw Cross just a short distance to the south. Although less than half the size of the 53ha gross area of the objection site, B10.1 falls within the category of "critical mass" sites advocated by objectors at the Business and Industry RTS. Even following partial development, in excess of 20ha of land remains there and is adequate to cater for a wide range of scales of development. B10.1 is accessible to the M1 and the M62. It is no further from the M62 than the objection site would be via Grange Road and only about 1.7km further than the objection site would be via Soothill Lane. The difference in distance along a straight section of primarily dual carriageway A653 does not give the objection site a significant and overriding advantage in terms of serving the needs of business and industry or attracting investment.

17.42.4 Traffic generation from development of the site has been estimated by the Council on the basis of a developable area of about 37 ha. The estimate of about 1500 peak hour arrivals and departures is not disputed and, given that the gross site area is well above the developable area assumed, is a conservative figure. Potential access to 3 roads to serve the

site is advanced by the objector. It would be unwise to rely on access to the A653, Leeds Road, being a realistic option. Whilst securing the control of additional land to provide access is often not an insuperable obstacle to development, in this case it would involve either demolition of residential property or a loss of playing fields the owner of which, the Council, opposes the development.

17.42.5 Of the other access options, the Grange Road link is a recently constructed road with a two-way design capacity of 2,000vph. As well as providing access to Batley, it is intended to serve allocated sites, as yet undeveloped. At the inquiry, the objector was unable to say whether access from this road alone would be able to serve the site in terms of capacity. I agree with the objector that distribution of traffic generated by the development could be expected to include movement in the M1/Wakefield direction to the south-east, as well as to the M62 to the north, Dewsbury to the south and Batley to the west as set out by the Council. The effect of this distribution would be an uneven split along Grange Road, with the major part of the peak hour generation using the section east of the site. On that stretch traffic connected with the site would therefore take up a high proportion of overall capacity. The potential overloading of the link between Batley and the A653, and thereby on to the motorways, would be particularly undesirable since an aim of the new link is to promote regeneration in the urban area by improved motorway accessibility.

17.42.6 The site has a frontage to the B6124, Soothill Lane. A second access there would have the benefit of splitting the effect of additional traffic, but measures would be needed to limit HGV use of Soothill Lane west of the site, where it runs through a mainly residential area. The Council also expresses concern over the capacity of the junction with the A653. TROs can be used to restrict HGV traffic. However, as existing industry is served by Soothill Lane at its west end there would be local difficulties in enforcement and additional measures, such as physical restraints on the direction of access and egress between the site and Soothill Lane, could be necessary. Neither the feasibility of such measures nor the implementation of works, outside present highway limits, to improve the Grange Road link and the junctions of Grange Road and Soothill Lane with the A653 should be discounted. Highway improvements are not an unusual prerequisite to development. Several plan allocations rely on works being undertaken outside highway limits and these can be reasonable infrastructure constraints to be overcome. Nevertheless the situation here is uncertain. If the allocation of the site was contemplated further investigation of traffic impact would be necessary. There are sufficient well-founded indications of undesirable effects from the additional traffic to reduce the suitability of the site for business and industry relative to other options.

17.42.7 The site is part of a viable dairy farm unit and, although the tenants may be relocated, the unit itself would be lost by development. The agricultural land quality assessment gives 45.8% of the site as grade 2 and 31.5% as grade 3A. Overall 77.3% of the site is what PPG7 defines as the best and most versatile land. PPG7 and PPG12 advise that considerable weight should be given to protecting such land against development and that safeguarding such land is one of the priorities in drawing up development plans. This guidance is echoed in RPG12. In Kirklees, a much lower percentage of land is grade 1, 2 or 3A than nationally. Even from the stance solely of protecting a national resource, with no greater protection assumed in areas where there is a scarcity of good quality agricultural land, the local situation in Kirklees is relevant. In agricultural terms, little weight need normally be given to the loss of lower quality land and, since a higher proportion of

agricultural land in the district is of lower quality, it is reasonable to expect development needs to be met by such land, rather than by higher grades.

17.42.8 On issue ii, the site lies within the swathe of countryside between the major urban areas of Batley and Morley in the districts of Kirklees and Leeds respectively. It is open agricultural land and, from a number of vantage points including Soothill Lane, the new Grange Road and higher land in Hanging Heaton, it is seen as an integral part of the countryside, together with other open land to the south and north and further east beyond ribbon development along Leeds Road.

17.42.9 The Council and the objector consider the settlement of Woodkirk extends to the junction of Soothill Lane and the A653, whereas I regard the ribbon development south and east of the junction and the Woodside Gardens estate to its north-west as being divorced from the main built-up area of Tingley/Woodkirk. This is further to the north-east and separated by generally open land interspersed with more scattered development. The substantial pocket of development, particularly north-west of the junction, is an incursion into the relatively narrow gap between Batley and Tingley/Woodkirk and highlights its vulnerability. The site forms a significant proportion of this gap. Its development, in addition to being a substantial eastward advance of the large built-up area of Batley and encroachment onto the countryside, would go a considerable way to bringing about the coalescence of the neighbouring towns. The removal of the site from the Green Belt would also leave the area of Green Belt between Hanging Heaton and Lower Soothill, to the south and south-west, wholly surrounded by development of more than ribbon width and thereby divorced from the wider countryside. This would severely reduce its defensibility, making further sprawl and encroachment onto the countryside more likely.

17.42.10 With regard to urban regeneration, the concept of the Green Belt is to achieve this through encouraging recycling of urban land, not through permitting development in the Green Belt. However, the objector argues that the economic spin-off from development of the site would further that purpose. A "sense of place" concept is advanced, but no evidence is given of the effectiveness of other motorway related development in bringing greater recognition of the urban area from marketing of the motorway related site. Indeed, the closest example, "Centre 27", continues to be expressed in a motorway context, rather than being described in relation to the nearby urban area. Whilst industrial development and employment at the site would have an input into the local economy, there are sufficient allocated sites in the area attractive to inward investment which would create such an input. It is important to balance this aspect of strengthening the economy with the approach of recycling urban land and improving the quality and attractiveness to industrial developers of the urban environment.

17.42.11 Batley City Challenge has an aim to reclaim 50ha of derelict land and achieve reuse of mills. As the objector agreed at the inquiry, the new Grange Road has improved the link between Batley and the motorways and there is no significant accessibility advantage to this site. Given this improved link and assistance from City Challenge funding, the regeneration of sites within Batley is feasible. Although the objector argues that there is a different market for inward investment by firms which would not consider sites in the urban area, it was accepted at the inquiry that the site would also provide for local firms to relocate. As the objector accepts, the infrastructure costs of developing this greenfield site would be lower than urban reclamation. Although this would be balanced to some extent by

land value, the site would also benefit from being within an assisted area for grant purposes. Since the site would be in competition for occupiers with other industrial land in the region, I am not satisfied that the price of serviced land here could be set so high as to discourage local firms or prevent it drawing potential investment away from regeneration sites in the urban area. Overall development of the objection site would draw away from regeneration, rather than assist it.

17.42.12 To summarise, I find no overriding need to allocate the site to provide additional or replacement business and industry land. Its development would be damaging to the national aim of protecting the resource of the best and most versatile agricultural land. The particularly valuable contribution of the site to the purposes of the Green Belt makes it essential that it be kept permanently open. I conclude that there are no exceptional circumstances to remove the land from the Green Belt.

Recommendation

17.42.13 No modification.

17.43 POLICY D8, SITE BB6 *FIELD HEAD LANE AND OWLER LANE, BIRSTALL*

Objections: 0657 N Wild and G Troft

Issues

17.43.1 In correspondence subsequent to making the objection, the objectors refer to the suitability of the site for residential or leisure purposes. This is outside the scope of the objection and the Council has not exercised its discretion for consideration to be given to these late matters. The issues raised by the objection are whether there are exceptional circumstances for alteration of the Green Belt and allocation for business and industry having regard to:

- i. the contribution of the site to purposes of the Green Belt;
- ii. intended use on part of the site;
- iii. the suitability of and need for the site for business and industry.

Conclusions

17.43.2 The site of about 3.2ha is mainly grazing land, with a derelict area at the east end where the Oakwell Smallpox Hospital has been demolished. The topography in the area is such that the existing commercial development and business and industry allocation, B11.1, to the east are visually separated by a ridge line from the main part of the site. In the approach along Field Head Lane from the north the site, seen as rising open land above the M62 in cutting, is perceived as countryside at the entrance to the settlement of Birstall. It complements further open land north of the M62 and west of Field Head Lane, rather than relating well to the adjoining commercial area. The gap between Birstall and Drighlington is vulnerable, due to its narrowness and strong pressures for development in the area, as shown by objections relating to site BB3 to the north and by recent extensive development

south of the M62 at Centre 27 to which the objectors draw attention. In view of this, the openness of the site makes a critically important contribution to the purpose of preventing the towns of Birstall and Drighlington from merging.

17.43.3 Reliance on the motorway or the Drighlington By-pass to retain separation of the towns is unrealistic and undesirable. They would not form functional barriers, as movement is possible along the B6125 between the settlements, nor, given their width and character, would they create a perception of moving out of one urban area before entering the next. The extent to which objectives for the use of land within Green Belts is fulfilled is not a material factor in the continued protection of the land by inclusion in the Green Belt. An assessment of how well the site performs in that context is not therefore relevant to this case.

17.43.4 With regard to issue ii, the objectors indicate that the Council has recently proposed developing the former hospital as a gypsy caravan site. The former hospital takes up a small proportion of the site. Even in the event of inappropriate development being permitted on that part due to very special circumstances, the overall nature of the site would remain suitable for inclusion in the Green Belt. Moreover, the evidence is that all planning applications on the site since 1974 have been refused, including one for a residential caravan site. The former hospital land is allocated under policy DL3 as derelict land for reclamation for tree planting, an after-use appropriate to Green Belt land.

17.43.5 The site has no insuperable constraints to development. The Council accepts that access as an extension of allocation B11.1 would be feasible. Measures such as flow balancing facilities for surface water are not unusual infrastructure requirements and the footnote, concerning investigation of traffic effects and remedial works as necessary, suggested by the HA has been accepted at a number of allocated sites. Nevertheless, the allocations already made give an adequate supply of land for business and industry, including provision for motorway related sites. Figures given in connection with objections on site BB3 show that the Birstall ward, rather than being a focus of high unemployment, is below the district average. The area is well provided with land for business and industry, the benefits of its proximity to the M62 already being reflected in a relatively high level of allocations, and there is no overriding localised reason for a greater concentration of allocations. I find no exceptional circumstances to justify alteration of the Green Belt.

Recommendation

17.43.6 No modification.

17.44 POLICIES D5, D8 AND B2, SITE BB7 HUDDERSFIELD ROAD, BIRSTALL SMITHIES

Objections: 2578 Kalon Group plc

Background and issues

17.44.1 The site covers about 14.4ha. The objection seeks the removal of the whole site from the Green Belt, the allocation under policy B2 of about 6.1ha, corresponding with the

area identified for allocation under reference B11.9 in the Consultation Draft of the plan, and the designation as POL of the remaining 8.3ha, which forms the north-west part of the site.

17.44.2 The issues are whether the removal of the site from the Green Belt is justified bearing in mind:

- i. its contribution to Green Belt purposes;
- ii. the need for and suitability of part of the land for business and industry, with particular reference to the expansion requirements of a local firm;
- iii. the desirability of creating defensible Green Belt boundaries.

Conclusions

17.44.3 The site lies between the industrial complex at Park Mills to the north-east, Garfit Hill to the north-west, Muffit Lane to the south-west and the A62 and farm land at Woodside Farm to the south-east. It is on a generally north-east facing hillside on the south-west fringe of Birstall and is predominantly open land, with a well treed area, Ridings Wood, at the north-east end. West of the wood and at a higher level, there is a flatter area of grassed fields lying below a minor embankment up to Muffit Lane and intermittent roadside trees. The north-west part of the site has a more complicated undulating topography. The open nature of the site is very similar to fields to the west, on the opposite side of Muffit Lane and to the south. The land clearly forms an integral part of the countryside between the towns of Birstall and Gomersal, which continues to the south-east in a narrow spur between Birstall and the White Lee area of Heckmondwike.

17.44.4 From the other side of the valley this arc of rising, countryside, continuing as a hillside on the opposite side of Muffit Lane towards Popeley Fields, is seen as enclosing and containing the urban area. On the south-west side of the valley, the built up area of Birstall is largely confined to the valley bottom and lower slopes. Development on the objection site would breach this settlement pattern. Thus, the site has an important role in restricting the sprawl of what is a large built-up area.

17.44.5 Due to the rise in land at Popeley Fields, points within the Green Belt where both Gomersal and Birstall are visible are limited. Nevertheless, this does not prevent the countryside, including the site, from playing an important role in separating the towns. The perception of a gap between urban areas can also be experienced by travelling between the two and being aware of a period within an intervening open area. Removal of the site from the Green Belt and partial development as sought by allocation under policy B2 would alter the sense of being in open countryside along Muffit Lane. Buildings would then adjoin the south side of the road. Rather than narrowing significantly the gap between Birstall and Gomersal, it would create another pinch point of only narrow relief from built development along Muffit Lane to add to the existing pinch point along Church Lane.

17.44.6 An area south-east of the site at Woodside Farm would remain in the Green Belt, but the link between the countryside at Popeley Fields and the spur between Birstall and White Lee would become much more convoluted and artificial. That latter area of Green Belt, which is already subject to development pressures as shown by an objection on site BB8, would thereby be made more vulnerable. In addition to the encroachment onto countryside represented by development of the site itself, the likelihood of further encroachment would be increased.

17.44.7 On issue ii, the objection to policy B2 includes reference to the quantity of land allocated for business and industry, but in a later statement the objector does not regard the overall quantity as relevant to the site specific case. The strategic element of the objection is covered at IR L1.1. The economic strategy of the plan includes accommodating the requirements of existing businesses, which are an important component in the strength of the local economy. The particular expansion needs of an existing firm are capable of providing exceptional circumstances on economic regeneration grounds to justify an alteration to the Green Belt. However, the plan is not the only way in which the needs could be addressed. Such arguments fall within the nature of very special circumstances to be considered in detail during the course of a planning application. Modification of the plan carries with it the danger that the justifying circumstances advanced do not materialise, but Green Belt protection is nevertheless lost. Also, if land is removed from the Green Belt it is necessary to define an identifiable and defensible boundary and this may result in a much larger area being released than is actually justified for development by the particular needs of a firm. That would be the case suggested in the objection as, in addition to the area sought for POL, Ridings Wood and open land to the north-east within the objection site are not argued to be necessary for the firm's expansion purposes.

17.44.8 Kalon is part of an international group and has other manufacturing premises in the UK. Its premises at Park Mills, used for both manufacture and distribution, provide valuable employment well located in the urban area close to public transport and housing. Recent substantial expansion and that suggested on the objection site are expected to further increase employment. The continued presence of a major employer is in the interests of the local economy. The objector advances a need for about 14,000sq m of additional floorspace to be used for warehousing to release existing buildings for increased manufacturing capacity, although at the inquiry the objector could not answer whether this need for expansion was dependent on the closure of other manufacturing premises elsewhere in the UK. There is only minor scope for new floorspace by infilling on the existing heavily developed site and possible scope for redevelopment at the adjacent Carr Mills could probably only to accommodate about a third of the floorspace suggested. However, there is a large site allocated under policy B2 immediately opposite at Birstall Smithies, B11.10.

17.44.9 Distances from existing manufacturing operations at Park Mill to B11.10 or to the suggested area for allocation within the objection site are similar. It would not be feasible to have forklift trucks traversing the A62, a major road, nor to separate raw material storage from manufacturing plant, but storage of finished goods for distribution does not present the same operational problems. At the inquiry, the objector explained that the primary means of movement expected between the present site and the suggested expansion facility is to be by HGV. There are already procedures at the Kalon premises for loading a HGV for internal site transport and the additional time from crossing the main road cannot be regarded as a significant operational or cost deterrent. Other options which could be explored are reorganisation to move non-operational uses, including staff parking, to release more room at Park Mills, although additional redevelopment land would still be required to accommodate the scale of expansion suggested. Adequate directional signs could overcome any uncertainty of traffic movements to a split site. Despite the footnote on allocation B11.10 restricting uses to Classes B1 and B2, the Council confirmed at the inquiry that the proportion of Class B8 use of a scale necessary to meet Kalon's expansion proposals would be acceptable there and an amendment to the footnote could be made.

17.44.10 One scenario advanced by the objector in the event of the Green Belt being retained and expansion precluded is of the firm leaving the district. Having regard to options for expansion, other than use of the objection site, available to the firm and to the very heavy level of investment already made at Park Mills, I do not consider this is a strong enough possibility to weigh heavily in considering whether alteration to the Green Belt is justified. It should also be borne in mind that there are allocated sites in the district large enough to accommodate the combined area of the existing Kalon site and the expansion project and that the industrial premises at Park Mills would remain. An initial appraisal indicates that, rather than creating difficulties for occupation by a number of smaller enterprises, the layout of the buildings would facilitate division. There are many separate loading bays, each with loading/unloading space, and communal manoeuvring, access and parking space are by no means unusual on industrial estates.

17.44.11 With regard to the suitability of the objection site for business and industrial use, no unusual technical restraints are cited and in connection with the existing industrial site to which a large proportion of employees commute by means other than private car it is in a sustainable location. The topography and the prominent position of the site would lead to a divorced building group on the west part and a significant visual impact. The internal road would cut through Ridings Wood, removing trees from this important local landscape feature. Even cut into the ground as suggested in illustrative drawings, the large scale buildings would be clearly seen, not just in short range views from Muffit Lane but also in long distance views from the other side of valley, and would be out of keeping with the character of their rural surroundings. Such substantial remodelling of the ground levels to achieve a lowered platform for the buildings would also require further investigation to establish the likely effect on trees along Muffit lane and, via surface water drainage, on the health of trees in Ridings Wood. The adverse visual impact would create environmental problems severe enough to make the site, even if removed from the Green Belt, unsuitable for business and industrial development.

17.44.12 With regard to issue iii, the objector considers the area sought for allocation under policy B2 sufficient for the firm's needs in the foreseeable future and does not argue that it is necessary to reserve the area sought for POL for further expansion. At the inquiry, the objector explained that this part of the site would be extremely difficult to develop due to the topography and that an alternative designation, such as UGS, would be acceptable. That part of the site is attractive, is crossed by a permissive footpath intended to remain by the landowner and has water features, trees, hedges and open land giving a variety of habitats. Its value in visual amenity, recreational and wildlife terms would merit UGS designation in the event of its removal from the Green Belt. about 8.3ha of the site is suggested to be designated as POL. The case argued for its removal from the Green Belt is based, not on the need for safeguarded land, but in order to create a robust and identifiable boundary. If the area sought for allocation under B2, but not the POL land, were removed part of the Green Belt boundary would follow Ridings Wood, a feature of the type advocated for that purpose in PPG2. The somewhat haphazard field boundaries along the north and north-east edge of the area sought for allocation under B2 are far from ideal, but are little different from the field boundaries suggested as a Green Belt edge at the south of the site next to land at Woodside Farm. The convoluted form of the Green Belt tucking in behind the industrial allocation along Muffit Lane if only part of the site is removed from the Green Belt would be poor, but not to the extent of providing justification for additional loss of Green Belt.

17.44.13 To summarise, although no material changes are cited by the Council in the physical nature of the land, policy context and needs of the firm since part of the site was allocated for development in the Consultation Draft, my assessment is that alteration of the Green Belt here is not justified by exceptional circumstances. The contribution of the site to the purposes of the Green Belt is of sufficient importance that the case for retaining it within the Green Belt outweighs the benefits to the economic strategy, even if a need for this local firm to expand onto this land was demonstrated. I find that such a need is not demonstrated and that the effect of development on the character and appearance of the area makes it an unsuitable site for business and industry. Release of additional land beyond that sought for allocation under policy B2 is not justified.

Recommendation

17.44.14 No modification.

17.45 POLICIES D8, D9 AND D10, SITE BB8 *CARLINGHOW LANE, BATLEY*

Objections: 1063 Wharfedale Finance Company

Background and issues

17.45.1 The objection sought a designation for mixed use, to include housing and community and recreation facilities. Implicit in this is the removal of the land from the Green Belt. Subsequently, the objector indicated that a housing allocation is sought, with an acknowledgement that community facilities and public open space are suitable as part of residential development. The illustrative and concept plans provided with the original objection and with later submissions differ little in the overall proportion of the site suggested for housing. As the Council accepts, the issues relating to housing and open space are common to the objection and the revised case, so that the relevant arguments advanced in later submissions by the objector are taken into account in this report.

17.45.2 The issues are whether there are exceptional circumstances to remove the site from the Green Belt, having regard to:

- i. its contribution to purposes of the Green Belt, following nearby allocations;
- ii. the impact on the Batley City Challenge strategy;
- iii. the preparation of the plan as an opportunity for review and setting of a long term boundary;
- iv. housing land supply;
- v. the need for community/recreational facilities.

Conclusions

17.45.3 The site of about 24ha is predominantly farmland, with fields divided by hawthorn hedges. An area of about 1ha at the east end is identified in the plan as derelict land with a proposed after use of POS. This is a remnant of previous mineral extraction and is sparsely vegetated, with exposure of rock and shale. The site lies on the generally north-east facing hillside to the south and south-west of the town of Birstall, developed mainly along

the valley bottom or on the opposite valley side. A ridge running through the site roughly from west to east produces localised north and south facing slopes.

17.45.4 Although there is housing on all sides of the site, I do not find it to be an open area within an urban settlement. Beyond a single ribbon of housing fronting Smithies Moor Lane to the west, there is open farmland and playing fields. Excluding allocation B11.10, the band of the open land would remain of similar width to the appeal site, widening beyond the A62 to extensive countryside between Gomersal and Birstall. The housing on Smithies Moor Lane helps to screen views of the site from Muffit Lane and partially screens it from vantage points on Popeley Fields, but in many views has little impact and does not prevent the openness of the site being appreciated as part of the wider countryside. At closer range from Carlinghow Lane the site is seen as a large sweep of land of essentially rural character. This would be unaffected by development on allocation B11.10, which is at a lower level.

17.45.5 The site does not make an important contribution to preventing the merger of towns as the areas of Birstall and Batley to the north and south which it separates are part of one built-up area, continuing without interruption around the east end of the site. It is important in terms of the purpose of safeguarding the countryside from encroachment, as the continuation of the countryside close to the urban area is of particular value in providing relief to the urbanised form. This is appreciated from many vantage points both in the immediate vicinity and in longer distance views, especially from higher ground to the north and east. Whilst a concept plan shows how development could be arranged leaving the higher parts undeveloped, housing on the lower slopes would cover areas presently seen as open and would erode the perception of the remaining open area to a narrow sliver dominated by buildings. Whereas Smithies Moor Lane would mark a clear limit to the west, restricting sprawl of the overall built-up area of Birstall/Batley in that direction, the shape of the town of Birstall and its relationship with the topography is relevant. On the south-west side of the valley, its built up area is largely confined to the valley bottom and lower slopes. From the other side of the valley an arc of rising open countryside, including this site and continuing across to land on each side of Muffit Lane, is seen as enclosing and containing the urban area. The site, thus, also performs a role in restricting sprawl up the valley sides contrary to that settlement pattern.

17.45.6 Consideration of the purpose of assisting urban regeneration overlaps with issue ii. The site is on the edge of, but outside, the Batley City Challenge area and the objector draws attention to the adjoining part of the site being derelict. The Council acknowledges that funding through the derelict land grant may be difficult, because of the nature of the area as one which will revegetate naturally. Thus, the objector's view, that its reclamation will not be achieved without other development, may prove correct. Nevertheless, the derelict area is a very small proportion of the overall site, its impact on the surrounding area is not significantly detrimental and its informal use by local residents, albeit without legal sanction or guarantee for the future, provides recreational value. The benefits of reclamation would be slight in comparison with the impact of development of the site as a whole.

17.45.7 The objector argues that Batley is atypical of even northern urban areas, being part of the housing authority with the second worst housing conditions in West Yorkshire. Based on experience of peripheral development creating confidence and thereby encouraging further development within an urban area, it is argued that the degree of urban problems in Batley requires the boost of attractive development on its fringe to change the perception of the area

as a whole. This is a similar argument to that advanced by the Council in relation to allocation H11.1

17.45.8 The most recent guidance in PPG2 followed consideration of research into the effectiveness of Green Belts, including their performance with regard to urban regeneration. The concept remains one whereby the primary aid to regeneration is by the restraint of development on more obviously attractive peripheral greenfield sites, in order to channel investment into those urban areas requiring improvement.

17.45.9 Considering this national guidance in the local situation, the approach here is not merely to apply policies of restraint in the hope of urban redevelopment occurring. The Batley City Challenge focuses funds and programmes on upgrading the perception of the town and making practical improvements, such as better accessibility to the motorway system to stimulate industrial and commercial interest. Bearing in mind these measures to improve Batley and as the location of this site means it could be identified as much with Birstall or Heckmondwike as with Batley, the role of new housing here in improving perception is not crucial. Rather it would tend to divert investment away from the urban parts of Batley, where there are many underused or unused premises and sites, giving opportunities to improve the urban environment through redevelopment, and where a number of the allocations are on derelict land. The possibility of investment denied at this site going, not into the urban area, but elsewhere, is reduced by the impetus for housing from the significant motorway related employment areas and by the predominance of Green Belt in the locality, in this and the adjoining district.

17.45.10 Other aspects of the City Challenge strategy include improving the poor housing conditions, ensuring access to affordable housing and "greening" the environment. Vacant and underused sites give much scope within the urban area for creating new housing of better condition and different type from that existing. This, together with the importance of refurbishment and estate action, is recognised in the City Challenge strategy. In creating a buoyant housing market, it sees a role for new greenfield housing, but a significant area for such development is provided for in the plan by allocation H11.1. Whilst by virtue of its size, the site could incorporate affordable housing, the nature of the City Challenge programme has led to affordable housing occurring at smaller sites, such as H11.23. Also, five of the allocations in Batley are larger than the threshold recommended in C13/96. Much of the effort towards "greening" the environment relates to upgrading or providing open spaces within the urban area, but the City Challenge Urban Design Framework identifies areas of important countryside in close proximity. These include the objection site, so that it would be at variance with the strategy to develop this visually important open area.

17.45.11 On issue iii, the objector draws attention to PPG2 and draft regional guidance (now issued as RPG12) and to the approach of neighbouring authorities. In the regional context, whilst many authorities are drawing together disparate local plans into UDPs for the first time, RPG12 indicates that no significant change to the general areas of Green Belt should be necessary and their maintenance in the conurbation areas should be a prime objective in preparing and updating plans. Both documents refer to the possible need to provide safeguarded land to ensure protection of Green Belt boundaries over the longer time scale, but also advise that where detailed boundaries have been set, as in this case, they should be altered only exceptionally. The removal of Green Belt to provide safeguarded land cited in Bradford and Leeds is a matter which is not settled pending consideration of the Inspectors'

reports. Whether or not the approach is appropriate in either of those districts, it is not a reason for an identical approach in Kirklees. Factors such as the impact of the latest housing projections vary between different districts. The relevant circumstances in Kirklees, in the light of regional and national guidance, are taken into account in Chapter L1. There is no reason to alter the conclusions reached, that RPG12 housing figures should be used and that the more general review of the Green Belt, which will be necessary taking account of the 1992 based projections, should follow adoption and the issue of new regional guidance. Any such review should be undertaken by the Council in the first instance, having regard to local choice, and could not be achieved by the piecemeal consideration of site specific objections.

17.45.12 On issue iv, the evidence presented in this case does not alter my conclusions in Chapter L1 concerning the adequacy of the housing land supply. In particular, I have taken account of the information provided on the Roger Tym & Partners study of housing land availability. This makes a case for a discount where local authorities and house builders cannot agree, but that is not the situation here. As set out in the introduction to this chapter, the provision of additional housing land is not justification for Green Belt variation and the suitability of the site, in matters such as a sustainable location, is not relevant to the recommendation on this objection.

17.45.13 On issue v, the original objection argued for an allocation on the basis that the area lacks community and recreation facilities, which could be provided with resources from the profitable element of a mixed use scheme. This argument was not subsequently pursued and evidence to support it was not provided. In so far as the latest concept plan illustrates provision of some public open space and the ward has a low rate of provision of open space in terms of NPFA standards, some benefit could accrue, but it would not be commensurate with the impact from development of the site.

17.45.14 In summary, I am satisfied that the site contributes to purposes of the Green Belt in controlling unrestricted sprawl, safeguarding the countryside from encroachment and assisting urban regeneration. Release of this land for development would not support the City Challenge strategy and exceptional circumstances are not provided, on the basis of the need for long term boundaries, additional housing land or benefit to community/recreation facilities, to justify alteration of the Green Belt.

Recommendation

17.45.15 No modification.

17.46 POLICIES D8, H6, R11 AND DL3, SITE BB9 FORMER GOMERSAL SEWAGE WORKS, BRADFORD ROAD, BIRSTALL

Objections: 1097 Yorkshire Water Estates

2580 M Stringer

Background and issues

17.46.1 The site is split by Nutter Lane. The area of about 0.7ha to the north is occupied by a sewage treatment works still in use. The Council accepts that in these circumstances

the designation of that part as derelict land under policy DL3 and extension to Oakwell Hall Country Park under policy R11 is not appropriate. The proposed changes meet the objections in respect of that part of the site.

17.46.2 The cases remaining concern the area of about 3.3ha south of Nutter Lane. [1097] sought allocation for housing on the whole of this area. Subsequent submissions from the objector, while still seeking the removal of the whole 3.3ha from the Green Belt, suggest housing allocation on the east half with the west half remaining as an area of Country Park extension.

Issues

17.46.3 The issues are whether:

- i. the site is suitable for Country Park use, bearing in mind former uses, separation by Nutter Lane, and the impact of traffic generation;
- ii. the site performs a Green Belt purpose, bearing in mind its relationship with the urban area;
- iii. there are exceptional circumstances to justify alteration of the Green Belt and allocation, in part or whole, for housing.

Conclusions

17.46.4 Following closure of the sewage treatment works, the main structures on the site have been cleared. Further work would be necessary to bring it into Country Park use, but there is no evidence that this would be unduly onerous or unrealistic. Nutter Lane is a narrow rural road, so that crossing it to reach other parts of the Country Park would not prevent use being made of the site. Management to ensure that the volume and nature of traffic using this lane is commensurate with its nature could be the subject of detailed control in the operation of the Country Park or in a scheme for its extension. The size of the site, in relation to the area of the existing Park, is not so great that the change in visitor numbers could be expected to increase traffic generation to an extent whereby unacceptable problems were caused. The site is suitable for the designated recreational use.

17.46.5 On issue ii, despite its derelict condition, the character of the land is essentially open. Overgrown vegetation of small trees and shrubs and grazing land are its most obvious features. Its openness is apparent from Bradford Road and Nutter Lane. Its rural character is not dissimilar from that of open land east of Scotland Beck and north of Nutter Lane, so that it is perceived as part of the wider countryside north of Bradford Road. Along the south side of the road, development is almost continuous between Gomersal and Birstall but reduces opposite the site to a ribbon of frontage development allowing a perception of countryside behind. This reduction in density, a gap south of Selene Close which gives a view of the upward sweep of agricultural land towards Oxford Road and the more open frontage on the north side of Bradford Road ensure a break between the two towns. The objection site is a significant part of the open frontage along Bradford Road. Even if only part was developed, this would seriously erode what is a fragile gap. The site makes a very important contribution to the Green Belt purpose of preventing the merger of neighbouring towns, as well as assisting in safeguarding the countryside from encroachment.

17.46.6 With regard to exceptional circumstances, the physical changes to the site, since the Green Belt was set and the treatment works closed, have been a reduction in coverage by built structures. The implications, if any, of this are to increase the contribution to the openness of the Green Belt, rather than to point to any reason to exclude the site. Whilst Nutter Lane would form a boundary feature of the type mentioned in PPG2, it runs through a rural area and does not separate areas of different character, where distinction in the application of Green Belt policy would be appropriate. The existing Green Belt boundary is not unclear nor poorly defined.

17.46.7 In discussing the future durability of the Green Belt, the objector [1097] indicates that it has not changed in this area for 30 years and cites the bringing forward in the plan of the three PAD sites identified in the HWDLP in Batley/Birstall as an indication of development pressures. The age of the Green Belt in itself is not a reason to consider the designation no longer suitable. Pressures for future development and the possible long term inadequacy of safeguarded land are recognised in Chapter L1, where I conclude that a coherent review when the necessary information from revised regional guidance is available is the appropriate way forward.

17.46.8 The housing land supply, including assessment of the contribution of allocations by a Joint Study with the HBF, is covered in Chapter L1. As explained in the introduction to this chapter, the provision of additional housing land does not justify alteration to the Green Belt. Whilst RPG12 and PPG3 encourage the use of previously developed land for housing, the advice is primarily directed at such land within the urban fabric, not at sites such as this outside built-up areas and playing a role in preventing their merger. It does not override the prime importance of protecting the Green Belt in the area of the conurbations as set out in RPG12. Regardless of its relative suitability for housing, in terms of such matters as a sustainable location, there is therefore no compelling need for the site to make a contribution to housing land supply.

17.46.9 The objector [1097] argues that partial allocation of the site, would facilitate an extension to the Country Park and alteration of the Nutter Lane alignment. The suggested scheme would have some recreational benefit and would remove the present junction of Nutter Lane with Bradford Road, which is described as dangerous. However, no information is given to establish the severity of the safety problem or show that improvements could be made only by a new road of the form shown. The potential benefits would be more than offset by the damage from built development to the rural appearance and character of the site and its contribution to Green Belt purposes. Also, I am not satisfied that the greater recreational benefit of including all land in the Country Park could not be achieved. The site is designated as derelict land and lies within an area where the Council has identified a funding source for reclamation schemes through the European Development Fund. Whilst the cooperation of a landowner would ease the acquisition procedure, it is reasonable to expect a landowner to make rational decisions. The ongoing costs and responsibilities of holding derelict land would be factors, as well as the opportunities for disposal for various uses, and the plan would provide a clear planning policy context for these decisions.

17.46.10 I find no exceptional circumstances to justify alteration of the Green Belt. The balance of priorities between maintaining the Green Belt, providing for development needs, reclaiming derelict land to a beneficial use and providing recreational opportunities is best served by the designations made in the plan.

17.46.11 The objector [1097] draws attention to the advice in PPG2 Annex C on major developed sites, in the event of the site not being removed from the Green Belt. In the light of this recent guidance, the Council intends to undertake an appraisal of such sites either prior to the modification stage or in a review. As the site is almost wholly open, there is little or no opportunity for infilling without seriously impinging on the openness of the Green Belt. Pending the Council's overall appraisal, there is nothing to suggest that it should be identified for the purposes of Annex C.

Recommendation

17.46.12 Modify the proposals map to remove the derelict land notation and designation under policy R11 from that part of site BB9 north of Nutter Lane in accordance with the proposed changes set out in CD113.

17.47 POLICIES D8 TO D14, SITE BB10 *TIMOTHY LANE, BATLEY*

Objections: 1777 M I Thompson

Issues

17.47.1 At the inquiry the objector confirmed that, although originally described as to policies D8 to D14, the objection is only to the inclusion of the site as Green Belt under policy D8. The issue raised is whether removal from the Green Belt is justified by the need to improve visibility at the junction of Timothy Lane and Batley Field Hill.

Conclusions

17.47.2 The site of about 0.6ha is a section of former railway used as a private garden, subject to a condition that no buildings be erected. It includes a length in cutting and an area of embankment. The green face of the embankment, trees within the cutting and vegetation in the lower body of the site are seen from Scotchman's Lane and the footpath to the south-east of the site, the latter more clearly in winter from the footpath bridge, and are perceived as of essentially rural open nature. The site is distinct from the built-up area to the south-west. It complements the countryside to the north-east and forms a strong defensible boundary, assisting in preventing urban sprawl and protecting the countryside from encroachment.

17.47.3 A former scheme for a new road crossing the site is no longer being pursued. The objector's view, that removal of the embankment is required to improve visibility or facilitate widening of the junction, is disputed by the Council's Highway Service. Regardless of whether such works at the junction are needed, they would not prejudice the openness of the Green Belt and would therefore not be inhibited by the inclusion of the land in the Green Belt. Even if part of the embankment were removed for highway purposes, that area would remain open, albeit at a lower level, and only a small proportion of the site would be affected. The site would continue to perform Green Belt purposes and there is no justification to alter the boundary.

Recommendation

17.47.4 No modification.

17.48 POLICY D8, SITE BB11 CENTRE 27, BIRSTALL

Objections: 2295 Ogden Properties Ltd

Issues

17.48.1 Whether the implementation of development on the site and the desirability of providing identifiable boundaries justify removal of the land from the Green Belt.

Conclusions

17.48.2 The plan makes alterations to the statutory Green Belt elsewhere at Centre 27 in recognition of changed circumstances arising from planning permissions and their implementation. This is explained in the addendum to CD34 and shown on plan GB20. It would be inconsistent if similar consideration is not given to the impact of the permission and implementation of the car park area at the Showcase Cinema.

17.48.3 Whilst the parking use allows the site to remain mainly open when not occupied, there is a loss of openness for the lengthy periods when vehicles are present. This part of the site is clearly part of the commercial complex, with formal terracing and surface materials of an urban nature. It is no longer part of the countryside performing a Green Belt purpose, but has been encompassed within the built-up area. Whereas the perimeter of the car park with fencing and embankment is clear, the Green Belt boundary is indistinguishable on the ground where it crosses the car park it. In so far as the site is affected by these changes in the physical and planning circumstances arising from the permissions associated with the Showcase Cinema, there are exceptional circumstances to alter the Green Belt.

17.48.4 Not all the objection site is affected in that way. Howden Clough Beck and vegetation along it at the east of the site lie beyond the extent of the physical works and the commercial complex. Land at the south of the site, although permitted for an extension of landfill and landscaping, is not permitted for a commercial or urban after-use. The Inspector granting permission on appeal concluded that the land would remain open. Conditions are imposed which can ensure restoration to an essentially rural character. These areas continue to perform Green Belt purposes and I find no exceptional circumstances to remove them from the Green Belt.

Recommendation

17.48.5 Modify the Green Belt boundary on the proposals map to exclude that area for which permissions for car park use in association with the Showcase Cinema, Centre 27, Birstall have been granted, the new boundary to follow identifiable physical features.

AREAS 12 AND 13 - HECKMONDWIKE AND LIVERSEDGE

17.49 POLICIES D8 AND H6, SITE HL1 STUBLEY FARM, HECKMONDWIKE

Objections: 2167 Victor Homes Ltd

Issues

17.49.1 Whether, having regard to the overall supply of housing land, removal of the land from the Green Belt and allocation for housing are justified due to:

- i. the site failing to perform a Green Belt purpose;
- ii. a shortage of housing land in North Heckmondwike towards the end of the plan period.

Conclusions

17.49.2 The site is a field to the rear of dwellings along Leeds Road and Popeley Road. Despite the lie of the land and the frontage dwellings, it is appreciated from the eastern approach along Leeds Road as being of the same nature as the swathe of open countryside north of the road. Stubble Farm Road and hedgerow trees along the north-east boundary are typical of many rural tracks and field divisions and do not isolate the site from the surrounding countryside. It forms an integral part of the wider Green Belt in this area, which contains and separates a number of towns, including Gomersal and Heckmondwike. Largely due to the intervening space provided by the site, the Stubble Farm complex of dwellings is seen as a small group separate from the main built-up area to the south and south-west. The site therefore plays a particular role in resisting the sprawl of the built-up area to encompass that pocket of development and contributes to Green Belt purposes.

17.49.3 In relation to Kirklees as a whole, the proportion of allocations in Heckmondwike is in excess of its proportion of households. The proposals map shows these to be well distributed throughout the town. Whilst generalised criticisms are made that some allocated sites contain existing buildings or have received no planning applications, the assessments of the Joint Study of Housing Land are not contested. These show all the allocated sites in Heckmondwike to be of high or medium development potential. The case for local shortages, requiring a different approach from that I recommend of reviewing the release of land for housing following the issue of new regional guidance, is not made.

17.49.4 Bearing in mind these local conclusions and, as I explain in the introduction to this chapter, that provision of additional land overall for housing is not an exceptional circumstance, the points made concerning the suitability of this land for housing are not relevant to the determination of whether it should be excluded from the Green Belt. There is no justification for alteration to the Green Belt and allocation of the site for housing.

Recommendation

17.49.5 No modification.

17.50 POLICY D8, SITE HL2 COMMONSIDE. ROBERTTOWN

Objections: 0729 Lady Armytage (Kirklees Estate)

Issues

17.50.1 Whether exclusion of the land from the Green Belt and allocation for housing are justified having regard to:

- i. the role and need for housing in Roberttown for regeneration purposes;
- ii. the contribution to a mix of housing sites in the light of policy H7;
- iii. the contribution to purposes of the Green Belt.

Conclusions

17.50.2 The reference in RPG2 to the opportunity, exceptionally, to review existing Green Belt boundaries where economic regeneration may be constrained by a lack of suitable industrial sites is directed to land for industrial use. The reference is not of relevance to the alteration of boundaries to accommodate housing allocations. While it is important, as PPG3 advises, that growth is not frustrated by a lack of homes for those wishing to take up new job opportunities, there is no evidence that business and industrial development at Slipper Lane (B9.2) will be frustrated on that basis. Although there are no housing allocations in Roberttown, there are 13 in Mirfield. B9.2 has an extensive residential hinterland with a variety of housing type and Mirfield is perceived primarily as a dormitory town, with an imbalance from excess housing over employment opportunities.

17.50.3 Policy H7 is applicable to the mix of housing types within proposals, rather than to the nature of sites available. The provision of a wide range of sites taking account of demand is important and consistent with national and regional guidance. Roberttown falls within the Liversedge zone, where 5 of the 6 housing allocations are on sites between 0.4ha and 0.8ha. There are also allocations in Mirfield similar in size to the 0.8ha of the objection site. There is no evidence that this site is needed to redress an imbalance in the mix of sites. There is no local justification for additional housing land and, as explained in the introduction to this chapter, provision of additional land overall for housing is not an exceptional circumstance. The points made on the suitability of the site for housing are not therefore relevant to the determination of whether it should be excluded from the Green Belt.

17.50.4 The objector argues that development would complete the sense of place created by a village green. Commonside, on the periphery of the village, is characterised by informally grouped housing on the north-east side and an open, rural aspect on the opposite side. The site, which is a grassed field, contributes to this latter open aspect. The two open spaces on the north-east side of the road are not in the nature of a village green, but part of the informal grouping of development. The site is not directly opposite either of these so is not well placed to create a new pattern of enclosure around a defined space, even if that were desirable. Although there is an industrial building south-east of the site, a school playing field and countryside to the north-west and south-west provide open land. Substantial tree lines along the boundaries with Commonside and the industrial premises visually separate the site from the built-up area. In contrast, it is bounded by only a typical field boundary on its south-west side and forms an integral part of the countryside. Its development would detract from the Green Belt purpose of safeguarding the countryside from encroachment. The new

boundary formed would be less robust than the existing boundary, which follows the road, supported by a distinctive treed verge, a stone wall and hedgerow trees. On all the issues, exceptional circumstances are not shown to justify altering the Green Belt.

Recommendation

17.50.5 No modification.

17.51 POLICY D8, SITE HL3 *HARTSHEAD LANE, HARTSHEAD*

Objections: 1678 Mr J B Henry

Issues

17.51.1 These are whether the relationship of the site with existing development, the agricultural situation and the quality of the boundary justify deletion from the Green Belt.

Conclusions

17.51.2 The site is towards the western fringe of Hartshead, with just scattered dwellings further west. Despite being considered suitable for residential development in the early 1960s, there have been more recent refusals of permission. Rather than being an infill site in the accepted sense of a gap in an otherwise built-up frontage, it lies behind existing development. Irrespective of the general merits of ribbon development, much of the built pattern in Hartshead is in the form of frontage development and the presence of countryside seen behind and around buildings is an essential feature of this discrete rural settlement. Development of the site would not accord with the settlement pattern.

17.51.3 PPG2 advises that the extent to which use of land fulfils Green Belt objectives, including the retention of agricultural uses, is not a material factor in its inclusion. Lack of agricultural viability is not a reason to release land from the Green Belt. In this case, although indicated to be of poor agricultural quality, the land is laid to pasture and the existence of a public footpath between this field and the next is not an uncommon situation on farmland.

17.51.4 The footpath along the north of the site does not form a strong physical feature. The boundary with further agricultural land to the north is no more than a field hedge, with several gaps. In contrast the boundary of the Green Belt defined in the HWDLP and retained in the plan follows the clear break between agricultural land and domestic curtilages. This latter robust boundary is to be preferred and there are not exceptional circumstances to alter the Green Belt.

Recommendation

17.51.5 No modification.

17.52 POLICIES D3, D8 AND H6, SITE HLA
HUDDERSFIELD ROAD AND ROBERTTOWN LANE, ROBERTTOWN

Objections: 2290 Orion Homes

Background and issues

17.52.1 The objection concerns land covering about 8.8ha. In the plan most is designated Green Belt, but the site includes two housing allocations and part of an area designated as UGS. The objection seeks the deletion of the Green Belt and UGS designations and allocation of the whole site for housing or, failing that, for housing and POL.

17.52.2 The issues are whether, taking into account the overall supply of housing land and safeguarded land:

- i. there are exceptional circumstances for the alteration of the Green Belt and allocation for housing and/or POL, bearing in mind the contribution of the land to Green Belt purposes;
- ii. designation as UGS is merited.

Conclusions

17.52.3 That part of the site within the Green Belt is rough grazing land or meadow, sloping down from south to north. It is bounded by housing or proposed housing areas on three sides, but retains a connection with other open land as there is a cricket ground at a higher level to the south-west and extensive open countryside to the west. Existing development on the opposite side of Roberttown Lane is of no more than frontage depth, mostly of well spaced houses. It does not visually separate the site from the wider countryside, the connection between the two being apparent in longer distance views towards the site from the north-east and north-west and in views out from public footpaths across the site. The openness of this part of the site is also appreciated from Roberttown Lane and contributes to the more rural atmosphere experienced along this part of the road than further to the north-east and south-west. As a continuation of the wider countryside, the site remains capable of serving a Green Belt purpose and its development would be an encroachment.

17.52.4 As explained in the introduction to this chapter, neither the provision of additional housing land nor the provision of additional safeguarded land to meet future housing needs give an exceptional reason to release Green Belt land. Thus, having concluded that the site serves a Green Belt purpose, the relative importance of its contribution in this respect is not relevant in this case. Similarly, as explained in the introduction, its suitability for housing is not a factor in determining whether the land should be removed from the Green Belt at this stage. This basic point, that in the event of the arguments for additional housing land or for additional safeguarded land not being accepted there would be no reason to review the Green Belt boundary and consider the relative suitability of the site, was accepted by the objector at the inquiry.

17.52.5 The release of the land from the Green Belt and allocation for housing would allow a comprehensive scheme to be designed for the whole site. However, the objector indicates that detailed schemes for the existing allocated areas have been prepared, from which basic infrastructure could easily be extended to the remainder of the site. There is no evidence that

development in stages would preclude a coherent final scheme should further allocation prove appropriate in the future. On the first issue, I find no exceptional circumstances to alter the Green Belt.

17.52.6 That part of the objection site designated as UGS is part of a larger area of UGS and was formerly a tennis court. It was transferred from the tennis club to the objector and receipts from its release used to renovate and improve the adjoining club facilities, reflecting the spirit of plan guidance to protect private playing fields unless replacement facilities are provided. Whereas the Council argued that the area, with existing trees and providing an opportunity for further tree growth, had high visual quality, a link road between the two housing allocations has now been constructed across the land. The possibility of the area regaining visual or recreational value such as to merit UGS is thereby removed. Remaining trees are subject to a TPO so no purpose is served by UGS designation and the accuracy of the plan would be improved by modification to incorporate this area into the adjoining housing allocations.

Recommendations

17.52.7 Modify the plan by:

- i. on the proposals map, deleting the UGS designation from the relevant part of objection site HL4 and substituting therefor an allocation for housing under policy H6;
- ii. in policy H6, combining this new area of allocation and allocations H13.3 and H13.4 as one housing site and amending the area and estimated dwelling capacity accordingly.

17.53 POLICY D8, SITE HL5 *HEADLANDS ROAD, LIVERSEEDGE*

Objections:	2009 Birkbys Plastics Ltd, Mr R Moulds 5678 Mr M Rathnell [PC]	5494 Kirklees Green Party [PC] 5803 D J Harris [PC]
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Background and issues

17.53.1 [2009] seeks deletion of the site from the Green Belt and allocation for business and industry. The objection would be met by the Council's proposed change to allocate the land. The counter objections seek retention of the Green Belt. At the inquiry the objector [2009] was prepared to reduce the area sought for deletion from the Green Belt and one of the counter objectors [5678] was prepared to withdraw his counter objection, provided only the resultant smaller area was allocated for business and industry. The Council was unable to agree to a further change on that basis since it did not consider a clear, defensible boundary for the Green Belt would be created. In those circumstances the objection and counter-objection were maintained as submitted.

17.53.2 The issues are:

- i. whether, bearing in mind the benefits of established firms to the economic base, the expansion requirements of Birkbys Plastics Ltd provide exceptional circumstances to alter the Green Belt boundary;
- ii. the impact on visual and recreational amenities.

Conclusions

17.53.3 There is no suggestion that the land is no longer capable of performing a Green Belt function. The site of about 1.6ha is grazing land. It is perceived as part of the surrounding countryside to the north, west and south, being separated from that land only by conventional field boundaries and a beck. The nature of the site and intervening concrete panel security fencing make it clearly distinct from the objector's industrial premises to the south-east. In addition to removing the site's own contribution to the openness of the Green Belt, its deletion would leave a narrower and less defensible spur of Green Belt to the north.

17.53.4 The particular needs of an existing firm to expand are capable of providing exceptional circumstances on economic regeneration grounds to justify an alteration to the Green Belt boundary. However, the plan is not the only way in which the needs could be addressed. Such arguments fall within the nature of very special circumstances to be considered in detail during the course of a planning application. Modification of the plan carries with it the danger that the justifying circumstances advanced do not materialise, but Green Belt protection is nevertheless lost. In this case, whilst access to the land is likely to need to be through the objector's premises, alterations in land holdings are not uncommon and have happened at these premises recently. Development other than to allow expansion for the objector could not therefore be ruled out.

17.53.5 Concerning the objector's circumstances, if expansion here is not possible there are allocated sites in the plan of sufficient size to accommodate the scale of expanded premises envisaged. Nevertheless, the objector gives convincing evidence of pressure from customers for relocation elsewhere in the country. If faced with a choice of a move to another site in the district, this could tip the balance against the positive factor of a skilled existing workforce and lead to movement out of Kirklees, to the detriment of the local economy. There is adjoining land which is open and outside the Green Belt. Although the owner is not presently willing to sell, the objector controls an access to the land and it is not possible to predict the resolution of the impasse. The expansion scheme involving the objection site is not costed and is not sanctioned by the parent company, which is a prerequisite for it to proceed. Phase I of an earlier scheme, completed in 1991, has already been found to be not wholly suitable for the present production needs of the firm and a projected Phase II is not to be pursued. There is therefore a significant level of uncertainty concerning future requirements and proposals and the extent to which it may prove necessary to intrude into the Green Belt. Exceptional circumstances of necessarily lasting nature have not been demonstrated to justify alteration to the Green Belt. These arguments apply with equal force to the whole objection site or to the smaller area, to which the objector had expressed a willingness to amend the objection.

17.53.6 The countryside to the west and south is well served by public footpaths, including the Spen Valley Heritage Trail and a footpath along the site's south boundary, and provides a valuable recreational opportunity. Buildings on the site would be clearly seen from the footpath network and would intrude into the pleasant rural scene, diminishing enjoyment from use of the footpath network. The NRA advise that floor levels should be set 0.6m above locally determined flood levels, which is likely to exacerbate the impact of any buildings at the lower west end of the site. Whilst detailed design and siting, particularly towards the east end of the site, could mitigate the impact on visual and recreational amenity, the allocation in the proposed change encompasses the whole site including the more sensitive

areas west of the present line of the industrial complex. The potential for damaging environmental effects reduces the suitability of the site for allocation.

Recommendation

17.53.7 No modification to the plan and that the proposed change, from Green Belt to Business and Industry (B13.1) as shown on plan ref 10.5 in CD113, be not made.

AREA 14 - CLECKHEATON AND GOMERSAL

17.54 POLICIES D5, D8, B2 AND B3, ALLOCATION B14.2, SITE CG34 WHITEHALL ROAD, SCHOLES

Background and issues

17.54.1 The objections are listed in Annex D. In the plan, allocation B14.2 under policy B2 is given with an estimated developable area of about 6.9ha excluding buffer zones. A slightly smaller area to the south-east is designated as POL. Other than [2955] and [2956] the objections seek deletion of the allocation under policy B2 and retention of the site in the Green Belt. Most also seek deletion of the POL and retention of that area in the Green Belt.

17.54.2 [2955] and [2956] seek removal of the POL designation, extension of the business and industry allocation, to include part of the POL land and an area of Green Belt to the east, and removal of the restriction on allocation B14.2 to Class B1 uses only. Objections to policy B3 seeking deletion of the buffer zone and to policy H6 seeking a housing allocation have been withdrawn. Subject to a change of wording suggested by the HA, which the Council has indicated its willingness to accept, the objections to a footnote to allocation B14.2 concerning off-site highway improvements have been conditionally withdrawn. The footnote would require further detailed work to fully assess the traffic effects and would therefore ensure that the concerns cited by objectors to the B2 allocation over traffic congestion and safety were adequately addressed prior to any development.

17.54.3 Overall the site to which objections [2955] and [2956] relate, including the allocation, is about 26ha and for ease of reference I refer to this as the objection site. A concept plan covering the area of allocation B14.2, a small piece of land shown in the plan with no notation and a small part of the POL immediately south of the allocation was provided subsequently by the objectors. Although the element of the objections seeking a business and industry allocation to the east of the area covered in the concept plan has not been withdrawn, the objectors confirm that they are advancing no evidence in support of that element. The concept plan for business and industry extends marginally onto that area for which the objections originally sought a housing allocation. In my view, the incursion is so minor as to be insignificant in the context of the objections and the evidence can be regarded as falling within the scope of the duly made objections.

17.54.4 Allocation B14.2 and the adjacent POL designation were deleted and the land designated as Green Belt by the Council's proposed changes agreed on 2 November 1994. These changes meet the objections other than [2955] and [2956]. The counter objections seek re-instatement of the business and industry allocation.

17.54.5 The issues are whether:

- i. alteration of the Green Belt boundary and allocation for business and industry is justified bearing in mind:
 - a. the importance of the land to the purposes of the Green belt;
 - b. the need for and suitability of the site for business and industry, including the effect on residential and visual amenities;

- ii. alteration of the Green Belt boundary and designation as POL is justified bearing in mind long term development needs;
- iii. in the event of allocation under policy B2, the objectives of the plan would be served by restriction to Class B1 uses.

Conclusions

17.54.6 The objection site was defined as Green Belt in the HWDLP. The Council sees it as serving three purposes of the Green Belt. With regard to that of assisting urban regeneration by the encouragement of recycling of urban land, the objectors [2955 & 2956] are unconvinced of the effectiveness of Green Belt generally. Nevertheless, it remains one of the purposes of the Green Belt specified in national guidance and the objectors accept that there is a need to look first to urban land to meet development needs before turning to the Green Belt. The Council accepts that the effect of releasing the site would, in itself, be no different in this respect than releasing other Green Belt land in this part of North Kirklees. The importance of the site to this purpose is therefore dependent on considerations of the adequacy of the overall supply of business and industrial land.

17.54.7 The site is primarily pasture land, with a small area of allotments. There is no dispute that the land is an integral part of the countryside and that, as with any similar area of open fields, it serves a Green Belt purpose of preventing encroachment into the countryside. In the case of the whole objection site that encroachment, having an impact perceived from Whitehall Road over a length of more than 0.75km and from rights of way across the site, would be very significant. Scholes is connected with Wyke in the Bradford district and is, as the objectors [2955 & 2956] acknowledge, part of a large built-up area. Although the A58 forms a clear boundary to the north and there is a strong landscape feature of woodland immediately east of the objection site, development of the site itself would substantially extend and increase the sprawl of that built-up area.

17.54.8 With respect to allocation B14.2 or the concept plan area, the initial impact on these purposes would be less. However, neither their eastern boundary, which is no more substantial than other lines of hedgerow trees within the body of the allocation site, nor Branch Road further east, which is simply a small country lane with land of similar character and quality on both sides, form distinct physical breaks. There is pressure for development in this general area, due to ready access to the primary road and motorway networks, as demonstrated by objections to the plan seeking business and industry allocations on other sites west of junction 26 of the M62. Release of the allocation site or concept plan area would bring a danger of continued sprawl eastward along the south side of Whitehall Road and impact on a similar scale to that from release of the objection site.

17.54.9 On the need for business and industrial land, no specific need for a site restricted to Class B1 use is advanced. In view of this and issue iii and despite the restriction in the allocation, I consider the site on the basis of potential for the full range of business and industry. Counter objector [5806] argues that, since B14.2 was included in the deposit draft, it is inconsistent for the Council to now claim it is not required as part of the land supply. In response, the Council points to changed circumstances by a larger area at Scandinavia Mills becoming available, following a grant of permission and clearance, and to the overall context of land supply. The emergence of one particular site after the base date of the plan should not be relied on to alter the judgement on this allocation, since it can be regarded in

the nature of a "windfall" site, albeit a large and valuable one. The coming forward of additional sites previously unidentified is an accepted background to the assessment of the need for allocations. The overall context in which site B14.2 was judged necessary at deposit stage is different from that following the proposed and further changes, when a larger total supply is provided by allocations despite the removal of B14.2. It was on the basis of this latter situation that I assessed the adequacy of the supply in Chapter L1 and concluded, having considered matters of quantity, quality and distribution, that allocations provide a reasonable level of total provision. Bearing in mind this conclusion, the concern expressed by other counter objectors including those listed as general, that the removal of B14.2 will increase pressure for release of other Green Belt land particularly at Hunsworth, is not valid.

17.54.10 On the particular nature of this land and circumstances in its vicinity, as I have already noted, specific evidence in support of allocating the objection site was not submitted. The concept plan area or allocation B14.2 would add to the choice of motorway related sites over 4ha. Since 3 of the 8 such sites identified in the allocations are served by this junction of the M62, further concentration in this vicinity would not aid distribution within the district and is not necessary to provide adequate choice. Rapid development and occupation of B14.3 and further development at Euroway off the M606 shows that the vicinity of junction 26 is attractive to developers and industrialists. Nevertheless, the evidence from DTZ Debenham Thorpe, submitted by the objectors [2955 & 2956], does not demonstrate that the attraction is any greater for this junction than for motorway related sites in general. On the schedule submitted, only 3 enquiries specify particular junctions on the M62. None of these is for junction 26 alone. They are respectively for junctions 26 or 27; junctions 26-28; and junctions 24-30 which gives a wide area of search. I find no localised reason to revise the overall assessment, that the need for additional business and industrial land does not justify further releases from the Green Belt above the broad level established following the further changes.

17.54.11 With regard to the suitability for business and industry and the effect on residential amenities, the allocation was subject to a footnote restricting development to Class B1 uses, but, bearing in mind issue iii, I consider the impact also of Classes B2 and B8. The argument of many objectors to the B2 allocation, that in general industry should be located away from housing, runs counter to national guidance in which PPG4 and PPG13 support a closer relationship between homes and employment, including industry. In this case, there is housing in close proximity to the south and west, but the land falls away from much of this housing. The site, whether as the objection site, allocation or concept plan area, is large enough to give options for the internal layout. There would be an opportunity to control the detailed siting and design of buildings and the location of different uses within the site, to ensure no significant detriment to residential amenity from industrial processes. The allocation included buffer zones which, despite criticism by objectors as being too narrow, would reinforce this safeguard. Whilst local residents cite experiences of a fire and pollution from nearby chemical works, control over the presence of hazardous substances is subject to separate legislation.

17.54.12 The tree group east of the objection site and a belt of trees along Whitehall Road near the nursery limit longer distance views of the site in the approach along the A58 towards Scholes. Beyond this point, however, the site is open to the road frontage. Existing housing in Scholes along Tabbs Lane is a considerable distance from the A58, with views of it softened by scattered trees, so that the intervening stretch of countryside formed by the

objection site is not perceived in an urban context. It retains an attractive rural character and appearance, appreciated by users of the footpath across the site and in views from highways, from public rights of way to the north and out from the village. Although housing to the south would prevent new development being on the skyline, the slope away from the road would increase the prominence of industrial development. Even if, as the objectors [2955 & 2956] argue, buildings were cut into the slope to reduce their prominence, the perception of built development rising up on a shallow hillside would remain a feature. The character and appearance of the land would be transformed and the adverse impact on the surrounding landscape would be significant.

17.54.13 Figures supplied by the objectors [2955 & 2956] support the view that the location has a sizeable population within a reasonable distance and is well served by public transport, with bus service frequency of 6 per hour. The location is favourable, in terms of probable effect on transport patterns, to considerations in the plan and PPG13 advice. Objectors to the allocation point to a number of physical factors. Although the land is within the consultation zone of a notified major hazard, with the northern third in the middle risk zone, the HSE gives expert advice and raises no objection to industrial development in principle. A high pressure gas pipeline across the land would restrict the siting of buildings, but follows a line which could be readily accommodated in a buffer zone rather than affecting potentially productive areas of the allocation or concept plan. The former Scholes colliery, where the NRA recommend no disturbance of a tip due to the presence of phenol concentrates, is outside the allocation and concept plan area. As the case for allocation of the objection site was not pursued in detail, the information is not available to establish to what extent this restriction on disturbance would affect the east part of the land. However, none of the physical factors presents an insurmountable constraint to development on the allocation or concept plan areas.

17.54.14 I conclude that those areas would be capable of development and the site suitable for business and industry in terms of a sustainable location, motorway accessibility and attractiveness for investment. Nevertheless, taking account of all considerations, I do not find the allocation, concept plan area or objection site superior in those terms to other allocations involving release of Green Belt land and sustained by the Council and I find them inferior in terms of damage to purposes of the Green Belt. In particular, allocation B14.9, which is served by the same motorway junction and is also capable of accommodating lower density development with high environmental quality, benefits from having no physical constraints and having better containment to preclude sprawl of the built-up area. The suitability of the objection site or allocation B14.2 is also reduced by the significant visual effect of development there. Release of this land from the Green Belt would not be justified either as an additional allocation or as a substitute for other allocations.

17.54.15 With regard to issue ii, objections seeking removal of POL would be met by the Council's proposed changes. None of the counter objections seek the retention of land as POL. Bearing in mind my conclusion in chapter L1 on the timing of review for longer term development needs, the release of Green Belt land at this stage for POL would be inappropriate and unjustified.

17.54.16 On issue iii, the Council's intention in restricting certain allocations to Class B1 uses is to provide conditions to encourage the diversification of the economy into a sector poorly represented in the district. As set out at IR L1.1.23, a greater level of provision

above that made following the further changes is not appropriate. In the event of this site being allocated under policy B2 in addition to allocations B8.16 and B14.9, it would not therefore be necessary, in support of the objective of broadening the economic base, to restrict development on it to Class B1 uses.

Recommendation

17.54.17 Modify the plan in accordance with the proposed changes by the deletion of allocation B14.2 under policy B2 and of the adjoining area of POL and the designation of both areas as Green Belt, as specified on map ref: 10.9 in CD113.

17.55 POLICY B2, ALLOCATION B14.9 LAND AT SWINCLIFFE, BIRKENSHAW

Background and issues

17.55.1 The objections are listed in Annex E. Other than 3039, 3040 and 3041, they seek the deletion of the business and industry allocation and the return of the site to Green Belt. The 3 exceptions seek an alternative allocation for housing. The Council's proposed changes included deletion of the allocation and designation as Green Belt. This change was subject to counter objections and representations in support. It was rescinded in July 1995.

17.55.2 The issues are whether:

- i. the alteration of the Green Belt boundary is justified and the allocation under policy B2 is appropriate having regard to:
 - a. the need for release of Green Belt land, in the light of alternative sites or premises, and the suitability of this site for business and industry;
 - b. the effect on Green Belt purposes;
 - c. congestion and highway safety;
 - d. the effect on the amenity of local residents and the character of the settlement;
- ii. allocation for housing would be justified.

Conclusions

17.55.3 The allocations of land for business and industry in the plan give a reasonable level of total provision and distribution. This readily available, unconstrained site, with a developable area of 5.8ha, forms an important element in the supply. It is one of only 8 sites of over 4ha with motorway accessibility, i.e. within 4km of a junction. The objector's [2573] view that it cannot be regarded as a motorway related site is based on such sites being within about 0.5km of a motorway junction. This is unrealistically close and is not supported by researched evidence provided in BRT/00536/2 and discussed in Chapter L1. Although not close to rail or water links, the site has the advantage of being well related to a primarily residential settlement and being on bus routes, along the A58 and along the A651 to which pedestrian access can be gained. Existing employment areas are concentrated at the opposite northern fringe of the settlement within the Bradford district. In terms of opportunities for alternative modes of commuting and the juxtaposition of employment and residential uses, it is the type of location favoured by PPG13.

17.55.4 In arguing against the level of allocations, objectors draw attention to vacant industrial premises and to the preferred use of brownfield sites. Units to let are cited at locations in Kirklees, including the Norquest development at Centre 27 and at industrial estates in Dewsbury and Ravensthorpe, and outside the district at Euroway near the M606. Turnover of occupiers and marketing of premises must be expected. Although industrial floor space available in Kirklees grew between 1991 and 1994, the size of units altered markedly leaving a high proportion of small units. This trend and evidence provided by objectors seeking allocations, of interest from industrialists being for sites suitable for larger premises, supports the view that existing premises cannot cater for all sectors of demand. Increased reliance on these in place of allocations would be inconsistent with PPG4 and RPG12 advice to provide a variety and choice of sites and to make available attractive and developable sites throughout the region. With regard to greater use of brownfield sites, over half the allocated sites in the plan are on previously used land within the urban fabric, although they tend to be the smaller allocations. Bearing in mind other demands for re-use such as for housing, the location and nature of much of this land, which is often constrained and with poor access for modern industrial requirements, and the importance also placed by RPG12 on sites with good access to motorways, the plan strikes a fair balance between previously used land and greenfield sites.

17.55.5 For the area near junction 26 of the M62, objectors refer to slow take-up of industrial land as evidence of low demand, but this is not borne out by analysis of the sites cited. At Hunsworth Dyeworks (B14.3) industrial operations remained during the 1980s. Following clearance in 1990, redevelopment started within 2 years and is now substantially complete. At the BBA site (B14.4) permission was granted in 1990 for retail development. Given the higher potential value of such a use, it is not surprising that development for industry was delayed and this cannot be regarded as accurately reflecting demand. Interest for industrial development is demonstrated by permission sought and granted in 1993.

17.55.6 With regard to alternatives to site B14.9, other land is suggested near Chain Bar (junction 26), but this is either already allocated in the plan or, in the case of sites mooted at consultation draft stage, also within the Green Belt. The merits of the sites in the Green Belt which are subject to objections seeking allocation under policy B2 are considered at the relevant sections. There is no compelling evidence that they are preferable to this site.

17.55.7 On point b, the firm boundaries of the A58 and the M62 mean release of this compact site would not lead to uncontrolled sprawl of the built-up area of Birkenshaw. Housing east of the site extends closer to Gomersal to the south and the site does not lie within the critical gap between the settlements, where development could lead to coalescence. The gap between Birkenshaw and Hunsworth would be reduced, but along the A58 there would be a distance of some 1.2km between the edges of the built-up areas. The alignment of the road and lie of the land combine to limit views of the site when travelling out from Hunsworth until closer to Birkenshaw. In these circumstances, the perception of travelling between two separate settlements would remain and the swathe of remaining countryside would be adequate to prevent coalescence. Whilst the openness of site B14.9 itself would be lost by development and encroachment thereby made into the countryside, the overall harm to purposes of the Green Belt would not be severe.

17.55.8 On point c, vehicular access would be taken from the A58. The site has a substantial frontage to that road capable of accommodating access arrangements to an

acceptable, safe standard. The Council's assessment of traffic generation and distribution and of capacities on the A58 and A651 are not challenged. The analysis shows there is ample link capacity and scope within the junction at the A58/A651 roundabout for alterations to accommodate likely increased flows. The pattern of the poor accident record at this junction is not linked to the peak volumes of traffic. Remedial works are included in the TPP or, if shown to be necessary in connection with the development, would be of a scale and cost well within the range commensurate with the scale of development. Turning manoeuvres at access to the site off the A58 would not be near schools and the estimated increase in flows of around 10% at peak times along the main roads would not be so great as to significantly affect the risk to school children and pedestrians.

17.55.9 A footnote to the allocation restricts development to Class B1 uses, which by definition are capable of being carried out in residential areas without harm to amenity from matters such as noise and fumes. Objectors represented at the inquiry accept that pollution from industrial processes would not be a problem. Although vehicular traffic is a contributor to air pollution, this is principally a general national problem, not an effect directly related to this allocation which is not shown to be unusual in this respect. As well as the restriction on use, a buffer zone is shown where the site adjoins housing. Despite short gardens, this would ensure significant visual separation between residential and industrial properties. Objectors regard buffer zones which could accommodate parking as ineffective, but their role in protecting amenity is adequately supported by policy B3 as recommended to be modified. The site is mainly fields used for grazing and, while as with any open land in the countryside it is used by wildlife, it does not provide diverse or particularly valuable habitats.

17.55.10 In the light of these conclusions, the effects of development do not support the view that an industrial or commercial site is intrinsically out of place in Birkenshaw, as a primarily residential settlement. The addition of an employment site would create a better rounded settlement in functional terms. There is more merit in this, which is consistent with PPG4 and PPG13 support of a closer relationship between housing and employment, than in seeking to preserve the character of Birkenshaw as a dormitory town. As objectors argue, the take up of employment by residents in an area cannot be forced, but it is important to create patterns of development which allow opportunities for reduced journeys to work.

17.55.11 In summary this site is well suited for business and industry and would provide an important opportunity for high quality development in a good environment. Without the allocation under policy B2, the aim of strengthening and diversifying the economic base of the district would be undermined and this provides exceptional circumstances justifying alteration of the Green Belt boundary.

17.55.12 On issue ii, the site is open land and does serve a Green Belt purpose in preventing encroachment into countryside. Whilst exceptional circumstances to alter the boundary are provided on the basis of business and industrial development, the provision of additional housing land does not justify variation. Allocation for housing would not be appropriate.

Recommendation

17.55.13 No modification.

17.56 POLICIES D8, D2, EP3 AND H6, ALLOCATION H14.8, SITE CG35 VALLEY ROAD, CLECKHEATON

Objections: 2598 Mrs Peel
1062 BBA Group plc

2599 D T Laughlin

Background and issues

17.56.1 Objections 2598 and 2599 are to the housing allocation. The objector [2598] has subsequently made it clear that she does not object in principle, provided that the trees are carefully thinned and that traffic on Valley Road is not increased. Objection 1062 seeks the extension of allocation H14.8 to include two areas, to the west and east respectively. The area to the west is shown on the plan with no notation and the area to the east as Green Belt and in part with a washland designation.

17.56.2 The issues are whether:

- i. allocation H14.8 is appropriate taking account of:
 - a. the impact on visual amenity and wildlife;
 - b. the suitability of Valley Road to serve additional traffic;
- ii. allocation H14.8 should be extended to the west to assist access arrangements;
- iii. exceptional circumstances to alter the Green Belt are provided by an improved boundary and a larger site allowing a wider range of housing types;
- iv. extending the allocation to the east would be appropriate bearing in mind the impact on the washland function.

Conclusions

17.56.3 Site H14.8, of about 0.4ha, is allocated for housing in the HWDLP. It is well treed, with a mixture of mature specimens and smaller self-set trees subject to a group TPO, and forms a pleasant, green area which, because of its lack of use and undergrowth as well as tree cover, provides a habitat for wildlife. Nevertheless, the site is close to extensive open land, within the Green Belt, to the east. It is not in a location where there is a scarcity of open space or of opportunities for wildlife. The Council accepts that the trees have visual amenity value, but considers that with selective felling a satisfactory balance between retaining that value and accommodating some housing can be reached. It seems to me that this is the case, although the capacity for the site estimated in the plan appears too high, given its size and the constraint of the trees, and should be reviewed. Bearing in mind the protection afforded by the TPO and the evidence of conditions relating to the trees imposed on a previous permission for housing, the matter can be adequately dealt with in the details of any development.

17.56.4 Problems of parking and commercial traffic on Valley Road from nearby business are cited. However, there is no evidence that additional traffic generated by housing on the site, which would be relatively modest given its capacity, could not be accommodated. A previous permission for housing required an improvement in the visibility splays at the junction with Bradford Road, indicating that there could be an overall benefit to highway safety. The allocation is not flawed and should be upheld, given the importance of providing housing in sustainable locations such as this site, which is within a short distance of town and local centres and places of employment.

17.56.5 On issue ii, access through that part of CG35 west of H14.8 could be provided to avoid use of Valley Road. This is not essential to allow the existing housing allocation to be developed and would not be prohibited by the lack of notation in the plan, as policy D2 would apply. The possibility of alternative access is not therefore a compelling reason to extend the housing allocation to the west.

17.56.6 The Council does not rule out housing here in principle but argues that, as an area accommodating commercial premises in use, it is not readily available for housing. This was not the situation at the time of my visit. The area is vacant and consists of overgrown land and levelled ground, with an access road across it leading to works to the north occupied by various industrial or commercial firms. Housing would be compatible with surrounding uses in this mixed commercial and residential area and, given the existing mix of uses, unlikely to affect the operation of nearby businesses. Allocation for housing, consistent with PPG12 guidance on the need for plans to be realistic, could be made. However, the planning history of commercial use indicates that the factors set out in policy B4, as recommended to be modified, are relevant and should all be considered. This could be done under the present plan designation. Policy D2 would not preclude housing in principle, so there is no necessity to modify the plan by extending allocation H14.8 to the west.

17.56.7 On issue iii, the area of CG35 east of H14.8 on which an allocation is sought consists of allotments and former allotments now rough grassland, at a lower level than the allocation site and works to the north. It is bounded in part on its east side by the River Spen, beyond which is further open land of similar nature. For part of the boundary the river runs underground and there is no distinction between the area sought for allocation and the rest of the open land. The objector [1062] does not claim that the area fails to perform Green Belt purposes. Although an improved Green Belt boundary is claimed, the existing boundary is well defined by an embankment and line of mature trees at the edge of site H14.8 and by walls and fencing along the boundaries of commercial and residential premises to the north and south. Differences in this respect would not amount to exceptional circumstances. A larger housing site would be more versatile, but in the Cleckheaton area allocations range in size from 0.4ha to 5.2ha and provide a variety of choice. There is therefore no local reason to increase the housing land provision by the extension of allocation H14.8, such as to provide justification for alteration to the Green Belt.

17.56.8 On issue iv, the designation of part of site CG35 as washland is as recommended by the NRA. This is consistent with the importance which C30/92 places on development plans taking into account information from the NRA on the extent of washland and the designation should be retained. The washland included in the area sought for allocation forms only a small part of the total designation under policy EP3 and the policy makes allowance for development if alternative washland capacity can be supplied. The objector [1062] controls a large area of land in the flood plain, so it is possible that measures to ensure that adequate capacity remained could be taken. An allocation need not therefore be ruled out solely on this point, although it would be subject to further investigation of the impact on the operation of the washland. However, bearing in mind my conclusions on issue iii, an allocation would not be appropriate for other reasons.

Recommendation

17.56.9 In the light of the amenity value of trees subject to a TPO, review the estimated dwelling capacity of housing allocation H14.8 given in policy H6.

17.57 POLICY D8, SITE CG1 SOUTH VIEW ROAD, EAST BIERLEY

Objections: 0728 Mrs M Adams
2575 Mrs B Outhwaite

2574 Mr P Coote

Background and Issues

17.57.1 Overall the site is about 1.42ha. [2754] relates to about 0.98ha split between each end of the site, [0728] to about 0.22 ha within that area at the south-west end and [2575] to about 0.44ha in the middle of the site.

17.57.2 The issues raised are whether removal from the Green Belt and allocation for housing are justified having regard to:

- i. the manner in which the existing boundary was set;
- ii. the contribution of the site to Green Belt purposes, given the settlement pattern and nearby development.

Conclusions

17.57.3 As the objector [2474] acknowledges, the HWDLP was in conformity with the WYSP, which required local plans to set detailed Green Belt boundaries and provided guidance on the criteria to be followed. The adoption of the HWDLP followed consideration of an Inspector's report into objections, including those to Green Belt boundaries in various locations and at part of this site in particular. The fact that the boundary in this vicinity is coterminous with that in the Town Map does not demonstrate that the HWDLP failed to address the definition of the Green Belt in a responsible and adequate manner, such as to provide exceptional reasons for it to be changed.

17.57.4 The condition of the land, with overgrown grassland, trees and mature gardens, is primarily of an open nature and it merges well with adjoining countryside. Development of the site to the rear of frontage development would create lateral expansion of the settlement, rather than rounding off an existing pattern. A gas governor station to the north-west was in existence when the Green Belt was set in the HWDLP. It is not of such a scale and dominance as to have significantly altered the character of the surrounding area and is perceived as a discrete and specialised installation set within the countryside, rather than a part of the built-up area. The present boundary of the Green Belt follows a logical and well defined line and within this the site performs a purpose as open land contributing to the separation of East Bierley from Toftshaw Moor in the Bradford district.

17.57.5 For the reasons explained in the introduction to this chapter, the suitability of the site for housing development is not relevant to the determination of whether it should be removed from the Green Belt. I find no reason for the plan to be modified as sought.

Recommendation

17.57.6 No modification.

17.58 POLICY D8, SITE CG2 CHURCH LANE, GOMERSAL

Objections: 0998 Kendon Packaging plc

Issues

17.58.1 Whether removal from the Green Belt and allocation for housing are justified having regard to a previous permission for housing and the overall housing land supply.

Conclusions

17.58.2 The site is partly occupied by derelict housing on the Church Lane frontage and by industrial buildings to the rear. The frontage cottages are part of a ribbon of housing within the Green Belt. The benefits of relocation of the industrial user, with consequent improvement in amenities for nearby residents and opportunities for visual enhancement, enabled very special circumstances to be shown under Green Belt policy resulting in a permission for housing in 1991. There is no reason why similar relevant considerations will not be properly taken into account in any future application. The fact that very special circumstances to grant permission may be found in the future is not the same as demonstrating exceptional reasons to alter the Green Belt boundary.

17.58.3 When the boundary was defined in the HWDLP, the site was partially occupied by buildings. A permission for housing, which if it had been implemented would have resulted in the site being similarly partially occupied by buildings, gives no significant physical change in the site's capability of performing a Green Belt purpose. The relatively narrow stretch of open countryside, in which the site is located, plays an important role in separating the towns of Gomersal and Birstall and is particularly vulnerable due to the existing element of built development within it. In considering possible development on the site, it is therefore essential to take account of its impact on the openness of the Green Belt, as well as of other matters. This will be ensured by retaining the site in the Green Belt.

17.58.4 The overall housing land supply situation does not necessitate an additional housing allocation here and the lack of an allocation does not misrepresent the situation. Not all opportunities for housing are identified. Even if a further permission was given in the future this would be consistent with the plan approach of making allowance for windfall sites.

Recommendation

17.58.5 No modification.

17.59 POLICY D8, SITE CG3
MANOR HOUSE FARM, MOORHOUSE LANE, EAST BIERLEY

Objections: 1443 C T Light & Son

Issues

17.59.1 Whether removal of the site from the Green Belt and allocation for housing are justified having regard to:

- i. its relationship to development and its contribution to Green Belt purposes;
- ii. the need for housing land in East Bierley/Birkenshaw.

Conclusions

17.59.2 The site of about 1.2ha is a triangular field of rough grassland. It adjoins housing to the north-west and north-east and further open land of similar nature to the south. The change in levels near its south boundary is not severe. The slight banking and intermittent stone wall do not create a strong physical or visual obstacle between the site and adjoining countryside. It is seen from the Kirkgate footpath and a footpath along its south boundary as part of the countryside. Since the Green Belt boundary was set, houses have been built on site H14.15 and permission granted for conversion of buildings at Manor House Farm to dwellings. The former housing is some distance west of the site and the buildings for conversion are a discrete group surrounded by open land. The development does not therefore create a situation where the site will be isolated from the countryside and it continues to contribute to the purpose of safeguarding against encroachment.

17.59.3 The close relationship with the settlement, extending around two sides, would limit the impact of the release of the site from the Green Belt and its suitability for housing is not seriously questioned by the Council. The NRA objects due to inadequacies at the sewage treatment works, but this is the type of restraint which could be overcome by off site works. The local school is over capacity but a school only a little further away is reported to have spaces. Although factors for consideration if alteration were contemplated for other reasons, the relative importance of the contribution made to Green Belt purposes and the suitability for housing are not in themselves exceptional reasons to alter the boundary. The objector's view that the suitability of the site for housing will lead to continued pressure in the future to bring it forward for development would not justify release from the Green Belt unless there were an overriding need for that development.

17.59.4 The objector argues that housing needs should be addressed on a community by community basis. In this area I do not find the settlements either so disparate in character or so isolated from one another as to require such a fine grained approach. The plan gives a wide distribution of housing land. The objector draws on local knowledge to show that East Bierley/Birkenshaw is a popular area. This is not disputed by the Council, but the plan takes account of PPG3 advice to identify a choice of sites having regard to where potential house buyers wish to live. The selection of allocations included consideration of market potential [CD43] and the sites were subject to a Joint Study with the HBF. Of the allocations in East Bierley/Birkenshaw, one has been completed. Across the district a number of allocations have been implemented and this is to be expected given the nature of plan preparation and adoption. The allocation was developed within the plan period, so its

contribution to the supply should not be discounted, and the fact that it was taken up earlier rather than later in the plan period does not provide a local reason for additional provision. Although the suitability of allocation H14.14 is disputed on the basis of the length of time it has remained undeveloped and problems of drainage and access, it was assessed in the Joint Study as having high development potential. There is no evidence of a significant local shortfall of housing land to provide exceptional circumstances to alter the Green Belt.

Recommendation

17.59.5 No modification.

17.60 POLICY D8, SITE CG4 LISTING LANE, GOMERSAL

Objections: 0506 Mr M Kellett

Background and issues

17.60.1 The objection form was accompanied by a plan showing a site of about 0.69ha and by a copy of a previously submitted statement. The objection form does not refer to the plan, but makes specific reference to the statement. This includes a plan showing a site of some 1.05ha. In my view there is sufficient lack of clarity in the objection to require interpretation and it is not unreasonable to interpret the objection as encompassing the larger site. My considerations are on this basis. The issues raised are whether there are exceptional circumstances for the removal of the site from the Green Belt and allocation for housing, on the grounds:

- i. of its contribution to the housing land supply;
- ii. that it forms a coherent part of the built-up area, which it is not necessary to keep permanently open.

Conclusions

17.60.2 The points raised by the objector on the adequacy of the housing land supply, including the implications of RPG12, are covered in Chapter L1. As set out in the introduction to this chapter, the provision of additional housing land does not provide justification for revision of the Green Belt.

17.60.3 The site is a field at the south edge of Gomersal and slopes down to the south-west. Housing to the north-east and east, which is set well back from Listings Lane, is on higher ground and has less impact when viewed from the highway. Housing to the west consists of an isolated pocket of rural character, set at a lower level on the other side of Listings Lane. Whilst a track and hedging to the south form a recognisable boundary feature, where they border the site they do not separate areas of different character, but are typical of rural tracks between fields. The site is seen as part of the countryside, rather than part of settlement. Development would therefore not be rounding-off, but an encroachment into the countryside and an extension of Gomersal southwards along Listings Lane towards Heckmondwike, both in physical terms and in terms of perception.

17.60.4 The gap between Gomersal and Heckmondwike at this point is relatively narrow. Although a sense of leaving one built-up area before arriving at another is retained, scattered properties along Listings Lane, particularly at the junction with Firthcliffe Road, add to the vulnerability of this gap. The openness of the site makes a valuable contribution to the separation of the two towns, thereby fulfilling another purpose of the Green Belt. The site should be kept permanently open.

17.60.5 Mention is made of the quality of the Green Belt boundary, but the existing boundary follows fencing and walls at the edge of residential development and is readily identifiable on the ground. Differences in this respect would not amount to an exceptional circumstance and I find no reasons to justify alteration of the Green Belt.

Recommendation

17.60.6 No modification.

17.61 POLICIES D8 TO D14, SITE CG5 POULTRY FARM, LATHAM LANE, GOMERSAL

Objections: 1671 Mr and Mrs P Fretwell

Issues

- 17.61.1 Whether deletion from the Green Belt is justified on the basis that:
- i. the poultry farm is no longer viable;
 - ii. clearance of the unit and low density residential development could give visual improvement.

Conclusions

17.61.2 There are wooden poultry units, feed silos and store sheds on the site. These are of essentially rural character and the site also includes an open yard and the larger part is a grassed field, so that it contributes to the openness of the Green Belt. It is on the northern fringe of Gomersal in a relatively narrow gap between that town and Birkenshaw. Other objections to the Green Belt in this vicinity, on sites CG10 and CG12, highlight the vulnerability of the gap. The site's role in helping to prevent neighbouring towns from merging is therefore particularly important. PPG2 advises that the extent to which use of land fulfils objectives, including the retention of land in agriculture, is not a material factor in inclusion in the Green Belt. Regardless of whether or not the poultry unit is viable and the land remains in agricultural use, the site performs a Green Belt purpose.

17.61.3 PPG2 makes it clear that the quality of landscape is not relevant to the inclusion of land in the Green Belt. In any case, since these buildings are of agricultural character, whether the appearance of this rural area would be improved by their replacement by new housing is a debatable point. Moreover the buildings are of such small scale that if there was any enhancement in visual terms it would not be significant.

Recommendation

17.61.4 No modification.

17.62 POLICY D8, SITE CG6 *MIDDLECROFT DEPOT, GOMERSAL*

Objections: 2837 Viamaster Transport

Issues

17.62.1 Whether there are exceptional circumstances to remove the site from the Green Belt and allocate it for housing, having regard to:

- i. its contribution to purposes of the Green Belt;
- ii. housing land supply in Gomersal;
- iii. the effect on relocation of an established firm and commercial activity and the consequent implications for the local economy and amenity;
- iv. the impact on highway safety.

Conclusions

17.62.2 The site, of about 0.9ha, is rough grassland divided into two fields by a line of trees. It lies between the rear of the objector's transport depot on higher ground to the west and a small housing estate on lower ground to the east. To the south there is extensive open farmland and to the north a heavily treed area along the line of a former railway, which forms a robust edge to the built-up area beyond. Although trees and vegetation on the former railway, near the residential properties and within the site combine to give it a more enclosed appearance than adjoining fields, the character is essentially rural and distinct from the urban form of the depot and housing. The site is perceived as part of the countryside, rather than the settlement, from the A652 and in longer range views from high ground at Oakwell Country Park. It remains capable of performing Green Belt purposes.

17.62.3 As the objector argues, the pattern of the settlement extending round the east side of the site would limit the impact of its release from the Green Belt. The gap between Gomersal and Birstall would not be seriously compromised and further sprawl of the built-up area of Gomersal could be contained along the south boundary of the site. Nevertheless, the objector's argument, that the removal in the plan of some land to provide industrial sites gives justification for more general re-examination of boundaries, is not well founded. The changes made to the Green Belt are not extensive and are consistent with the context provided by advice in RPG2 and RPG12, that a full scale review or significant change to the general area of Green Belt is not warranted. Exceptional circumstances need to be shown in each case. The relative importance of the contribution made by the site to Green Belt purposes is not in itself an exceptional reason to alter the boundary, although it is a factor for consideration if alteration were contemplated for other reasons.

17.62.4 On issue ii, as set out in the introduction, the housing land supply situation in the district does not justify release of Green Belt land to add to the provision. In Gomersal, of the two allocated sites, one has been completed and the other commenced and the Council

accepts that it is an area of interest to developers. The plan takes account of PPG3 advice to identify a choice of sites having regard to where potential house buyers wish to live, in that the selection of allocated sites included consideration of market potential [CD43] and the sites were subject to a Joint Study with the HBF. It shows a widespread distribution of allocations. The fact that some of these are taken up earlier rather than later in the plan period does not provide a local reason for additional provision in Gomersal. Against this background, the suitability of the site, with regard to matters such as sustainable location, is not a determining factor in whether it should be removed from the Green Belt.

17.62.5 On issue iii, the objector does not seek allocation for commercial use to allow expansion of the transport depot, but argues that the capital gain from a housing allocation is necessary for relocation to more suitable premises. Although reference is made to difficulties in finding a suitable alternative site, it is not part of the objector's case that additional land allocated for business and industry is necessary or would solve the problem. The reason for not seeking additional allocations under policy B2 is the impediment said to result from the operation of the market, whereby developers tend to outbid potential occupiers to create leasehold premises, rather than the freehold premises favoured by this firm.

17.62.6 Whilst the financing of a company's relocation is capable of being a material planning consideration in determining an application, very great care would be needed in translating such an approach to a development plan intended to take a wider view. A plan should provide an overall context in which its objectives can be realised and development guided. The plan achieves this with regard to the objective of strengthening and broadening the economic base, including meeting the requirements of existing businesses, in that it makes provision of adequate industrial land and sets policies to govern consideration of expansion of premises or of proposals for the redevelopment of existing premises. The nature of the arguments put forward in this case are capable of consideration as very special circumstances in connection with a planning application. The plan is not the only way in which the needs could be addressed and, in view of the wider context which it should provide, I do not consider it the most suitable. However, as shown by the proposed change at site HL5, the Council has favoured taking account of individual firm's needs. In the interests of consistency I go on to consider the information available.

17.62.7 The depot is too small for the expansion plans of the objector. The intention is to redevelop it, as well as the objection site, for housing which would have the consequence of removing opportunities for future occupation by other firms and employment at the depot. Whereas facilitating expansion would be of benefit to the operation of the firm, as it cannot be known whether or not relocation would be in Kirklees, the impact on the local economy cannot be assumed to be beneficial. It is argued that the firm may close without relocation, but the case for this is not strong. It is based on orders being turned away at present, rather than on the existing level of business not being economic, as it clearly has been since 1991 at the depot. The site is in a predominantly residential area. Both the character and appearance of its surroundings and the level of amenity would be improved by removal of the haulage activity and associated buildings. Since the nearby area is a Conservation Area and there is a record of complaints of noise nuisance to the Council's Environmental Services over a number of years, including a period when another haulage firm was in operation, the benefits of removal would outweigh the loss of commercial and employment opportunities. However, I am not satisfied that the scale of benefits provide exceptional circumstances for

alteration of the Green Belt, in addition to overriding such loss. Close proximity to housing is a feature of much of the industrial premises in the Heavy Woollen area and cannot be regarded as an unusual nor exceptional situation.

17.62.8 Also, it is not clear that alteration of the Green Belt is necessary to allow relocation to occur. The value of the depot, acquired by the objector relatively recently in 1991, has not been affected by a change in planning policy, so that transfer to equivalent premises has not been inhibited. Additional expansion costs would not normally be expected to be met by the sale of existing assets. The figures produced by the objector, even with the increased value of the objection site, show a funding gap, which it must be assumed the firm is confident of meeting from other sources. The figures, intended to demonstrate that the shortfall between the value of the depot alone and the costs of relocating to larger premises is too great to be met, are based on sites and floorspace larger than the objector's indicated requirements and on valuations for prime motorway related land. It is not argued that such improved motorway accessibility is essential for the firm's operation. Adjusting the figures to the required size brings the costs within that regarded as feasible, with only the disposal value of the depot. Whilst the size of sites or premises available may not coincide exactly with requirements, land costs may also be lower if distance from the motorway is increased. Thus, the information provided does not substantiate relocation being dependent on sale of the objection site at housing value. There is support for this conclusion from the statement in February 1996, in connection with a planning application for housing on the depot alone, that it is the objector's intention if permission for that proposal is granted to relocate elsewhere.

17.62.9 On issue iv, access would be through the depot site from Oxford Road, the A651. The existing access has substandard visibility and radii and is poorly related to the junction with West Lane, almost opposite. Redevelopment would allow improved radii and visibility, although the latter would remain substandard. It would however create a crossroads. The Council's view that driver perception and attention to an estate road junction, rather than the private depot access, would be changed is fair. The degree of stagger possible, whereby the exit carriageways of West Lane and the new estate road would be opposite each other, would not be sufficient to achieve the aims of DB32 guidance to avoid hooking movements or direct conflict across the crossroads. HGV movements, which are undesirable as they involve using the whole width of Oxford Road, would be substantially eliminated, but the value of this gain is lessened by the distribution of the trips over a long working day. The operation of the depot from 0500 to 2100, with occasional earlier trips, includes movements in the early hours of the morning, when flows are low on Oxford Road. Based on 30 dwellings, daily volumes of traffic would be materially increased and the peak hour movements doubled. With regard to whether 30 dwellings on both the depot and the objection site is a reasonable estimate, a lower than usual capacity could be countenanced as part of an allocation. As the advantages and disadvantages to highway safety are finely balanced, some level of housing on the site could be acceptable, so safety matters would not make an allocation inappropriate and numbers could be controlled at detailed stage.

17.62.10 However a lower capacity, even as high as assumed in the objector's case, has implications for issue iii. The application on the depot envisages around 26 dwellings, so an extra 4 or so would be unrealistic for the land values assumed for the objection site. Even if the land was removed from the Green Belt and allocated for housing the scale of development required for valuation purposes would not be assured.

17.62.11 In summary, the site is part of the countryside and capable of performing Green Belt purposes. The package advanced by the objector does not amount to exceptional circumstances and the key element of the package, namely that allocation of the land is necessary for relocation of the firm, is not substantiated. Taking all the issues into account, the balance between the importance of maintaining the Green Belt, meeting development needs and environmental matters clearly supports the plan designation.

Recommendation

17.62.12 No modification.

17.63 POLICY D8, SITE CG7/1 LAND AT JUNCTION 26, M62

Objections: 0505 Spen Estates Ltd

Background and issues

17.63.1 [0505] relates to about 9.4ha at junction 26, the Chain Bar Interchange. The site was part of an area of about 50ha subject to objection [2943] and to which the Council gave the reference CG7. Since, following the amendment of [2943], the objections no longer relate to overlapping sites I deal with the cases separately and for ease of reference in the report refer to the [0505] site as CG7/1 and the amended [2943] site as CG7/2.

17.63.2 The issues are whether removal of the land from the Green Belt and allocation under policy B2 is justified bearing in mind:

- i. the contribution of the land to the purposes of the Green Belt;
- ii. the need for and suitability of the site for business and industry;
- iii. the effect on the landscape and recreational opportunities.

Conclusions

17.63.3 Site CG7/1 is gently sloping, almost wholly open land crossed by a small beck and is part of the Cleckheaton and District golf course, including 4 holes, the club house and ground maintenance buildings. As the objector accepts, its development would be encroachment onto the countryside. The objector considers that with development of the site the towns of Cleckheaton and Oakenshaw would merge, but argues that since the merger is already so advanced the first two purposes of the Green Belt would not be harmed by this. I find that there is a clear gap and distinction between the towns. North of the roundabout there is significant open land on both sides of the A638 and visual linkage with the wider countryside to the east and west. A ribbon of housing extends south from Oakenshaw but, with its well spaced form lacking any depth behind the frontage and the high visibility of countryside bordering it to the west, this forms an intrusion into the open area rather than altering the character of the area as a whole. Despite existing buildings, between Oakenshaw and Cleckheaton along the A638 there is a clear perception of being in an area outside either settlement. Changes can be expected by alteration to the M606 and by the implementation of built development permitted at the former North Bierley Hospital, but would not negate the value of the break between the towns. Views to rising countryside east of the M606 and

the perception of the hospital site as a discrete enclosed pocket of building, with sizeable breaks of open land on either side, would remain.

17.63.4 Whilst PPG2 advises that wherever practicable a Green belt should be several miles wide, this does not imply that narrower sections are without value and is not a reason to reduce further a relatively narrow gap. Oakenshaw forms part of a larger urban area principally in the Bradford district. Cleckheaton is the north-western extreme of the major urban area of the Heavy Woollen towns in Kirklees. Site CG7/1 serves a strategic purpose as a very important element in the gap, which is vulnerable due to its width and the high level of pressure for development in the area and which prevents the merger of towns in Bradford and Kirklees respectively.

17.63.5 On issue ii, the objector places reliance on the inclusion of the site as part of an allocation in the Consultation Draft, but the purpose of this report is not to assess the merits or otherwise of the Consultation Draft. In reporting on objections to the plan and considering the adequacy or otherwise of business and industrial land supply, I do this in the context of the most up to date situation following the revision of the deposit draft by proposed changes and further changes. As concluded in IR L1.1, the overall supply of such land is adequate, in terms of quantity, quality, general distribution and accessibility to the motorway network.

17.63.6 The site lies at the north-west sector of the roundabout at junction 26 of the M62, where connection is made with the M606, A58 and A638, and has access to the latter road. The HA advises that further investigation is needed of the effect of traffic generation on the trunk and motorway network, to establish whether this can be adequately catered for, if necessary with remedial highway improvements. This requirement can be covered by the imposition of a footnote and the Council accept the general accessibility of the location and a lack of other infrastructure constraints to development.

17.63.7 There is a concentration of allocations on the eastern side of junction 26. These enjoy similar accessibility to the strategic road network, without necessitating significant HGV movement through residential areas, and have the advantage of providing for recycling of land within the urban area. The particular suitability of the site advanced by the objector is in providing an attractive environment for the creation of a high quality Class B1 "business village". Allocation B14.9 at Birkenshaw provides an opportunity for Class B1 development on a sizeable, greenfield site in a good environment. Although B14.9 does not adjoin a golf course, a facility cited as a feature of business parks elsewhere in the country, I am not satisfied that this is a determining factor in the success of an allocation for Class B1 use in attracting investment. Office and business premises have been developed and taken up in this district without connection with such a facility. Also, the objector's partnership with Cleckheaton and District Golf Club has broken down for financial reasons and the club is not supportive of the allocation of site CG7/1, so the availability of the course as a facility to users of the business park is not conclusively established. B14.9 is further from the motorway junction, but within the distance regarded as giving motorway accessibility, and HGV movements between it and the motorway would be along a main route, rather than on residential roads. In terms of being readily developable, it benefits from not being subject to a footnote requirement from the HA for further investigation of traffic impact and potential remedial highway works. PPG4 emphasises the importance of locating developments, especially those likely to have large numbers of employees, where trips can be minimised

and service by energy efficient modes of transport is possible. Whilst the objection site is well served by bus routes along the A638, unlike B14.9 it is not well related to a residential hinterland.

17.63.8 Taking account of the above points, I do not find an overriding need for additional concentration of business and industry allocations near this junction of the M62 or for an additional site aimed at Class B1 use. The objection site does not exhibit compelling superiority, in terms of its attractiveness for such development, over allocation B14.9 and, in terms of reducing the need for motorised journeys and the impact of development on purposes of the Green Belt, is less suitable.

17.63.9 On issue iii, the Cleckheaton and District Golf Club regard development of the site as likely to have an adverse impact on the golf course. Relocation of the holes and facilities on the site would be necessary to ensure this important recreational resource could be viably retained. There is sufficient indication of nearby land availability that such a prerequisite need not be unreasonable nor insurmountable. Development of the business park and of replacements for the elements of the golf club displaced would give an opportunity for new planting and provision of features such as footpaths, ponds and seating areas. Nevertheless, the most fundamental change would be the replacement of the attractive area of countryside, forming part of the golf course and already containing mature trees, by an extensive area of built environment. Public access may be increased, but would in part be, not to the countryside, but to a commercial area. Footpaths already cross the land intended for golf course relocation, so additional public access there would not be a significant benefit. This latter area is agricultural land permitted for use as a golf practice ground. Although of fairly undistinguished appearance, additional planting on it cannot be regarded as retrieving an overall situation of harm to the landscape, from the significant element of new building on the objection site, to give enhanced landscape quality as claimed by the objector.

Recommendation

17.63.10 No modification.

17.64 POLICY D8, SITE CG7/2 BRADFORD ROAD, OAKENSHAW

Objections: 2943 Mr T Clough

Background

17.64.1 [2943] was originally to an area of about 50ha, including about 9.4ha to which objection [0505] relates and extending north and west towards Oakenshaw. At the inquiry, [2943] was withdrawn in so far as it relates to the 9.4ha at junction 26, the former North Bierley Hospital and land west of the former Spen Valley railway line, reducing the objection site to about 17ha. The objection sought allocation for business and industry. In subsequent representations, an alternative allocation for housing on about 12ha of the land is canvassed. As discussed at the inquiry, this is outside the scope of the duly made objection, the Council declined to exercise its discretion for consideration to be given to this late matter and the objector consequently withdrew that element of the case. As, following the amendment of

[2943], objections [2943] and [0505] no longer relate to sites which overlap, I deal with the cases separately and for ease of reference in the report refer to the [0505] site as CG7/1 and the amended [2943] site as CG7/2.

Issues

17.64.2 Whether removal of the land from the Green Belt and allocation under policy B2 is justified bearing in mind:

- i. the suitability of and need for the site for business and industry;
- ii. the impact on purposes of the Green Belt;
- iii. development permitted on adjoining land.

Conclusions

17.64.3 Site CG7/2 has a frontage to the A638 a short distance north of the M62 junction 26 roundabout. The HA advises that further investigation is needed of the effect of traffic generation on the trunk and motorway network, to establish whether this can be catered for, if necessary with remedial highway improvements. This requirement can be covered by the imposition of a footnote and the Council accept the general accessibility of the location to the strategic road network and a lack of other infrastructure constraints to development. The site is well served by bus routes along the A638 and is close to housing in Oakenshaw. In the Kirklees context, this nearby residential area is relatively small. In the Bradford context, there is a preponderance of employment opportunities over housing in the immediate vicinity, due to the proximity of the Euroway industrial and distribution complex. Thus, although the site is suitable for business and industry, it is not well placed in terms of creating a well matched distribution of employment in relation to housing and reducing travel needs.

17.64.4 With regard to the need for business and industrial land, the objector considers that the plan relies too heavily on derelict urban land for this supply, as there are many problems with such development including noise, pollution and commercial vehicle access. Attention is also drawn to the inclusion of the site as part of an allocation in the Consultation Draft and the greater overall supply then countenanced. The purpose of this report is not to assess the merits or otherwise of the Consultation Draft. In reporting on objections to the plan and considering the adequacy or otherwise of business and industrial land supply, I do this in the context of the most up to date situation following the revision of the deposit draft by proposed changes and further changes. The matters covered in that consideration at IR L1.1 included the relative balance of allocations between greenfield and recycled land and the extent to which allocations were constrained.

17.64.5 The objector sees site CG7/2 as providing an opportunity to meet larger requirements from firms. Evidence of need is given in the form of information on individual firms, lists of enquiries drawn up by Knight Frank and Rutley, Knight Frank and Hill Woolhouse, and the recent experiences of the objector's representative in finding land for firms. With regard to individual firms, an expression of interest is cited from a local firm wishing to relocate and requiring a site of about 6ha. The firm is reported as preferring to stay in central Huddersfield, but unable to find a suitable site there, so that motorway accessibility does not appear to be a major factor and there are allocations larger than 6ha better placed for Huddersfield than this site. Letters are submitted from two firms, in Bradford and Leeds, indicating that the site would fulfil their relocation requirements. In the

Kirklees context these requirements form part of the potential for inward investment, rather than part of the element of local strategy to meet the needs of local firms. Where the locations sought are given in the lists of enquiries, the information shows areas of search wider than Kirklees alone, often citing Bradford and Leeds or further east rather than Kirklees. The majority of enquiries listed are of a scale that could be accommodated on smaller sites of less than 4ha and none are of an individual scale above what could be accommodated on the size of sites allocated in the plan. Experience in the last 2 years has involved dealing with 2 requirements for larger areas. One of these has been met and one may be. Thus, prior to new allocations being made in the plan, significant unmet requirements are not evident and response to potential future requirements will have the benefit of plan allocations.

17.64.6 The information specific to this objection demonstrates interest in the site and reinforces the point considered at IR L1.1, that there is a market for business and industrial development and scope to attract inward investment when suitable land is allocated. Nevertheless, the information does not demonstrate an overriding need for this site to be part of the supply serving that economic objective. Consideration of the overall business and industry land supply situation took account of the nature of enquiries and how they aid understanding of land supply requirements. I find no reason to alter the conclusions reached at IR L1.1, that the overall supply is adequate, in terms of quantity, quality, distribution and range of size of sites, and that the balance between the degree to which the market is to be engaged and other priorities is reasonable.

17.64.7 On issue ii, site CG7/2 is agricultural land bounded to the east by Bradford Road and the rear of residential property and to the west by a former railway line. To the south-east is a former hospital site. Even when developed as permitted, this will remain a discrete, enclosed pocket of building, with sizeable breaks of open land on either side, and cannot be regarded as forming the end point of the settlement of Oakenshaw. The former railway line is an identifiable physical feature which could be used to limit further development to the west, but the form of the site means that its development would itself constitute significant sprawl of the urban area. It would consolidate the existing weak intrusion of a ribbon of housing along Bradford Road into the open area south of Oakenshaw and create a long, relatively narrow extension of the town southwards.

17.64.8 The site is perceived as part of the wider countryside from Bradford Road and Oakenshaw Lane. From the latter vantage point on the Kirklees Way it forms part of sweeping open views, across the former railway, in cutting and on embankment, and across the M606 to rising countryside beyond. Its development would therefore have a substantial impact in terms of encroachment onto the countryside. The Green Belt in this area has a role in preventing the merger of Cleckheaton and Oakenshaw. The site is strategically important in this respect, forming one of only two significant open breaks immediately next to the A638 on its west side north of the roundabout. The gap between the towns is vulnerable due to its width and the high level of pressure for development in the area, so that reliance for separation should not be placed solely on the golf course to the south. The loss of openness on site CG7/2 would significantly diminish the degree of separation between the towns and increase the risk of their future coalescence.

17.64.9 On issue iii, development has been permitted on the adjoining hospital site since the Green Belt was set. Nevertheless, as the objector accepts, in the policy context at the

time of the decision the development was not inappropriate. If the permission is implemented the site would acquire a commercial character, but the area of buildings and their height would not be increased from the former hospital buildings. As I indicate in issue ii, it would remain a discrete, enclosed pocket of development and the impact of implementation of the permission is included in the assessment of the objection site in terms of Green Belt purposes. Neither the fact of permission being granted nor the impact of the resultant development support alteration of the Green Belt boundary.

Recommendation

17.64.10 No modification.

17.65 POLICY D8, SITE CG8 BRADFORD ROAD, EAST BIERLEY

Objections: 2008 Mr L Delner

Issues

- 17.65.1 Whether removal of the site from the Green Belt is justified on the basis that:
- i. the site fails to perform a Green Belt purpose;
 - ii. other amendments to the Green Belt are made in the plan.

Conclusions

17.65.2 The site of about 0.5ha is a section of former railway. Part has been filled and is used for grazing and allotment style cultivation. The remainder consists of a disused railway cutting and an overgrown area above a former railway tunnel. The whole of the site has an informal rural nature. Although there is a gas governor station to the south-west, the site is contiguous with open land of similar nature to the north-west and south of the gas station. The gas station, with low scale buildings and pipe work, is perceived as being set within the countryside, rather than isolating sections of this open land. The site forms an integral part of the countryside north-west of East Bierley and south of Toftshaw in Bradford and performs a Green Belt purpose in safeguarding the countryside from encroachment.

17.65.3 The gap between East Bierley and Toftshaw is tenuous due to development along the A650 and Bradford Road, particularly on the north side. Nevertheless, there is a more open nature and lack of depth to development on the south side of Bradford Road. A degree of separation remains, enabling the built-up areas in Kirklees and Bradford respectively to be perceived as individual settlements. The objection site contributes to this separation and its importance in this respect is increased due to the vulnerability of the land north of East Bierley to encroachment. Pressures for development are highlighted by objections to the Green Belt at other sites nearby.

17.65.4 Amendments to the statutory Green Belt are made in the plan. These are explained in CD34 and its addendum. Apart from those to allow business and industry use for economic regeneration purposes, they are limited to situations where planning permissions have been granted or where administrative boundaries between local plans are no longer

appropriate as Green Belt boundaries. None of those situations applies in this case and the changes do not form a precedent creating exceptional circumstances to alter the boundary in this location.

Recommendation

17.65.5 No modification.

17.66 POLICY D8, SITE CG9 NEW POPPLEWELL LANE, SCHOLES

Objections: 0917 Joseph Sellers & Son Ltd

Issues

17.66.1 Whether there are exceptional reasons to remove the site from the Green Belt and designate it as POL, having regard to potential expansion needs of a local firm.

Conclusions

17.66.2 The site, of about 0.7ha, is a grassed field with a substantial part, on its west and south boundaries and where it borders dwellings to the north, recently planted with trees in a Council initiative. Further open land, of similar nature but less tree cover, adjoins the site to the west and south so that it forms an integral part of the countryside around Scholes. It remains capable of performing Green Belt purposes.

17.66.3 The impact of removing the site from the Green Belt would be limited. Its development would not impinge into the gap between Scholes and Cleckheaton nor prevent significant separation being maintained from the nearest settlement to the west in Calderdale. As they mature trees within the site would form a clear, robust boundary, so that the outward sprawl of Scholes could be controlled. The relative importance of the contribution of the site to Green Belt purposes is not in itself an exceptional reason to alter the boundary, although it is factor for consideration if alteration were contemplated for other reasons.

17.66.4 The basis of the objection is to provide certainty to enable the objector to plan reorganisation of industrial operations. Three related companies are involved, two based at Prospect Mills, adjoining the site to the east, and the third at premises within allocation H14.20 in Cleckheaton. One of the possibilities being considered is the consolidation of the three companies at Prospect Mills, involving expansion onto the objection site.

17.66.5 In terms of the objectives of the plan and national planning guidance, there are a number of factors in favour of such a proposal. Relocation of existing firms on site H14.20 will be necessary to facilitate its comprehensive redevelopment, benefiting the housing land supply and the objective of recycling previously used urban land, as much of site H14.20 is derelict or underused. Maintaining or increasing the employment provided at Prospect Mills would be of assistance to the local economy. The location of this scale of employment, commensurate with the size of Scholes, in a primarily residential settlement is supported by PPG13 and plan objectives to encourage sustainable patterns of travel allowing reduced

reliance on the private car. The junction of New Popplewell Lane with Scholes Lane, now used by traffic to Prospect Mills, is severely substandard and reorganisation could provide an alternative access giving improved highway safety.

17.66.6 Nevertheless, there are drawbacks in seeking to ally plan preparation closely to individual circumstances in this case. The information given shows that proposals, either for the consolidation of the three companies onto one site or for development at this particular site are not firm. The objector can only say that its longer term plans may involve expansion at Scholes. It is not therefore demonstrated that the Green Belt land will be needed. Modification of the plan carries with it the danger that the justifying circumstances advanced do not materialise, but Green Belt protection is nevertheless lost.

17.66.7 Also, I am not satisfied that the alteration sought to the plan is either necessary to allow a proposal such as that suggested to proceed or the most suitable way to achieve the potential benefits and give the objector the desired certainty. The arguments advanced fall within the nature of very special circumstances to be considered in detail during the course of a planning application, so the plan is not the only way in which the companies' needs could be addressed. The arguments could be tested at the appropriate stage as a firmer picture of the objector's options emerges. A successful application would both link intrusion into the Green Belt to a specific scheme and give the objector a firm basis on which to proceed. In contrast, designation as POL under policy D5 would seek to protect the land as open during the plan period. The designation would not assist the potential benefit arising from relocation of the company on site H14.20, since redevelopment of that site is intended during the plan period. Nor would it give certainty to the objector, since the designation holds no guarantee of allocation for development when the plan is reviewed. Taking into account all the points, I conclude that there are not exceptional circumstances to justify removal of the land from the Green Belt.

Recommendation

17.66.8 No modification.

17.67 POLICY D8, SITE CG10 HOLME HOUSE NURSING HOME, OXFORD ROAD, GOMERSAL

Objections: 0995 Holme House Nursing Home, Mr R Martin

Issue

17.67.1 Whether removal of the site from the Green Belt is justified bearing in mind the contribution to nursing home or close care housing facilities, development permitted on the site and the quality of the boundary.

Conclusions

17.67.2 Immediately south of the site is the Holme House Nursing Home. There is no evidence that it is essential for the home to expand onto this land in order to contribute to

the role of nursing homes in the national Care in the Community Programme. Similarly there is no evidence of a lack of suitable sites for new homes or for close care housing in the urban areas. A permission, granted in 1991, to erect a 54 bed nursing home adjacent to Holme House within the settlement had not been implemented at the time of the inquiry and is an indication of other opportunities available.

17.67.3 The permission included a new access along the south part of the objection site in the Green Belt. Although inappropriate development, this was permitted on the basis of very special circumstances to enable closure of an existing unsafe access. The permission does not create a precedent for removing the site from the Green Belt. Even if implemented, the effect of the access road on the nature of the site, of about 1ha overall and consisting of two grassed fields, would not be such as to prevent it continuing to serve Green Belt purposes.

17.67.4 The Green Belt boundary was set along the strong features of a well established stone wall, buildings and a mix of close boarded fencing and brick walling on the south boundary of the site. The fact that this may be breached by a permitted access road does not justify alteration of the boundary to follow inadequate features on the north and west of the site. These are post and rail fencing and hedging respectively, which are typical of many field boundaries within the countryside. The open land to the north and west of the site is of similar nature to it and would be made more vulnerable to encroachment by alteration of the Green Belt as suggested. Bearing in mind the location of the site in the narrow gap between Gomersal and Birkenshaw, its role in assisting to prevent the merger of these towns and in preventing encroachment into the countryside is particularly important.

Recommendation

17.67.5 No modification.

17.68 POLICY D8, SITE CG11 *HARTSHEAD MANOR NURSING HOME, HALIFAX ROAD, HARTSHEAD*

Objections: 0996 Burwin Ltd

Issues

- 17.68.1 Whether removal of the site from the Green Belt is justified bearing in mind:
- i. its ability to perform Green Belt purposes, taking into account the level of development on the site and its relationship to the settlement pattern and the Conservation Area;
 - ii. planning decisions on the site since the boundary was set;
 - iii. the policy context for institutions in extensive grounds;
 - iv. the potential contribution to nursing home facilities.

Conclusions

17.68.2 The site of about 1.6ha to which the objection relates was marginally reduced by the objector at the inquiry to exclude land in other ownership. It is on the south side of the

A649 and accommodates a substantial former residential property, converted to a nursing home with a large extension on its south side and a parking area on its north side. Most of the site remains undeveloped. East of the buildings there are a well treed area and open grassland. In addition the parking area does not take up the whole of that part of the site north of the buildings, which retains a significant element of tree planting.

17.68.3 The combination of the site's generally open, rural character and its separation from other properties in Scholes by a busy dual carriageway means that it is perceived not as part of the settlement, but as part of the countryside which extends along the east side of Scholes and on to the south and west. The existing buildings form an isolated pocket of development within that countryside. The inclusion of about two-thirds of the site within the Hartshead Moor Top Conservation Area does not alter my assessment that it is outside the settlement framework. The designation of Conservation Areas is on different criteria from the definition of Green Belts. It relies on the identification of an area of special architectural or historic interest and may be appropriate in a rural as well as urban context. In this case the 1977 Council report, "Conservation Areas in the Heavy Woollen Area of Kirklees", makes clear the importance of the historic interest through links with Quakerism in the designation at Hartshead Moor Top and acknowledges that Manor House is "isolated from the main village". I regard the argument, that this phrase implies a view at that time of the site as not being isolated from some minor part of the village, as misconceived.

17.68.4 As part of the countryside and because of its open character, the site assists in preventing encroachment onto the countryside, in containing the built-up area of Scholes and in separating that from nearby towns, which include Cleckheaton extending to Hartshead Moor Side a short distance to the east and Brighouse to the south. It therefore contributes to purposes of the Green Belt.

17.68.5 On issue ii, the permission granted on appeal in 1991 for the extension to the home was given in a policy context whereby extension to institutions in extensive grounds was not per se inappropriate development. The decision did not turn on a consideration of the appropriateness of including the land within the Green Belt and does not provide grounds for reviewing the Green Belt boundary. The impact of the resultant additional area of building is taken into account in my assessment of the ability of the site to contribute to Green Belt purposes with regard to issue i and does not support alteration of the boundary.

17.68.6 Following publication of PPG2 in January 1995, the policy context for extensions to institutions in extensive grounds has altered. This is reflected in my recommendation to delete policy D9. As the objector indicates, tighter control on proposals to extend the nursing home will result. However, the essential purposes for including land in the Green Belt remain unchanged and are reaffirmed in PPG2. The basic criteria for defining the Green Belt boundary is not different now from at the time of the HWDLP. The fact that it has been found desirable to alter the approach to controlling certain types of development within the Green Belt, in order to achieve the unchanged fundamental aim of preventing urban sprawl by keeping land permanently open, is not a reason to review the boundary.

17.68.7 On issue iv, there is no evidence of a lack of suitable sites for nursing homes in the urban areas of the district and thereby that extension of accommodation at this site is essential to the role of nursing homes in the national Care in the Community Programme. The plan gives guidance on determining proposals for such homes and the text in Chapter

11 emphasises the particular suitability of locations close to facilities. In that respect the objection site is not particularly well suited and there is no overriding benefit in increasing the potential of the site for additional accommodation by its removal from the Green Belt.

Recommendation

17.68.8 No modification.

17.69 POLICY D8, SITE CG12 LAND AT 107 LATHAM LANE, GOMERSAL

Objections: 2334 Mr and Mrs N G Cockroft

Issues

17.69.1 Whether there are exceptional circumstances to remove the land from the Green Belt having regard to:

- i. the planning history, development and character of the site and its contribution to Green Belt purposes:
- ii. its contribution to economic regeneration.

Conclusions

17.69.2 The objectors draw attention to the reference in paragraph 20 of RPG2 to areas no longer capable of making a significant contribution to the objectives of the Green Belt. RPG2 was issued at a time when national guidance did not make a distinction between objectives and purposes. More recent guidance in PPG2 makes it clear that the extent to which the use of land fulfils objectives of the Green Belt is not itself a material factor in its continued protection. Nevertheless, PPG2 also makes reference to Green Belt boundaries being altered in exceptional circumstances. These cannot be regarded as limited solely to the ground of economic regeneration and it would be relevant if circumstances arose whereby land was no longer capable of contributing to Green Belt purposes.

17.69.3 The site of about 2.8ha lies to the west of Latham Lane on the northern fringe of Gomersal. The larger, west part of the site and a track along its south edge were subject to an appeal against an enforcement notice in 1992. It was concluded that this area has a lawful use for open storage and distribution of building materials. Whereas the legal position was not clarified until 1992, the clarification did not alter the physical situation. The amount of storage may have varied on occasion, but the appeal conclusion was on the basis that the use had continued without material change since before the appointed day. This strongly indicates that the nature of commercial use on the site and the physical condition of the land arising from it were essentially the same over a period encompassing the preparation and setting of the Green Belt boundary. It is not suggested that enforcement action was being contemplated at the times when the boundary was set in the Town Map and redefined in the light of the WYSP in the HWDL. There is therefore no evidence that the selection of the boundary was influenced by an expectation that the commercial use would cease. This is consistent with my assessment of the appropriateness of the boundary, as I do not find that the existence of the commercial use prevents the site forming part of the countryside.

17.69.4 Latham Lane is a narrow lane of essentially rural character along which frontage housing development becomes progressively more broken as the lane extends out from Gomersal into the countryside to the north. The site adjoins the urban area, but the short terrace of cottages are of similar character and orientation as semi-detached cottages further north and are part of the rural ambience. Despite the proportion of building coverage on the site, which the objectors calculate as larger than on nearby housing plots, the site is perceived as being part of the dispersed and scattered development in the countryside beyond the settlement. The qualitative break with essentially suburban housing to the south occurs at the present Green Belt boundary, and in this I concur with the Inspector in a 1990 appeal concerning land to the north. Neither buildings on the western commercial part of the site, which are low key and unobtrusive, nor a double garage at its south-east corner, which the objectors indicate was in existence when the Green Belt boundary was incorporated in the HWDLP, change this perception.

17.69.5 Given the low key nature of the storage use and the proportion of building coverage, most of the site remains open. As the site forms part of scattered development in the countryside beyond the settlement, this openness serves to limit encroachment into the countryside and allows the site to perform a Green Belt purpose. Loss of openness by more intensive storage would not be precluded by retention in the Green Belt, but the impact from further building would be affected by the designation. The likelihood of either happening is speculative, but applications for a dwelling and for an industrial building, refused in 1991 and 1993, indicate that pressures for built development do exist, reinforcing the importance of the Green Belt designation.

17.69.6 It is not necessary to remove the land from the Green Belt to enable the business of open storage and distribution to continue as it has over many years. The designation could inhibit expansion or modernisation on this site, but the plan makes adequate provision for business use on other land. The objection site is not well suited for more intensive industrial use given its poor access. Its potential contribution to economic regeneration is not high and is not such as to give special reasons for removing Green Belt protection from the land. An offer by the objector of tree planting on land to the south-west is not relevant to the inclusion of land in the Green Belt. Weighing up all the considerations, I do not find exceptional circumstances to justify alteration of the Green Belt.

Recommendation

17.69.7 No modification.

17.70 POLICY D8, SITE CG13 SPEN LANE, CLECKHEATON

Objections: 3029 M Carr

Issue

17.70.1 Whether it is appropriate to include the curtilage of residential property in the Green Belt.

Conclusions

17.70.2 PPG2 advises that wherever practicable a Green Belt should be several miles wide. Inevitably in such a zone there will be pockets of existing development. It is therefore not unusual nor inappropriate for residential curtilages to be included in the designation as Green Belt. In this case, the objection site is in an area where there is a scattering of domestic and commercial buildings, but they are not so closely consolidated nor so extensive in coverage as to prevent the area serving a Green Belt purpose. I find no exceptional circumstances to justify altering the boundary and consider the creation of a small "hole" in the overall zone of Green Belt, as suggested by the objector, would seriously compromise Green Belt policy.

Recommendation

17.70.3 No modification.

17.71 POLICY D8, SITE CG14 *LAND AT STATION LANE/HODGSON LANE, BIRKENSHAW*

Objections: 2506 D M Brown

Issues

17.71.1 Whether alterations to surrounding land and properties provide exceptional circumstances for the removal of the site from the Green Belt.

Conclusions

17.71.2 The site of about 1.5ha is a grassed field and adjoins fields of similar nature to the east. It forms an uninterrupted continuation of the countryside to the east, between Birkenshaw and Drighlington in the Leeds district, and is readily perceived as such from Station Lane and the bridleway along Hodgson Lane.

17.71.3 Whilst there are a number of farm groups further east, these are of essentially rural character and do not act to contain the site. Housing to the north, west and south was mainly in existence at the time of the HWDLP, when the site was shown in the Green Belt. Neither this housing nor the extensive industrial areas in Bradford district to the north-west isolate the site, such as to prevent it performing purposes of the Green Belt. Similarly, a presently open area to the north-east designated for employment use in the draft Bradford UDP will not, if and when developed, separate the site from the countryside. In addition to the physical demarcation of a former railway line on embankment, the draft Bradford plan designates a small area between the employment site and the administrative boundary as Green Belt which will integrate with the Green Belt in the Kirklees plan, including the objection site. The site continues to perform Green Belt purposes and there are no exceptional circumstances to justify its removal.

Recommendation

17.71.4 No modification.

17.72 POLICY D8, SITE CG15 LAND AT OLD LANE, BIRKENSHAW

Objections: 2505 D M Brown

Issues

17.72.1 Whether the manner of the previous designation as Green Belt, additional building nearby and lack of value for agriculture justify the deletion of the site from the Green Belt.

Conclusions

17.72.2 The objector indicates that the site was not Green Belt on the former Town Map and that the HWDLP was not as well publicised as the UDP, so there was a lack of awareness of the inclusion of the land as Green Belt and an objection was not made. There is no suggestion that the statutory requirements were not met at the time of the HWDLP. Whilst the frustration of the objector is understood, the HWDLP now forms the statutory plan, which must be taken as the starting point for consideration.

17.72.3 The site of about 0.8ha, is an open grassed field, adjoining similar fields to the south-east, east and north-east and allotments to the north, on the opposite side of a farm drive. It forms part of the countryside and is perceived as such across the relatively open gardens of bungalows on the Old Lane frontage. New dwellings have been erected, since the adoption of the HWDLP, not far from the site to the north-west. The layout is such that they do not form a hard line of development which is visually significant or should be continued across the site, as the objector suggests. They have little impact on the setting of the field and do not prevent it performing a number of Green Belt purposes.

17.72.4 PPG2 advises that the extent to which use of land fulfils Green Belt objectives, including the retention of land in agricultural use, is not a material factor in its inclusion within a Green Belt. Lack of agricultural viability is not a reason to alter the boundary. In this case it is not clear that the problems are in any case significant. The objector draws attention to disadvantages, due to a deep gully between the site and the adjoining field. Despite the gully, there is a field gate to the adjoining land as well as access at the north-east corner from the farm drive down a graded slope. Whilst not ideal, access is therefore available and the gradients are not excessive. I find no exceptional circumstances to justify removing the site from the Green Belt.

Recommendation

17.72.5 No modification.

17.73 POLICY D8, SITE CG16 NELL ROYD MILLS, CLECKHEATON

Objections: 2333 Readmans Ltd

Issues

17.73.1 These are whether there are exceptional circumstances to remove the land from the Green Belt having regard to:

- i. the quality of the present boundary and the contribution of the site to Green Belt purposes;
- ii. the expansion requirements of a local firm and the economic objectives of the plan.

Conclusions

17.73.2 The Green Belt boundary which is in dispute in this objection was set by the HWDLP, following consideration of the Inspector's report into an objection to its line at that time. The setting of the boundary through adoption of the local plan was not challenged and thus, irrespective of subsequent case law on the application of C14/84, it remains the starting point for the UDP. Much of the boundary under dispute follows recognisable physical features, such as the boundary of residential property, a building and a private road. Whilst in part, where it continues on a straight line from these features, it cuts across open land following no discernible physical boundary, that does not bring it within the situation of where boundaries have not yet been clearly defined in terms of RPG2. That reference in the former regional guidance is to areas of West Yorkshire where boundaries have yet to be finalised through a statutory local plan or approved Town Map, not to the quality of the boundary set in such plans. Whereas, as PPG2 advises, when boundaries are being established they should use recognisable features where possible, the fact that it was not possible to follow wholly such features does not provide exceptional circumstances for later alteration.

17.73.3 No physical alterations since the adoption of the HWDLP in the nature of the objection site, in the surrounding development context or in the boundary itself are advanced to demonstrate that the site is no longer capable of performing a Green Belt purpose. The site is mainly grazing land on a steep south-west facing slope. The suggested boundary of a stone wall, whilst an identifiable feature, is no different from many rural field boundaries within the Green Belt and the land on either side of it is of similar, open rural character and nature. It is not a strong ridge line, as the land rises again to the north-east beyond the suggested boundary. The site is not therefore segregated from the open land beyond, but must be regarded as an integral part of the countryside between Cleckheaton and Gomersal. In addition to encroachment into the countryside from erosion of the openness of the site itself, its removal from the Green Belt would leave a narrower spur of open land to the north, between the site and works on Spen Lane, which would be vulnerable to further encroachment.

17.73.4 As I conclude in Chapter L1, the provision of land for business and industrial use is adequate to meet the objective of the plan to broaden and strengthen the economic base, having regard to both the needs of local firms and the promotion of inward investment, without further alteration of the Green Belt. Although the site is close to the urban area,

town centre and public transport, there is no overriding need overall for additional land in such locations. Allocated sites allow the promotion of proximity between employment and housing and of sustainable patterns of travel as supported by PPG13.

17.73.5 The objector provides valuable employment in the district, including at Nell Royd Mills adjoining this site and there have been proposals in the past to extend its commercial premises onto this land. However, Nell Royd Mills is not the major location of the firm's employment, even in Cleckheaton, and there is no evidence that expansion at this particular location is essential for the firm's continued prosperity and district presence. The objector considers that development would be likely to be restricted to the lower slopes, which strongly supports the view that the whole of the 1.6ha is not necessary for the firm's requirements. Sizeable sites allocated for business and industrial use, including those immediately opposite Nell Royd Mills, give opportunities for relocation if necessary. Previous applications for extension of Nell Royd Mills onto the site have been refused, not just on Green Belt grounds, but due to access difficulties. Given the substandard width and nature of access from Bradford Road, its relationship with adjoining development and physical constraints on its improvement, it is not clear that even if the land were removed from the Green Belt it would be suitable to serve any significant expansion requirements of the firm.

17.73.6 The release of this land from the Green Belt is not necessary due to a lack of suitable industrial sites nor due to the particular circumstances of the firm. I do not find exceptional circumstances, on either issues i or ii, for alteration to the Green Belt.

Recommendation

17.73.7 No modification.

17.74 POLICY D8, SITE CG17 MOORSIDE FARM, TOFTSHAW MOOR

Objections: 3482 to 3485 Mr D M Gillatt

Background and issues

17.74.1 The objections seek removal from the Green Belt of four areas of adjoining or overlapping land, in total covering about 5.4ha. In documents KB/CG17/1 and D8/02778/1, the Council and the objector respectively use letters and numerals to identify the four areas and, to avoid uncertainty, I use both. The allocations sought are as follows: Area A/2 of about 1.2ha - housing; Area B/1 of about 0.5ha - no notation; Area C/3 of about 3.7ha, which encompasses Area A/2 - housing or commercial development; Area D/4 of about 1.2ha - UGS.

17.74.2 The issues are whether there are exceptional circumstances to remove the land from the Green Belt having regard to:

- i. its contribution to Green Belt purposes and the existence of built development on three of the areas;

- ii. potential contribution to housing or employment land;
- iii. the benefit of removing an existing use;
- iv. the protection of an area of amenity value.

Conclusions

17.74.3 The objector acknowledges that the site is defined as Green Belt in the HWDLP, but argues that the plan should relate to current circumstances, not to previous uses which are no longer relevant. As RPG12 and PPG2 make clear, the Green Belt should be altered only in exceptional circumstances. These must be demonstrated if modification of the plan is to be recommended. With regard to whether the land remains capable of performing the purposes of including it in the Green Belt, no material changes in its physical nature are cited. Whilst it is an objective, once a Green Belt has been defined, to retain land in agricultural use, PPG2 explains that the extent to which land fulfils this objective is not a material factor in its continued protection. Whether or not the land is viable for agricultural use is not therefore relevant.

17.74.4 Considering the site in its present condition, it is primarily open fields, but contains a yard for storage of demolition materials within Areas A/2 and C/3 and five houses and former farm buildings within Area B/1. It is not uncommon for the Green Belt to wash over existing buildings and, indeed, this should be regarded as a necessary consequence of PPG2 advice, that wherever practicable the Green Belt should be several miles wide. The site is part of an area of open land between East Bierley in Kirklees and Toftshaw Moor in Bradford, which continues westward uninterrupted to more extensive countryside. As a whole, it clearly serves a number of Green Belt purposes. The demolition yard is a small portion of the areas of objection. The houses and barn at Moorside Farm form a group of essentially rural character, perceived as extending away from the settlement pattern along the A651, rather than being part of the urban area. Thus, I am satisfied that each individual area of objection is appropriate for inclusion in the Green Belt.

17.74.5 The quality of the suggested Green Belt boundary, formed by the reclaimed colliery to the south west, is mentioned. However, the existing boundary, mainly following the boundaries of a cemetery and residential properties on Toftshaw Lane is adequately defined, so that differences in this respect would not amount to an exceptional circumstance. An area where the boundary appears to cut across premises on the industrial estate on the opposite side of Toftshaw Lane, rather than following the road, may be a cartographical error given the close proximity of the administrative boundary, but would in any case be unaltered by the changes sought in the objections.

17.74.6 On issue ii, the implications of the supply of land for housing and for business and industry in Kirklees are explained in the introduction to this chapter. The provision of additional housing land does not constitute exceptional circumstances to alter the Green Belt and the present level of allocations for business and industry is reasonable, without additional releases from the Green Belt. As an indication of housing need in the area, reference is made by the objector to unspecified areas of former Green Belt in East Bierley now designated for housing, but no such changes are made in the plan, as set out in CD34 and its addendum. The objector argues that the site could also contribute to housing or employment land supply in Bradford. It is not an aim of the plan to accommodate the development needs of other districts and the guidelines on the provision of housing land

across the region in RPG12 split the figures down into a district by district distribution. No evidence is given that the Bradford UDP allocates insufficient land for housing and employment in that district. The Bradford Council has not approached Kirklees seeking additional provision on this site, whether in pursuit of its City Challenge Initiative or for any other reason.

17.74.7 With regard to the relative suitability or need for Area C/3 for business or industry as against plan allocations removed from the Green Belt, the site is not well placed for ready motorway accessibility. The impact of development here on the purposes of the Green Belt would be particularly severe, in that a sizeable part of an already vulnerable gap preventing the merger of East Bierley with Toftshaw Moor would be removed. Thus, as well as there being no need for the site as additional housing or business and industrial land, there is no justification for it as an alternative to other business and industrial allocations.

17.74.8 On issue iii, the existing demolition yard is described as a "bad neighbour", but is subject to conditions imposed on a planning permission, so that the impact on amenities can be controlled. Moreover, its presence is limited in relation to the scale of areas sought for removal from the Green Belt and any benefit derived from removal of the use would not be commensurate justification for the extent of alteration suggested.

17.74.9 On issue iv, Area D/4 has an essentially rural character, being rough grassland with scattered trees. Neither its nature, function nor relationship with the urban form indicate that it should be regarded as urban open space. Green Belt policies protect its openness from inappropriate development and there is no reason to remove the area from this designation merely to substitute another form of control on open space. Westgate Hill Moor, mentioned by the objector, is not identified but the extract from the draft Bradford UDP shows that nearby areas, denoted as Westgate Hill, are designated as Green Belt. No inconsistency is apparent. On all the issues, I find no exceptional circumstances to justify removal of the site or individual areas of it from the Green Belt.

Recommendation

17.74.10 No modification.

17.75 POLICY D8, SITE CG18 LAND OFF HUNSWORTH LANE, HUNSWORTH

Objections: 0509 & 0217 P Wigglesworth
3027 C E Fergus

1576 T Harris & D Simpson
3028 & 3538 J A Ellis

Background and issues

17.75.1 All the objections seek deletion of the Green Belt. Objections 0509, 3027, 3028 and 3538 relate to the whole of the site, estimated by the Council as about 12.2ha and objector [0509] as about 11.5ha, between the M62 and Hunsworth Lane and seek allocation for business and industry as an extension of allocation B14.3. [1576] relates to an area of about 2.5ha within the site at its south-east end and seeks allocations either for business and industry or for housing. [0217] relates to an area of about 0.49ha within the site at its northern tip and seeks designation for affordable housing.

17.75.2 The issues are whether removal of the land from the Green Belt and allocation for alternative forms of development is justified bearing in mind:

- i. its contribution to purposes of the Green Belt;
- ii. the development of the motorway, development permitted on the site and nearby alterations to the Green Belt boundary;
- iii. the need for and suitability of the site a) for business and industry, b) for housing or c) for affordable housing.

Conclusions

17.75.3 The land is a substantial area of primarily grazing land with features of protected woodland on the west part. It forms a hillside above the M62, which is in cutting, and is seen in long range views from west of the M62 and M606 as part of the countryside. Closer range views of areas of the site are provided from 3 public footpaths across it and from Hunsworth Lane at the north end of the land. The site constitutes a significant area of countryside itself and thus serves the purpose of preventing encroachment into the countryside. Hunsworth Lane follows the general line of a small ridge and housing off it forms a narrow spur or finger of development, extending northward out from the more concentrated built-up area of north Cleckheaton, including industrial sites clustered on the east side of the M62 junction 26 roundabout. Particularly at the north end, widening and consolidating this narrow length of development would be significant in extending the settlement. The openness of the site, fringing housing off Hunsworth Lane, is therefore valuable in helping to contain the sprawl of the urban area.

17.75.4 The area subject to [1576] is the part of the site most closely related to the existing built-up area, where the settlement form is more compact and concentrated. Nevertheless, that area is not wholly boxed in by development. Although there is housing to the east and south, open fields to the north within CG18 separate it from a gypsy caravan site. Business and industry allocation B14.3 to the south-west is separated from it by a narrow strip of grazing land. This formed part of an application site, mainly within B14.3, for industrial development permitted in March 1996, but is shown for grazing use, not built development, so that the separation will remain. B14.3 is at a lower level and much of the new building there has been cut into the ground, reinforcing the topographical distinction from this part of the objection site. The [1576] area also serves Green Belt purposes.

17.75.5 With regard to issue ii, the M62 on the north-west side of the site was in existence when the Green Belt boundary was altered in the vicinity of Hunsworth by the HWDLP. Its impact was therefore a factor when the existing boundary was redefined and does not represent exceptional circumstances for a review now. The M62 is at a lower level than the site, and would remain so even if the works for the M62/M606 direct link shown on the proposals map are implemented. It does not prevent a visual link between countryside on either side. A feature of the district is the intertwining of the M62 close to settlements. Thus there are many places where it passes through countryside on both sides but in close proximity to built-up areas. To use the motorway as a boundary, rather than to set the boundary by factors based on the nature of land, topography and settlement form, would be a highly undesirable practice, leading to significant erosion of the Green Belt in the conurbation core contrary to PPG2 and RPG12 advice on the importance of maintaining the Green Belt.

17.75.6 The gypsy caravan site within CG18 was permitted on appeal due to very special circumstances. The decision did not turn on a consideration of the appropriateness of including the land within the Green Belt and in itself does not provide grounds for reviewing the boundary. The caravan site forms a discrete, isolated pocket of development. Its scale and nature are not such as to alter materially the contribution of the site as a whole to Green Belt purposes. Neither the decision nor the impact of the resultant development support alteration of the boundary. The Green Belt boundary to the south-west of the site is intended to be altered by the plan in connection with allocation B14.3, but the adjustment is very minor. The majority of B14.3 was not in the Green Belt previously. Straightening the line of the boundary, which will provide for the more efficient layout and use of industrial land, is not of the same order of change as suggested either for the whole site or the smaller [0217] and [1576] sites and does not form a precedent for further revision.

17.75.7 On issue iii and the need for business and industrial land, the objectors consider that there is a lack of land for Class B1 uses near this junction of the M62, but provide no evidence in support of this claim. At IR L1.1. I concluded that the overall supply of land for business and industry is correct. The analysis included consideration of the particular needs for provision for Class B1 uses, of the importance of motorway accessibility and of the distribution of sites. Information specific to these objections does not alter the conclusion. The objector [0509] refers to the situation with allocation B14.9 removed by the proposed changes, but this is not the relevant context bearing in mind the further changes. These reinstated that allocation, which makes specific provision for Class B1 uses alone. In addition, there is a strong concentration of business and industry allocations in Cleckheaton near junction 26, which can all accommodate Class B1 uses, as well as Classes B2 and B8. The distribution of allocations gives a choice of sites for developers and industrialists. It would not be in the interests of this element of choice, which PPG4 advises is important, to substitute another allocation on the objection site close to the existing concentration, in place of allocations giving a more balanced spread.

17.75.8 On the suitability of the site for business and industry, it is close to housing areas which could assist in reducing the need to travel, but the preponderance of industrial land and premises in the immediate vicinity means that the match of housing and employment opportunities is not best served by further concentration of industrial land. Access issues remain to be resolved. It would not be desirable to service business and industrial use via Hunsworth Lane, as this would bring HGV traffic through a tight residential area. Objector [1576] refers to potential access via B14.3, but there is a gap between this site and the [1576] area. For the whole objection site, there is no indication of work being done to establish that adequate and safe access is available through B14.3 and onto Whitehall Road. The objectors consider that use of the site, concentrating traffic generation where it will already occur in connection with allocation B14.3, would bring a benefit by avoiding additional traffic on the A58 and junction 26 roundabout from more wide spread allocations. However, the Council's assessment of traffic generation and distribution from B14.9 shows there is ample link capacity on the A58. Traffic from the objection site would make no less use of the junction 26 roundabout and the HA would require a footnote making further investigation of the effects of traffic on the trunk and motorway networks and, if necessary, remedial works a prerequisite of any development. Allocations further away allow traffic to distribute and its effects to be spread and less marked. While the information does not show that constraints cannot be overcome, there is nothing to demonstrate that the site is unusually suitable for business and industrial development.

17.75.9 With regard to point b, there is sufficient scope on the [1576] site to achieve adequate relationships with adjoining housing and avoid undue harm to residential amenities. Nevertheless, the fact that it could be developed for housing use does not alter the situation that there is no overriding need to provide additional housing land and that this does not provide exceptional circumstances for alteration of the Green Belt.

17.75.10 The plan acknowledges that existing initiatives, including the work of Housing Associations, are likely to leave a shortfall in affordable housing provision. Accordingly, the intention is to seek inclusion of an affordable element within development proposals through negotiation and this is covered by policy H10. The release of the [0217] site from the Green Belt on the basis of allocating it for affordable housing would be inconsistent with the plan approach, which does not allocate specific sites for that purpose. The approach of not making specific allocations is endorsed by PPG3. This explains that plans may include policies indicating the intention to negotiate an element of affordable housing. For rural areas, where there are unlikely to be development sites of the size to trigger such arrangements, special guidance is given, but even there PPG3 emphasises that it will normally be inappropriate for policies to identify particular sites and allocate them. This site is not in any case in the type of locality to which the special guidance is addressed. As Annex A to PPG3 points out, most Green Belts are by their nature close to main conurbations and conditions are not typical of the generality of rural area. That is the case here where the site is on the urban fringe. Where a specific local requirement is demonstrated policy H11 is relevant. This allows for permission to be granted in exceptional circumstances on sites which would not otherwise be released for housing, so that it is not necessary to remove the land from the Green Belt or to allocate it for affordable housing to enable this factor to be properly taken into account. The [0217] site, being isolated at the extreme edge of Hunsworth and away from facilities, is in any case poorly suited for affordable housing.

17.75.11 I conclude that on all the issues exceptional circumstances are not shown to justify removal of the site or parts of it from the Green Belt and allocation for business and industry, housing or affordable housing.

Recommendation

17.75.12 No modification.

17.76 POLICIES B2, H6 AND D8, SITE CG19 WHITEHALL ROAD/HUNSWORTH LANE, CLECKHEATON

Objection: 2840 Mr & Mrs Hughes and Mr & Mrs Ives

Background

17.76.1 The objection sought deletion of about 42.5ha from the Green Belt and allocation of about 31 ha for business and industry, 5.2ha for housing and 6ha as a recreational area. The objection states that the housing and recreational provision will complement the new employment creation in a comprehensive development.

17.76.2 At the inquiry, the objectors made it clear that they no longer seek the deletion of the land to the east of Lodge Beck from the Green Belt or its allocation for business and industry, so that element of the objection is withdrawn. The amended objection seeks deletion from the Green Belt of the land to the west of Lodge Beck, about 24.5ha, and in the report I refer to this as the site. The objectors' preferred scheme is for allocation of about 11.1ha for business and industry and about 9.2ha for housing, with the remainder as POS and buffer areas. Proposals for recreation, amenity and landscaping areas on the remainder of the original objection site form part of the objectors' submissions. Despite the alteration in the relative areas for allocations for business and industry and for housing, the Council considered the scope of the original objection was not altered so significantly as to constitute a different objection. I agree and it is on this basis that the report is made.

17.76.3 At the inquiry, the position of 3 other proposals put forward by the objectors was considered. These dispensed with mixed allocations for business and industry and for housing and instead sought allocation either entirely for business and industry, entirely for housing or for POL. The Council considered these changes were so significant as to take the proposals outside the terms of the original objection and was not prepared to exercise its discretion to consider these late objections. The objectors, making reference to paragraphs 5 and 4 of Annex A to PPG12, expressed the view that the Inspector has discretion to consider amendments to the duly made objections. They advocated that this should be done to alleviate any danger of a need for a modification inquiry in the future. Annex A has now been cancelled by revised PPG1 and the current text of the Code of Practice on Development Plans, which is available in a separate booklet, more clearly outlines at paragraphs 5 and 44 the Inspector's powers in relation to late objections. Having regard to Sections 13(4), 13(6), 16(1) and 16(1A) of the Town and Country Planning Act 1991, I am satisfied that it is only the local planning authority which has the discretion to allow consideration of objections which have not been made in accordance with the regulations. Having regard to Section 26 and the regulations made in pursuance of it, I concur with the Council that the 3 fall back proposals detailed above are beyond the scope of the duly made objection and have not been made in accordance with the regulations. Since the Council indicated it did not wish to exercise its discretion to allow them to be heard, the report does not give them consideration.

Issues

17.76.4 Whether removal of the site from the Green Belt is justified and allocation for business and industry and housing is appropriate having regard to:

- i. the impact on purposes of the Green Belt;
- ii. the need for and suitability of the land for business and industry;
- iii. the need for and suitability of the land for housing.

Conclusions

17.76.5 The site lies on the north-east edge of the Hunsworth and Cleckheaton built-up area. It is mainly open agricultural land, with a group of farm buildings at Savile Arms Farm. Greenhouses to the north were removed during the period of the inquiry. As the objectors accept, the site forms an integral part of the surrounding countryside capable of performing Green Belt purposes. As with any such area of open farmland, development would be encroachment into the countryside. In this case, the importance of that encroachment is not lessened by the relationship with nearby development. Although the

western part of the site adjoins houses with no intervening planting screen, the overall character of the site, most of which is well away from the housing and which contains features of woodland extending as western arms from the trees along Lodge Beck, is essentially rural, rather than dominated by the proximity of the urban area. The rural character is appreciated from a number of vantage points, including footpaths along its south boundary, across land to the east of Lodge Beck and within the site, so that the contribution of the site to the purpose of safeguarding the countryside is significant.

17.76.6 The suggested boundaries of the Green Belt would be the M62, Whitehall Road and Lodge Beck. At close quarters this latter feature is appreciated as being in a well incised valley. It is culverted only beyond the site and for much of its length the line is strengthened by waterside trees. Thus, the boundaries would be along readily recognisable features of the type advocated in PPG2. Nevertheless, in longer distance views, particularly from higher ground to the south, the beck and trees being set down in the overall sweep of countryside are not visually strong in separating the site from land to remain in the Green Belt. The boundary would not be particularly effective in containing further sprawl of the built up area. Hunsworth Lane follows the general line of a small ridge. Housing off it is a narrow finger of development, extending northward out from the more concentrated built-up area of north Cleckheaton and at the north end consists of no more than a single ribbon of housing on one side of the road. The effect of development on the site, widening and consolidating this narrow spur of development, would be significant in drawing out the settlement north-eastward and encouraging the sprawl of this large built-up area.

17.76.7 The site lies between Hunsworth/Cleckheaton and Birkenshaw. Its development would not bring about the physical merger of the towns, as a break of about 0.9km along the A58 between allocation B14.9 and the site would remain, nor alter the points from which the first and last views of Hunsworth are obtained. However, the gap between the towns would be reduced and the perception of being clear of built-up areas when travelling between the towns affected. From the A58 leaving Birkenshaw, prior to crossing the M62, houses in Hunsworth can be seen across open land. The most prominent part of the open land in this view is the south-east facing slopes of the site. Development there, when viewed in the approach from Birkenshaw, would bring the presence and impact of the built-up area of Hunsworth visually closer and remove an important element of the intervening open space, thereby reducing the perceived separation of the neighbouring towns.

17.76.8 The objectors argue that the economic spin-off from development of the site for business and industry would assist urban regeneration, but the concept of the Green Belt supported in national guidance is to achieve this aim through encouraging recycling of urban land, not through permitting development in the Green Belt. Whilst industrial development and employment at the site would have an input into the local economy, this aspect of strengthening the economy must be balanced with the approach of recycling urban land. The effect of releasing part of the site for industrial uses would, in itself, be no different in this respect than releasing other Green Belt land suitable for business and industry in this part of North Kirklees, so that its importance to this Green Belt purpose is dependent on considerations of the adequacy of the overall supply of business and industrial land. With regard to releasing part of the site for housing, allocations for this use in Cleckheaton are mainly on reused land. Diversion of interest and investment from these more difficult brownfield sites would be harmful and in that respect the contribution of the site in assisting urban regeneration is particularly important in this locality.

17.76.9 On issue ii, the objectors refer to the large reduction in land allocated for business and industry compared to the Consultation Draft. Nevertheless, it is on the basis of the latest situation, following proposed changes and further changes to the deposit plan, that I concluded in Chapter L1 that the overall supply is reasonable. This assessment included considerations of the quantity, quality and distribution of allocated sites and took account of unemployment levels in north Kirklees relative to the rest of the district and of the importance of motorway accessibility to developers and industrialists.

17.76.10 The objectors refer to information on job creation in Kirklees from the YHDA, cited in an extract of Bradford UDP CD3, and to the Council's Economic Development Programme 1995-96. The former indicates that inward investment in Kirklees created 147 jobs in the period 1985 to 1991. The latter, being a complete document giving detailed and specific consideration to the situation in Kirklees, is to be preferred and is not consistent with a picture of a poor level of job creation from inward investment in the recent past. It indicates that the district has benefited from a number of firms moving in, particularly in the Birstall area, where the number of jobs created is given as 3,000. Not all of these may have been from firms new to the district and it is unclear if retail employment is included, but the period of active development at Birstall covers the time period mentioned in CD3 of the Bradford UDP. With regard to take-up rates of industrial land near junction 27 of the M62, it is appropriate, as explained in Chapter L1, to take a longer term view. Examples of rapid development at Centre 27, detailed by the firm involved, and figures given in Mr Tonkin's appendices 3b, 4b and 4c for the objectors are not inconsistent with the Council's figures for land take-up in Batley and Birstall, which does not include land developed for retail or leisure uses. At the inquiry, Mr Tonkin indicated that he does not challenge the accuracy of information in CD42. Thus, the information provided by the objectors in this case does not detract from the assessment of land supply needs already made.

17.76.11 In general the vicinity of junction 26 is attractive to industrialists, as development at sites such as Hunsworth Dyeworks and Euroway indicates, and is also accessible to the M606 for Bradford and relatively close to the town of Cleckheaton. However, it cannot be regarded as particularly well placed for Dewsbury, for which linking roads run through heavily built-up areas. A feature of the motorway where it runs through or close to Kirklees is the proximity of junctions to built-up areas so that junction 26 is not unusual in that respect. Sites near other motorway junctions have been similarly successful. The evidence from the objectors is supportive of the overall picture of interest in the M62 corridor without showing that this junction stands out in this respect. Good opportunities for industrial development already exist near junction 26 with allocations primarily on reused land and sites coming forward for recycling. A greater concentration of allocations in this locality is not warranted.

17.76.12 On the question of the need for sites above 8ha, the objectors initially claimed that only two are allocated in motorway accessible locations, Lindley Moor and Slipper Lane. They later acknowledged a strong level of demand for Shaw Cross, a site of about 21.9ha which I am satisfied is properly regarded as being motorway related. Information that industrial land in Calderdale at motorway junction 24 is fully developed at Ainleys Industrial Estate and proceeding well at Lowfields Business Park is not consistent with Lindley Moor, served by the same junction, having disadvantages of location. Although in evidence to a 1990 appeal at the Scandinavia Mills site the Council interpreted large sites as being of 8ha and over, this is not supported by any analysis to show why such a size was considered to

hold inherent advantages. The objectors accept that their adoption of the figure is not derived from objective analysis and that the attractiveness of a particular size of site could vary with infrastructure costs and the perception of the site and constraints. Evidence of past development shows that sites below 8ha have been successful. The Council's experience is that, even when larger sites have been provided, they have tended to be split into smaller plots for implementation. Due to the shape, topography and landscape characteristics of this site, such division could be expected in this case. The objectors' preferred illustrative scheme shows business and industrial development in 3 distinct areas. Thus, I find no reason to support additional allocations above 8ha and, even if there was such a reason, this site is not well suited to development as one uninterrupted area of that size.

17.76.13 With regard to the suitability of the site for business and industry, it is prominently located in views from various public vantage points. Existing trees and proposed planting are shown on sectional drawings as being capable of screening development, but the effectiveness of new planting in the medium term must be considered on the basis of realistic rates of growth and height. Existing trees are in many places set down into valley formations and do not preclude extensive views of that part of the site, particularly the upper south-east facing slopes, onto which the area suggested for business and industrial development extends. Steep gradients down to Lodge Beck result in little width of land at a higher level close to Whitehall Road capable of extensive tree planting to screen development, even on the lower slopes, from closer views. The carefully thought out landscaping, used on the illustrative scheme and prepared after a landscape appraisal, is having to work to redress a difficult site, rather than showing that the visual impact can be naturally limited by inherent qualities of the site's location and form.

17.76.14 The site is physically capable of development. Off-site sewerage and water supply works would be needed, but would be within realistic costs for the scale of the site. Further investigation of highway effects would be needed, but could be covered by a footnote agreed with the HA. Nevertheless, its topography means that the site, which as a whole is not relatively level, is not unusually well suited for business and industry. Whilst not all allocated sites are flat, this is a factor acknowledged to be of importance in attractiveness to business and industry. Where the removal of land from the Green Belt is contemplated on the basis of providing sites to ensure economic regeneration is not held back, it is important that the land is of a quality compatible with that purpose. The allocated site at Birstall Smithies which the objector cites in comparison does not involve removal of land from the Green Belt and, in any case, much of the area intended for development there, as opposed to the buffer zone, is level. The objection site would also add to the concentration of employment opportunities gathered around junction 26, rather than spreading them to relate to other housing areas. It is not superior to allocations taken from the Green Belt, such as to justify replacing them, and is not a particularly good site to turn to, even if further releases of Green Belt land for business and industry were warranted.

17.76.15 On issue iii, although RPG2 cites a need for industrial land to facilitate economic regeneration as a possible reason to alter the Green Belt, PPG2 and RPG12 refer to exceptional circumstances without specific example. In principle, a need for additional housing land which could not be accommodated without going into Green Belt could be such a circumstance. However, as explained in the introduction to this chapter, the housing land supply situation is not an exceptional circumstance to justify alteration of the Green Belt. Past completion rates in Cleckheaton and Gomersal are cited. A reflection of previous

building rates is not the way to determine the appropriate housing land supply, which should be based on the housing requirement as covered in Chapter L1, and there is no need to increase the concentration in Cleckheaton. Whilst allocations in the area are criticised as not all being realistic, they were subject to the joint HBF study which agreed their development potential and the case for a localised shortage of housing land is not made.

17.76.16 Off-site drainage and water supply works are feasible, only a small part of the site is affected by noise from the M62 to an extent which would require sound attenuation measures and housing on the site would be close to employment opportunities. Nevertheless, at just over 2km from Cleckheaton town centre, with bus frequency on Hunsworth Lane at one service per hour and with travel to the next settlement the most likely scenario for first school places, the site is in a fringe location, not well placed for facilities and public transport. The suggested area for a housing allocation is mainly on the upper slopes of the site. As discussed, the topography and landscape characteristics of the site do not assist in containing the visual impact of development. The site is capable of development, but does not perform well on the criteria for housing sites.

17.76.17 The provision of a sports field and amenity areas on adjoining land forms part of the objectors' submissions, but is not argued to give exceptional reasons to alter the Green Belt. In summary, I find that the site makes a significant contribution to the purposes of the Green Belt and that, on all the issues, there are no exceptional circumstances to justify removing it from the Green Belt.

Recommendation

17.76.18 No modification.

17.77 POLICY D8, SITE CG20 DRUB LANE, GOMERSAL

Objections: 1441 Mr N Jowett

Background and issues

17.77.1 The objection sought either allocation for housing or no notation. As the site, of about 0.15ha, is below the 0.4ha threshold used for allocations, the objector accepts that allocation would be inconsistent and that removal from the Green Belt leaving no notation is the relevant consideration.

17.77.2 The objector makes a number of references to 306 Drub Lane, which the context makes clear is intended to mean the house to the north-west of the objection site. My reading of the OS extract, [CG20(a)], is that this house is No 284 and that No 306 is to the south-east. It is on this latter basis that I make reference to the properties in this report.

17.77.3 The issues are whether there are exceptional circumstances for alteration of the Green Belt, bearing in mind:

- i. the planning history of the site and its relationship with housing;
- ii. its potential contribution to the housing land supply in Gomersal.

Conclusions

17.77.4 The site was subject to an objection heard at the HWDLP inquiry in January 1984 and to an appeal dismissed in July 1984. The appeal Inspector concluded that housing on the site would not constitute infilling, but would be an extension of ribbon development into open agricultural land. The HWDLP Inspector concluded that the Green Belt boundary was not drawn logically and recommended the exclusion of the site and allocation for housing. In deciding not to follow that recommendation and to designate the land as Green Belt at that time, the Council drew on the appeal conclusions.

17.77.5 There are elements on which I concur with both the preceding Inspectors. The site is the frontage part of a grassed field on the south side of Drub Lane, adjoining similar land to the south-west and lying between houses at Nos 284 and 306, which front the road. I am satisfied that No 284 is as an isolated dwelling, separate from the settlement. This is due to the combination of the strong rural character on this side of the road, created by wide views of countryside to the west and south and the low density of the development which does exist; the nature of the gap between the two houses, as part of a larger field providing a continuation of the countryside; and the size of the gap, a relatively long length of about 60m of undeveloped frontage. A visually intrusive replacement dwelling at the edge of the settlement on the north side of Drub Lane does not alter the extent of the settlement on the south side of the road and reinforces the contrast between the built-up area and the rural character of the area opposite. The objection site does not form an infill site within the settlement framework, but would extend the settlement on the south side of Drub Lane north-westward from No 306 and encroach into the countryside.

17.77.6 I concur with the HWDLP Inspector that the Green Belt boundary, which creates a small isolated peninsular, is not drawn logically. However, my conclusions are that the illogicality is due, not to the inclusion of the objection site, but to the exclusion from the Green Belt of the isolated dwelling at No 284, a form of development commonly washed over by the Green Belt in the plan.

17.77.7 With regard to the area occupied by No 284, there has been no material physical change since the HWDLP to justify review of its designation and, since there is no objection relating to that area, I make no recommendation concerning it. The less than ideal boundary, cutting in and out around the housing fronting the south side of Drub Lane would therefore remain. Despite this, the Green Belt rightly protects the open character of the objection site, which contributes to the purpose of safeguarding the countryside from encroachment.

17.77.8 As explained in the introduction to this chapter, the housing land supply situation does not justify release of land from the Green Belt on the basis of providing additional housing land. The objector draws attention to the two allocations in Gomersal, one largely complete and one considered to be difficult to develop. However, there is no suggestion that the development on H14.11 has not occurred within the plan period and the effect of any constraints on the development potential of housing allocations has been the subject of a Joint Study with the HBF. The extent to which this affects the contribution to the land supply has been taken into account in Chapter L1. Small sites make a valuable contribution to overall supply, but the most recent LSRs show a significant number of suitable housing plots of less than 0.4ha in Gomersal. There is therefore no local reason to increase the likelihood of a

small windfall plot at the objection site by its release from the Green Belt. On both issues, I find no exceptional circumstances to justify altering the Green Belt.

Recommendation

17.77.9 No modification.

17.78 POLICIES B2, D5, D8 AND H6, SITE CG21 MERCHANT FIELDS, CLECKHEATON

Objections: 3800, 3801, 3803 & 3804 JMV Developments

Background and issues

17.78.1 The objections seek the deletion of about 15.6ha from the Green Belt and allocations in part for business and industry and in part as POL. The areas are specified on a plan. The objections also seek, in the event of not all the land suggested for allocation being required for business and industry, partial allocation for housing. The split between business and industry and housing was not specified originally. Subsequently in statements and at the inquiry, the objectors clarified the area for which they seek a housing allocation, amounting to about 5ha including half of a buffer zone. The clarification shows the area of POL slightly reduced, but not by a material extent, to about 3.6ha and the area for business and industry as about 7ha.

17.78.2 The issues are whether removal of the land from the Green Belt is justified and allocations as sought are appropriate having regard to:

- i. its contribution to purposes of the Green Belt;
- ii. the need for and suitability of the land for business and industry;
- iii. the need for and suitability of the land for housing;
- iv. the WYSP strategy of urban concentration;
- v. advice on setting defensible, long term Green Belt boundaries.

Conclusions

17.78.3 The site is almost wholly open, being mostly grazing and scrubland with a small group of former farm buildings centrally situated. There are trees along the tracks to this group protected by TPOs and trees near the east edge of the site. In so far as inclusion of greenfield sites in the Green Belt assists urban regeneration by encouraging recycling of urban land, the effect of releasing the site would be no different from releasing other Green Belt land in this part of North Kirklees. The importance of the site to this purpose is therefore dependent on considerations of the overall supply of business and industrial land.

17.78.4 The site lies on the north-east side of the town of Cleckheaton and to the south of the built-up area of Hunsworth. It adjoins housing and an industrial site to the north-west, south-west and south-east and slopes from a central plateau down to the south and to the east, where it is bordered by the Mazebrook Beck. Since the HWDLP was adopted, an area at the junction of Hunsworth Lane and Whitehall Road has been developed for housing.

Despite a very small gap remaining along the east side of Hunsworth Lane formed by the frontage of site CG21, the presence of this additional built area and the depth and intensity of development along both sides of Whitehall Road mean that Hunsworth and Cleckheaton have to all intents merged. There is no role for the site to serve in assisting to prevent the coalescence of these settlements. Since development to the south and north extends to a similar eastern line as the site along the beck, the openness of the site is not essential to check the unrestricted sprawl of the built-up area.

17.78.5 Nevertheless, despite its close proximity to development, the site does form an integral part of the countryside due to the scale and nature of the open land it provides and its relationship with open land to the east. Whether or not the site is in agricultural use, its character as rough grassland is compatible with that of the countryside east of Cleckheaton. Mazebrook Beck and trees along it are of wholly rural character and create no visual break between the site and agricultural land beyond extending to Gomersal. This rural picture, seamlessly encompassing the site and open land to the east, is seen from a number of vantage points, including residential roads at a higher level to the north, higher points on Cliffe Lane to the south-east and footpaths within the site. Encroachment into the countryside from development would have a marked impact and the contribution to this purpose of the Green Belt is significant. While physical changes in the vicinity are factors to be considered in the event of the Green Belt being reviewed for other reasons, they have not altered the nature of the site itself nor removed its ability to perform a Green Belt purpose, so as to amount in themselves to exceptional circumstances for alteration of the boundary.

17.78.6 With regard to the need for business and industry land, the objector's argument for provision to serve an under supply in Calderdale is no longer being pursued. Evidence is given in a report from Knight, Frank & Rutley. This claims strong demand for motorway related sites and points to the take-up of land at the BBA site near junction 26. Other than this, it provides no detailed information, but supports the general picture given by other objectors at the Business and Industry RTS. As explained in Chapter L1, although not presented at the RTS, evidence in connection with the site specific case is taken into account in my assessment of the business and industry land supply. I found that some release of Green Belt land is necessary, to ensure sufficient sites in locations accessible to the M62 and M1 and adequate quality and distribution across the district to accord with the economic strategy of the plan. I also concluded that, with the broad level of releases proposed, the overall supply is reasonable and additional removal of Green Belt is not justified.

17.78.7 Off-site highway works would be necessary, the HA would require a footnote to ensure further investigation of the traffic effects and an archaeological evaluation could be needed on this Class III site but, as the Council acknowledge, the site is capable of being developed for industrial use. Much of the land slopes quite steeply and the site adjoins older industrial areas to the south and south-west which are being recycled for general industry. It does not therefore form a prime site for a high quality environment, low density business park type of development. It is well placed for accessibility to the M62, being less than 1km from junction 26, and for proximity to housing and facilities, being about 0.5km north of Cleckheaton town centre. Bus services pass close to the site. Although no frequency is given for these, it has the potential for reasonable public transport accessibility in PPG13 terms. However, there is a preponderance of employment in the immediate vicinity. Despite the loss of part of allocation B14.4 by development of the triangular section for housing, a concentration of opportunities for industrial development through allocations remains in the

vicinity. Other sites are also being brought forward, including a potential addition to allocation B14.4. Thus, there is not an overriding need to augment allocations at junction 26 to provide a match between housing and employment opportunities. The evidence does not show that this site is preferable to others intended in the plan to be released from the Green Belt nor that it is needed to supply a particular type or quality of site.

17.78.8 On issue iii, as indicated in the introduction to this chapter, the provision of additional housing land is not an exceptional circumstance which justifies alteration to the Green Belt in the district wide context. No local reasons are claimed in this case for more housing land at Cleckheaton. The fact that the site is capable of development for housing, which would be in a sustainable location, in itself does not provide a reason to alter the Green Belt boundary.

17.78.9 In respect of development for business and industry or housing, the WYSP followed an approach of urban concentration, defining PUAs and EPAs. As far as the scale of the WYSP key diagram can be interpreted, the site is adjacent to the priority areas defined for the Heavy Woollen District, although at the extreme north-west end of that overall urban grouping. The plan builds on the WYSP approach in where it aims to meet development needs, consistent with national advice encouraging proximity of housing, employment and other facilities and use of energy efficient modes of travel. As far as land outside urban areas can meet these objectives, the site is reasonably well placed. However, in addition to promoting sustainable patterns of development an objective of urban concentration is to assist regeneration and recycling of land within the urban area. Unlike many of the plan allocations, for both business and industry and housing, this site is greenfield land, not previously used. Its location on the fringe of the urban priority areas does not outweigh the emphasis on regeneration within the urban area and a prime objective, urged by RPG12, of maintaining the Green Belt in the conurbation core.

17.78.10 On issue v, as covered in Chapter L1 and given the approach of early adoption followed by comprehensive review, the provision of additional safeguarded land for longer term requirements is not an exceptional circumstance justifying alteration of the Green Belt. In the event of the remainder of the site being removed from the Green Belt, the retention of the area suggested for POL would create a contorted and illogical boundary. Mazebrook Beck would be a suitable boundary, conforming with PPG2 advice to use identifiable physical features, if the boundary was being altered for other reasons. The land has some open space value in visual terms, recreational terms from informal use of the footpaths and wildlife terms due to habitats including trees and waterside areas, but is also located in what would be a sustainable location close to the town centre, housing and employment. POL designation to protect the open land value in the short term and the longer term potential for development would therefore be reasonable in circumstances where the land had been removed from the Green Belt, but those factors would not provide a reason to alter the Green Belt. On all the issues, I conclude that there are no exceptional circumstances to justify removing the land from the Green Belt.

Recommendation

17.78.11 No modification.

CHAPTER 18 - GREEN BELT IN AREAS WITHOUT A STATUTORY LOCAL PLAN

18.1 INTRODUCTION

18.1.1 The objections reported in this chapter concern sites in areas without a statutory local plan where an objection seeks a variation in the Green Belt boundary from that proposed in the deposit draft plan. As explained in Chapter L1, the Town Maps approved in the 1970's defined Interim Green Belt in these areas, except in the area of Town Map 11 (Mirfield and part of Kirkburton), where the designation was not interim. For the reasons given in section L1.3, identification as Interim Green Belt is not regarded as the fixed and final definition of a boundary which would require exceptional circumstances to justify a variation.

18.1.2 PPG2 advises that detailed boundaries should be defined so as to endure beyond the end of the plan period and should not include land which it is unnecessary to keep permanently open. Alignment to follow features such as roads, streams, belts of trees, or woodland edges is recommended, so as to support the maintenance and improvement of land on the edge of the Green Belt. These general principles are consistent with the regional guidance both in RPG2 and RPG12.

18.1.3 The main arguments affecting the general approach to the definition of the Green Belt in this part of the district were analysed in Chapter L1, where I accepted the principle followed by the Council of using the boundary in the non-statutory plan as the starting point, including in the area of Town Map 11. This is likely to mean that when the plan is reviewed following the publication of new regional guidance, changes to the Green Belt boundary will be required. This is not ideal, so that where the arguments in favour of including land in the Green Belt are finely balanced it will be preferable to safeguard this as POL. This will not prejudice the final outcome but may reduce the scope for criticism that recently made designations are being reversed.

18.1.4 Whereas the detailed boundaries in the non-statutory plans are a starting point, these were not subject to examination previously at a public inquiry nor were the plans adopted. Thus the boundary being proposed must be fully scrutinised on its merits now. In deciding whether a particular area of land should be included in the Green Belt relevant considerations may include:

- i. whether the land would materially contribute to the purposes of the Green Belt defined in PPG2;
- ii. what is the most appropriate detailed boundary, having regard to the desirability of following recognised features;
- iii. if the land were excluded from the Green Belt, is it likely to be suitable for development.

AREAS 2 AND 3 - MELTHAM AND HOLME VALLEY

18.2 POLICY D8, SITE ME1 MEAN LANE, MELTHAM

Objections: 0227 G Brooksbank

Issues

- 18.2.1
- i. whether the land would fulfil Green Belt purposes;
 - ii. the relative merits of alternative boundaries to the Green Belt;
 - iii. whether the land is needed and suitable for housing development.

Conclusions

18.2.2 This is an area of grazing land amounting to some 1.68ha which adjoins housing allocation H2.6, on the site of a demolished brickworks. The objection site is part of an extensive swathe of open countryside extending to the north-east and would make an important contribution to the purpose of the Green Belt to safeguard the countryside from encroachment. The objector argues that changes consequent upon the realisation of allocation H2.6 would render the land unsuitable for farming. I am not convinced that grazing horses such as occurs now would be impractical. The impossibility of driving sheep and cattle to the site is mentioned but there is nothing to suggest that animals could not be transported there. Other sources for a water supply may need to be investigated but have not been shown to be impractical. Even if this were not so, the important characteristic of the Green Belt is its openness and this need not be associated with an agricultural use. Although it would be preferable for the current use to continue, PPG2 explains that the condition and appearance of land is not relevant to the decision whether it should be included in a Green Belt.

18.2.3 The Green Belt boundary as proposed in the plan is marked by a stone wall, as is the boundary to the north-east of the objection land. However the Green Belt boundary coincides with a significant line of trees along a minor slope up to the slightly higher level of site H2.6. This is a substantially stronger feature than the wall only, so that the Green Belt would be more clearly defined if it remained as proposed in the plan.

18.2.4 As to suitability for housing, the site shares many of the characteristics of the adjoining allocation. The Council argues that a satisfactory access would not be available. This would seem to depend on whether the layout of the adjoining land could be arranged to serve this site. A planning permission has been granted but not yet implemented. Thus it is uncertain whether access would be available. Whereas the objector does not seek to argue that there is a special housing need, I agree with the Council that the proportion of allocations in Meltham and the amount of POL do not support any need for varying the Green Belt in the plan, especially because this is not a location with particular advantages in terms of PPG13.

18.2.5 There is a strong case for including the land in the Green Belt because of its contribution to Green Belt purposes and this does not depend upon the continuation of

agriculture. The boundary in the plan is preferable to that sought and there is no local housing need which might counteract these considerations.

Recommendation

18.2.6 No modification.

18.3 POLICIES D8 AND NE8, SITE HV1 COAL PIT LANE, NEW MILL

Objections: 0240 10th Holme Valley Scout Group

Issues

- 18.3.1
- i. whether the land should be included in the Green Belt, having regard to its contribution to Green Belt purposes and the suitability of alternative Green Belt boundaries;
 - ii. whether the AHLV should apply to this site.

Conclusions

18.3.2 This small site containing a wooden scout hut is on the eastern edge of New Mill and is approached up an unmade track. The track also serves dwellings and the stone wall on the eastern boundary of these is proposed as the Green Belt boundary in the plan. To the east of this line is open land, including a sports pitch opposite the scout hut.

18.3.3 Behind the scout hut and a small unsurfaced parking area is a steep tree-covered embankment which continues eastwards beyond the objection site. The overall impression is that the character of the objection site is consistent with the adjoining open land proposed as Green Belt and makes a minor contribution, commensurate with its size, to the Green Belt purpose of safeguarding the countryside from encroachment. Extending the settlement boundary to include the land would result in an isolated incursion beyond a regular and well-defined limit, which continues to the south adjoining the sports ground. Furthermore, the eastern limit of the objection site is unmarked, so that a revision to the boundary as sought would be less clearly defined than what is proposed in the plan. I intend therefore to uphold the Green Belt boundary in the plan. This need not preclude the replacement of the present building, which is the objector's main concern, bearing in mind that policy D8 in the form now proposed applies to new buildings only.

18.3.4 The objection has been recorded against policy NE8, although this is not specifically contested. In the absence of a clear boundary to the east of the land and bearing in mind that it is an integral part of the open landscape to the east of New Mill, it would be contrary to the objective of the policy and the clarity of the plan to exclude this site from the AHLV.

Recommendation

18.3.5 No modification.

18.4 POLICIES D8, NE8 AND H6, SITE HV2 *LAND AT UNDERHILL, HOLMFIRTH*

Objections: 1158 Kenneth Hall (Builder) Ltd

Issues

- 18.4.1 These are whether the site:
- i. would contribute to Green Belt purposes;
 - ii. is suitable for housing development;
 - iii. merits inclusion in the AHLV.

Conclusions

18.4.2 This site consists of almost 5ha of poor quality grazing land which rises fairly steeply behind dwellings fronting Hightown Lane, and there are also dwellings to the south and on elevated land to the west. Nevertheless the site stands above and visually detached from the buildings to the east and is sufficiently large for its open character not to be significantly affected by the development to the south and west. Thus this is very clearly part of the open countryside which extends in a northerly direction. Designation as Green Belt would prevent the outward spread of the settlement into the countryside and hence serve that purpose of Green Belt policy. The Council also states that development here would sprawl up the hillside, but in view of the limits to any development created by existing buildings it would be incorrect to characterise this as urban sprawl.

18.4.3 There is no special need for additional housing allocations in Holmfirth, either because of the general requirement or local circumstances (IR L1.2 and 11.2). This is especially so because Holmfirth is relatively detached from the main urban areas where development is particularly encouraged in PPG13. It is doubtful whether satisfactory access could be provided to the site and this amounts to a serious impediment to development. Whereas I agree with the objector that access would have to be from Hightown Lane, this is currently unadopted and agreement would be required from the many frontagers for this to be improved. The alternative means of access to Huddersfield Road, either directly from Hightown Lane or via Wood Lane or Town Hall Street, appear to need improvement involving land acquisition to provide suitable radii and visibility. Even if this could be achieved, gradients are steep and there is no evidence that a new link into the site would not also be excessively steep. The need to construct an off-site surface water sewer would be a further difficulty, for which no evidence of feasibility is available.

18.4.4 The grid squares containing the site scored 7 and 8 in the Council's assessment of landscape quality, compared with a score of 9 typically required for designation. There will necessarily be some grid squares which are appropriately included in an AHLV notwithstanding a lower score because of the need to find a suitable boundary. In my

judgement that is not the case here because the objection site can sensibly be treated separately from the land to the north with Green Lane as the boundary of the AHLV. Whereas the Council submit long range photographs of the site and surroundings, these confirm that the land is on the periphery of the AHLV and divided from it by buildings to the west. Deleting designation would have regard to the assessed quality of the landscape and would not adversely affect the adjoining land which remained as part of the AHLV. Indeed there would be a benefit elsewhere in raising the general standard of the AHLV.

18.4.5 Although to a degree contained by buildings, this land does form part of an area of countryside and thereby contributes to that Green Belt purpose. This is a different assessment to that of landscape significance which is relevant to AHLV status. The difficulties of providing satisfactory access would be likely to prohibit housing development. Thus the land should be included within the Green Belt.

Recommendation

18.4.6 Modify the proposals map by omitting the designation of this land as an AHLV under policy NE8.

18.5 POLICY D8, SITE HV3 HALL ING, HONLEY

Objections: 1159 R and D Greaves

Issue

- 18.5.1 Whether inclusion in the Green Belt is appropriate bearing in mind:
- i. the contribution to Green Belt purposes;
 - ii. suitability for housing development.

Conclusions

18.5.2 Part of the objectors' case concerns the housing land supply and the permanency of Green Belt boundaries generally. These arguments have been taken into account in IR L1.2 and L1.3, where I concluded that the overall housing land supply and general extent of the Green Belt should be accepted, while recognising that there will be a need for a further review subsequent to adoption. What remains to be decided is whether this land, which was Interim Green Belt in the Town Map, is appropriately included in the Green Belt in the deposit draft plan.

18.5.3 Hall Ing Lane gives access to an area of Honley lying east of the Huddersfield-Sheffield railway line. The objection site of about 10ha lies towards and beyond the south-eastern extent of existing development and consists almost entirely of agricultural land, together with a small thickly vegetated area east of the lane. The land contributes to the purposes of the Green Belt to safeguard the countryside from encroachment and to check the sprawl of large built-up areas. The objectors stress the difficulties of continued agricultural use but it is the value of the land for the purposes of the Green Belt, rather than the benefit to the objectives of the policy, which is stated in PPG2 to be decisive in defining boundaries.

Even if this were not so, there is nothing to suggest that this location is exceptional, whereas urban fringe problems of the kind identified are likely to be found on a substantial amount of peripheral land.

18.5.4 The land is argued to be well-related to the existing settlement. Whereas it is correct that part of this large site does border existing housing and a compact addition taking in some of the land might be defined in physical terms, functionally the objection site is relatively remote from shops and services in Honley and there is no bus service in Hall Ing Lane. Thus this would not be a favourable location for new housing in relation to the objective of sustainable development, notwithstanding the relative proximity of Honley Station. In addition Hall Ing Lane lacks footways and would be unsuitable for additional traffic.

Recommendation

18.5.5 No modification.

18.6 POLICIES D8 AND H6, SITE HV4 *DOWNSHUTTS, TOTTIES LANE, SCHOLES*

Objections: 1317 Kenneth Hall (Builder) Ltd

Issue

18.6.1 Whether the land should be included in the Green Belt because of its contribution to Green Belt purposes.

Conclusions

18.6.2 The objection seeks the deletion from the Green Belt of a small paddock of about 0.4ha between the larger settlement of Scholes, which is inset in the proposed Green Belt, and the smaller village of Totties, washed over by the Green Belt in the plan. The gap between the two settlements along Totties Lane is narrow and there is development to the north and south of this site. There are also isolated buildings to the east and west but the land in these directions, in conjunction with the objection site, has an open character and appears as part of the countryside dividing the settlements. I therefore agree with the Inspector who determined an appeal in 1981 that this gap is of considerable importance to the character of the area. I appreciate that in the Town Map the site was allocated for residential purposes but that document also left unallocated and outside the Green Belt a very substantial area east of Holmfirth. In the context of defining a Green Belt which imposes greater restraint away from the main urban areas, it is reasonable to seek to retain Scholes and Totties as separate settlements. The objection site makes an important contribution to Green Belt purposes by safeguarding the intervening open countryside from encroachment. The objector also suggests that upholding the objection would result in a firm and defensible boundary. The curtilages of dwellings which constitute the present boundary are a clear physical feature. If the objection were allowed the boundary would follow the wall

surrounding the site. There could then be pressure for further changes because many other equally or more obvious features could be substituted for this.

Recommendation

18.6.3 No modification.

18.7 POLICY D8, SITE HV6 *CROSS LANE, SCHOLES*

Objections: 1743 Mrs P M McKellar

Issue

18.7.1 Whether the site should be excluded from the Green Belt because it does not contribute to Green Belt purposes, so as to achieve a more suitable boundary, or to enable the provision of affordable housing.

Conclusions

18.7.2 This site of about 0.18ha is part of a field and has housing opposite and on its east side. The land is part of an extensive area of open countryside stretching to the south and west and would fulfil the purpose of the Green Belt to protect the open countryside from encroachment. This is recognised in the designation of the land as Interim Green Belt in the Town Map. The objector believes that if this land were not part of the Green Belt a more logical boundary would be formed. Creating a rectangular edge to the settlement would be undesirable when this would encroach into the countryside and because the road, proposed as the boundary in the plan, would be an appropriate clear alternative. As it is, upholding the objection would result in a stepped boundary because the land to be excluded does not extend as far as the housing to the south-east and in the future there could be pressure for a further extension into the open countryside to the south. The provision of affordable housing on the land is suggested but the plan contains general proposals to achieve this, principally in policy H10. The possibility of affordable housing is not a reason to set aside policies to protect the countryside and make additional land available. Exceptional provision in the rural areas does not require a modification to the plan and can be achieved in appropriate circumstances under policy H11. A further reason not to reduce the extent of the Green Belt here is that this is not a location well served by public transport where new development should be encouraged.

Recommendation

18.7.3 No modification.

18.8 POLICIES D2, D3, D5, D6, D8 AND H1, SITES HV9 AND HV29 STONEY BANK MILLS AND ADJOINING LAND, SPRINGWOOD, THONGSBRIDGE

Objections: 1742 Springwood Action Group

2383 K & M Moorhouse

Background and issues

18.8.1 Site HV9 is unallocated in the plan and consists of industrial buildings and three associated dwellings at Stoney Bank Mills. Objection [2383] is that this should be allocated for housing. Site HV29 is an area of some 6.5ha to the west of the Mills, bounded by dwellings, Springwood Road and New Mill Dike. Objection [1742] seeks allocation of the whole of this site as Green Belt, or alternatively as UGS. Objection [2383] proposes that part of this land, a paddock adjoining the access to the Mills, should also be allocated for housing.

18.8.2 The issues are whether:

- i. site HV29 would contribute to the purposes of the Green Belt;
- ii. that part of site HV29 designated as POL in the plan merits allocation as UGS;
- iii. Stoney Bank Mills (HV9) is unsuitable for business and industry use because of the environmental effects or because there is no realistic prospect of such reuse or redevelopment;
- iv. HV9 and the paddock to the south are suitable and should be allocated for housing development.

Conclusions

18.8.3 The land within site HV29 slopes down in a northerly direction towards New Mill Dike. The western part contains a good number of mature trees, including Spring Wood on its northern extremity, and has a parkland appearance. The eastern portion is grazing land. Bearing in mind the presence of buildings on three sides and the importance of New Mill Dike as a physical feature defining the area, the land is associated with its urban surroundings and would not make a material contribution to the purposes of the Green Belt.

18.8.4 On the second issue, the land concerned does not have the visual quality or other attributes which would merit designation as UGS. Although one of the criteria used in assessing urban open land is its actual or potential function in separating incompatible land uses, the land would not have a significant role in this respect, notwithstanding the presence of the Mills to the north-east.

18.8.5 The third issue reflects the recommended wording of policy B1ii (IR 10.1.9). Three appeals against the refusal of applications for residential development of Stoney Bank Mills have been dismissed between 1993 and 1996. The need to retain the land for industrial use was a main issue in these decisions and was the only such issue in the 1996 decision. The objector cites the adverse effects of traffic together with the appearance of this type of development and the consequences of the use for residential amenity. I concur with the conclusions of the Inspector in the 1996 decision that, bearing in mind the opportunity to control the design of any new development and to impose conditions on its operation, the site

could continue in business or industrial use without significantly adverse environmental effects. Thus whether there is a realistic prospect of this use occurring is crucial.

18.8.6 Much of the evidence is repeated from the most recent appeal. The Council refer to the difficulty of finding suitable industrial allocations in the Holme Valley and cast doubt on the availability of those which have been included in the plan. My judgement is that the area of allocated land is in proportion with the historic rate of take up locally, which is also the case in the rural areas generally (IR L1.1.19). There is no evidence demonstrating that the allocation is too small. As to availability, the more recent evidence in KB/BRT9 identifies development potential for sites B3.1 (part), B3.3 and B3.5, the latter being a site added in proposed changes and not included in the appeal evidence. The three original sites are therefore reasonably regarded as an undiscounted part of the overall land supply made available in the plan. One element of the Council's evidence is the vacant floorspace in the Holme Valley in August 1995. The argument that this shows a relative shortage of available floorspace is contradicted by the evidence referred to in another appeal determined at the same time (T/APP/Z4718/A/95/249738/P5). More fundamental is whether the probable rentals at a location such as this, away from the main urban areas and distant from main routes, would attract investment in the necessary modernisation or redevelopment which would be required if the potential of the land is to be realised. The evidence on this point, from the objector, the Rural Development Council, and the Council's Economic Development Unit, is to the effect that industrial development would not be viable. No evidence is available which gives reasonable grounds for expecting this situation to change. The desirability of providing employment near where people live would not justify keeping this land available for a use which seems to have no prospect of being realised.

18.8.7 Concerning the fourth issue, Stoney Bank Mills amounts to about 0.5ha and the adjoining POL where a housing allocation is sought is 0.6ha. This location is somewhat remote from local services. No evidence is submitted on the availability of public transport. These are residential surroundings where housing would be an appropriate use but the location does not have special merit, for example in relation to the principles in PPG13, nor is there a particular local need for additional provision. Nevertheless, the opportunity should be taken to recycle previously used land within the urban area, so that it would be reasonable to allocate the area of the Mills for housing. This would not be the case for the POL, which has amenity value in its present condition. The suggested development of part of the POL would also prejudice future comprehensive proposals for all the land.

18.8.8 Objection [2383] also refers to the green corridor shown across the POL. The argument in favour of resiting the green corridor is linked to the endorsement of residential development on that land, so that bearing in mind that this is not supported there are no grounds to vary the provisions of the plan in this respect.

Recommendation

18.8.9 Modify the plan by allocating Stoney Bank Mills (site HV9) for housing under policy H6 and on the proposals map.

18.9 POLICY D8, SITES HV10 AND HV32 *LAND AT TOTTIES AND TO THE REAR OF PARK SIDE, SCHOLES*

Objections: 1747 Mr S Wood
2221 Conroy & Booth

1748 Mr F Wood
3846 Mrs M Farrar

Background and issues

- 18.9.1 These objections relate to two contiguous areas of land:
- HV32 - about 17.6ha east and north-east of Scholes, between Greenhill Bank Road, Totties Lane, and St Georges Road;
 - HV10 - about 0.8ha to the north of dwellings in Park Side, Scholes, the northern boundary being with site HV32.

- 18.9.2 The issues are:

- i. the contribution of the land to the purposes of the Green Belt;
- ii. its suitability for housing development, or as POL, having regard to:
 - a. the need for additional housing land generally or locally;
 - b. the principles of sustainable development;
 - c. the need for safe access and adequate highway infrastructure.

Conclusions

18.9.3 HV32 consists predominantly of fields descending gently eastwards, bounded on its east side by the wooded slopes above New Mill and Jacksons Bridge Dikes. The south-western boundary is with dwellings on the eastern edge of Scholes and there is a ribbon of dwellings on the north side of Greenhill Bank Road. Nevertheless the land is very obviously part of the countryside clearly distinguished from nearby buildings. This includes that part facing the dwellings in Greenhill Bank Road, which form an isolated projection dominated by the surrounding open land. Site HV10 is a field bounded by stone walls together with a small steep stream edge. Like site HV32 this is part of the open countryside to the east of Scholes and its development would be an incongruous projection contrary to the compact form of the settlement. The cottages to the south of the site along Park Side are seen in the context of their wooded surroundings and do not appear as part of the built up area, while the main part of the objection site is isolated from these because of its elevation and the intervening valley and stream. The objection sites, both as a whole and their constituent parts, contribute to the purposes of the Green Belt to safeguard the countryside from encroachment and, bearing in mind their overall size, to assist urban regeneration.

18.9.4 There is not a general need for additional housing land. Locally I have recommended the deletion of allocation H3.24 but there is a good level of provision in the Holme Valley as a whole and other allocations in Scholes, so that there is not a pressing need to substitute an alternative site. The plan contains a wide range of sites and the reference in objection [2221] to allocations in the locality being restricted to affordable housing and failing to provide for more prestigious housing is unsubstantiated and contradicted by the contents of the plan, which does not identify sites for affordable housing. Scholes and Totties offer few local services, including employment opportunities or shopping facilities, so that this is a location where there would be heavy reliance on the private car and a considerable need to travel beyond the settlements. Additional housing provision here would therefore be contrary to the principles of sustainable development contained in PPG13. The

development of HV10 would require a new access in a position between two severe bends, so that safe visibility and stopping distances would be unlikely to be achievable. No assessment has been undertaken of the potential traffic impact of site HV32. Given the limitations of the local road network, the development of a site of this size could have an adverse effect on highway safety and the movement of traffic, although this factor would not preclude allocation of some of the land if that were justified by the evidence.

18.9.5 Objection [2221] seeks an alternative designation as POL. This would contradict the advice in PPG2 that safeguarded land should be well integrated with existing development, whereas these sites would project into the countryside and are not well related to the form of the settlements. The advice that such land should be well served by public transport would also not be met. Overall, these sites would contribute to the purposes of the Green Belt, whereas this location is not favourable for additional housing, nor is there a special need.

Recommendation

18.9.6 No modification.

18.10 POLICIES D8 AND NE8, SITE HV13 STATION ROAD, HONLEY

Objections: 2215 Executors of C O Hirst

Issues

- 18.10.1
- i. whether the site would contribute to Green Belt purposes;
 - ii. the merits of alternative definitions of the Green Belt boundary;
 - iii. the effect of housing development on the landscape and character of the area.

Conclusions

18.10.2 The Town Map, approved in 1973, defined Interim Green Belt in the vicinity and allocated this site for residential use. The objector argues that exceptional circumstances are required to vary the Green Belt boundary but this is not accepted for the reasons given at IR L1.3.

18.10.3 The site consists of grass with mature trees, the latter concentrated on the frontage to Station Road, and is located at the south-western extremity of a wedge of mainly open land that lies east of Huddersfield Road (A656). The objection site is gently sloping but the land beyond rises more substantially and contains a notable canopy of trees. The objector points out the proximity of the land to buildings both on the north side of Station Road and east of Huddersfield Road. These and particularly the well-treed rising land beyond the site do create a degree of containment when seen from the adjoining road frontages. Nevertheless, looking from other locations, such as from Old Turnpike, the site appears very much as part of the wider attractive open countryside extending to the north-east. Thus the land would contribute to the purpose of the Green Belt to safeguard the countryside from encroachment.

18.10.4 A clear Green Belt boundary following roads which adjoin the site is proposed in the plan. The objector argues that there are local inconsistencies in the inclusion of Honley High School in the Green Belt and the exclusion from it of other development in the vicinity of the two road frontages. Whereas there is some merit in the view that a more regular boundary would be more clearly defined, the characteristics of the boundary on neighbouring land have no significant influence on the decision here. If the boundary were revised to accord with the objection, this would follow a stone wall and fence on the north-west side, while part along the eastern edge seems to be unmarked. The consequence would be to create a relatively weak boundary, inconsistent with the advice in PPG2 and vulnerable to pressure for further extension, particularly in a northern direction where there is an existing scatter of development. Whereas development on the objection site itself would be sufficiently contained not to constitute urban sprawl, the purpose of the Green Belt to prevent this would be compromised by the more extensive spread of development which might occur in the longer term.

18.10.5 The overall assessment of this quadrant in the Council's landscape appraisal supports inclusion in the AHLV. Whereas much of the land included nearby is higher and more sloping, the incorporation of the objection site maintains public views of open land from the edge of the settlement and provides a clear boundary. In criticising the effect of development on the landscape and character of the area, the Council draw attention to the conclusions of the Inspector in dismissing an appeal in 1982. I concur with his view that development on this open site near the core of Honley would be significantly detrimental. As well as the loss of openness, further damage would be likely to result from the felling of trees necessary to provide an access from Station Road, especially having regard to the need to achieve safe visibility at the junction.

18.10.6 The Council agrees with the objector that this is a convenient location for new housing in relation to the advice in PPG13, bearing in mind the availability of local services and public transport, including rail. Notwithstanding this, the weight of the evidence which includes the contribution to Green Belt purposes, the preferable Green Belt boundary as currently proposed, and the detrimental effect of development on the landscape and character of the area, supports retention of the Green Belt and AHLV as defined in the plan.

Recommendation

18.10.7 No modification.

18.11 POLICY D8, SITE HV16 MELTHAM ROAD, HONLEY

Objections: 2524 Mr S W Lindley

Issues

- 18.11.1
- i. whether the site contributes to Green Belt purposes;
 - ii. the need for and suitability of the site as a housing allocation.

Conclusions

18.11.2 A regular Green Belt boundary is proposed in the plan which, to the east of this site, would follow the rear boundary of existing dwellings and the edge of housing allocation H3.1, currently under construction. The southern boundary of the objection site is with Meltham Road, which would also be a boundary to the Green Belt. The broad sweep of open countryside extending west from Honley which includes this site rises gently westwards and is a predominantly open landscape with long views. As part of this area, the objection site contributes to the purposes of the Green Belt to safeguard the countryside from encroachment and check the sprawl of the built-up area. Alteration of the boundary to exclude this land from the Green Belt would result in a considerable projection into the countryside because the land is separated from the urban area by a public recreation area and also because it is probable that in order to establish a clear boundary any readjustment would affect other large areas of land extending to Hassocks Lane and Scotgate Road.

18.11.3 No detailed evidence is provided on the technical feasibility of development but this is not challenged by the Council. Nevertheless, having regard to the advice in PPG13 and the preference for the concentration of new housing in larger urban areas, it would be undesirable to make a substantial additional housing allocation here. The possible inclusion of affordable housing is also referred to in the objection but the policies in the plan already include suitable general arrangements to achieve this and no evidence of exceptional need at this location is provided.

Recommendation

18.11.4 No modification.

18.12 POLICY D8, SITE HV17 *BRADSHAW ROAD, HONLEY*

Objections: 2524 Mr S W Lindley

Issues

- 18.12.1
- i. whether the land fulfils Green Belt purposes;
 - ii. the need for and suitability of the land for housing.

Conclusions

18.12.2 The objection applies to fields bounded by stone walls totalling some 5.8ha situated on the south-western edge of Honley. The area is part of an extensive open landscape which rises steadily towards the south. The western boundary is predominantly with existing housing, including a frontage to Bradshaw Road, and housing allocation H3.2 lies to the north. There is little to distinguish this land from much of the adjoining countryside, or from the southern part of allocation H3.2. Nevertheless the latter is a long established proposal, with planning permissions granted, and I have concluded elsewhere that that allocation should be upheld. The objection land is part of a larger area of open countryside and its inclusion in the Green Belt would contribute to the purposes of the Green Belt to protect the

countryside from encroachment and prevent the sprawl of the built-up area. That is the case for the whole of the land and also for the north-eastern part, of which the suitability for development was particularly stressed. Nevertheless, in the absence of strong physical features defining an appropriate settlement edge, the second issue is particularly important in determining whether the boundary in the plan is justified.

18.12.3 The Council states that satisfactory access would not be available without the incorporation of additional land but I am not convinced that this is so severe a difficulty as by itself to preclude an allocation for housing. I attach more importance to the absence of any need for further allocations, either overall or specifically in Honley. Although the housing need is not to be regarded as a maximum, it would be undesirable to increase provision on a greenfield site away from the main urban areas, contrary to the emphasis in PPG13. In these circumstances the Green Belt boundary as shown in the plan should be confirmed.

Recommendation

18.12.4 No modification.

18.13 POLICY D8, SITE HV18 *MIRY LANE, NETHERTHONG*

Objections: 2524 Mr S W Lindley

Issues

- 18.13.1 These are whether the site:
- i. contributes to Green Belt purposes;
 - ii. is suitable for housing development.

Conclusions

18.13.2 The site of about 3.3ha consists of attractive sloping agricultural land on the western edge of Netherthong, adjoining both existing dwellings in the settlement and a substantial area of POL. The site is part of the countryside, visible both from Moor Lane and Miry Lane and from a public footpath which follows the northern boundary. The land makes an important contribution to the purpose of the Green Belt to protect the countryside from encroachment.

18.13.3 No details of the potential impact of a development are provided in support of the objection, although it is implied that access would be from Holmdale Crescent. Given the large size of the site, there are grounds for concern at the potential consequences of additional traffic. There would be an adverse effect on the amenity of existing residents in the adjoining estate roads. The Council states that visibility at two affected junctions is substandard and I share the reservations about the Dean Avenue/Miry Lane junction. As to the Holmdale Crescent/Moor Lane junction, I do not believe that to be fundamentally unsafe, although a bus shelter does cause an obstruction. A further important reason to resist development is that this is not a location favoured for additional housing on the basis of the

advice in PPG13, because of the need to rely on the private car for access to employment, shops and services. The POL allocations in Netherthong (HV26, 40 and 49), which I recommend elsewhere be retained, provide reasonable scope for growth and it would be undesirable to add to this.

Recommendation

18.13.4 No modification.

18.14 POLICIES D8, D13 AND NE8, SITE HV20 *HILL LANE, UPPERTHONG*

Objections: 2064 Mr H Hine

Issues

- 18.14.1
- i. whether the site contributes to the purposes of the Green Belt;
 - ii. the suitability of alternative Green Belt boundaries;
 - iii. whether Hill Lane would be a satisfactory access to a new dwelling.

Conclusions

18.14.2 The Green Belt boundary in the vicinity of the site is irregular but coincides with the curtilages of existing development. The objection site forms part of an extensive area of open countryside stretching to the north and east and as such contributes to the purpose of the Green Belt to safeguard the countryside from encroachment. The objection refers to development on the site constituting appropriate infill between development to the south and buildings on the opposite side of Hill Lane, which are known as "Matlock" and are included within the proposed Green Belt. Although recorded as an objection to policy D13, no point is made against that policy as such. In my view development on the land would be an obvious extension to the built up area of the settlement beyond its well defined limits, whereas the buildings at Matlock appear as a detached and harmonious part of the countryside. Furthermore, if the boundary were realigned as proposed, there would be likely to be pressure to extend development on the north side of Hill Lane to the west of Matlock, creating a greater intrusion.

18.14.3 Although the Green Belt boundary proposed in the plan has an irregular alignment, the Council points out that this was chosen to follow field boundaries and now coincides with the curtilage of buildings. This is clearly defined and more appropriately meets the guidance in PPG2 than the boundary proposed in the objection, which does not follow any existing feature.

18.14.4 Hill Lane is a private street which is narrow and not made up. This serves a small number of existing properties but would be an inadequate means of access to an additional dwelling because of its width and construction.

18.14.5 The objection is also registered against policy NE8. This designation is not mentioned by the objector and there is no evidence which would justify varying the boundary of the AHLV.

Recommendation

18.14.6 No modification.

18.15 POLICY D8, SITE HV21 LAND AT CLIFF, WOOLDALE

Objections: 2067 Ms S Broomhead

Issues

- 18.15.1
- i. the contribution of the site to Green Belt purposes;
 - ii. the suitability of the land for residential development.

Conclusions

18.15.2 This is a small site immediately to the south of a well defined edge to built development along the boundary of dwellings in Meadow Bank. The site is at the north-western end of a prominent open plateau and is widely visible from the east and south-east. Immediately to the west is an escarpment, so that any development on the land would also be prominent in views from that direction. Although the objector suggests that there is residential development on two sides, this is effectively so only to the north because the dwellings to the north-west are visually detached by the open scarp. The land makes an important contribution to the purposes of the Green Belt by safeguarding the countryside from encroachment and preventing the sprawl of the built up area which lies to the north.

18.15.3 Access to residential development would be from the adjoining track. This now has the status of a highway maintained in character only. The track is narrow with an irregular stoned surface and would be seriously unsatisfactory as an access to one or more dwellings. The objector notes that services are available and suggests that there is no other possible use for the site. The land contains rocky outcrops and part was a former refuse tip, now revegetated. I accept that the land is difficult to utilise productively but the access is severely constrained and the benefit of securing a use would be substantially outweighed by the prejudice to the purposes of the Green Belt.

Recommendation

18.15.4 No modification.

18.16 POLICY D5, SITE HV22 *DUNFORD ROAD, HADE EDGE*

Objections: 2072 Mr & Mrs A Campbell

7006 Holme Valley Parish Council

Issues

18.16.1 Whether the land:

- i. would contribute to the purposes of the Green Belt;
- ii. is suitable for designation as UGS;
- iii. should be allocated for housing having regard to the need for additional housing land and the appropriateness of this location in terms of the advice in PPG13.

Conclusions

18.16.2 Hade Edge is a small settlement towards the southern edge of the district and about 2km from Holmfirth local centre. The two principal areas of housing are the recently built allocations H3.28 and H3.29. Much of the remaining land within the settlement, which is unallocated in the plan, is occupied by relatively spacious low density development. The surroundings are mainly open, with long views towards the Peak Park to the south and west and eastwards across Boshaw Whams Reservoir.

18.16.3 The objection site of about 3.7ha is an approximately rectangular area of gently sloping fields separated by stone walls, having a frontage to two of the roads which divide up the settlement. The only distinction between this land and the surrounding countryside is its greater proximity to the buildings within the settlement on the opposite sides of these two roads. As part of the Green Belt, this would contribute to safeguarding the countryside from encroachment.

18.16.4 Objection [7006] proposes that, if not included in the Green Belt, the site should be allocated as UGS in order to ensure that it is kept open. The purpose of UGS designation is to protect urban open land which may be of value as open land, perhaps for recreation, wildlife, or other purposes. If the objection site were to be protected in the long term it would be as part of the countryside and the appropriate action would be to include this within the Green Belt.

18.16.5 Objector [2072] seeks the designation of the site for housing. This preference must be decided in the context of the lack of a general need for additional allocations and in the absence of any argument that there is an unfulfilled local requirement. The popularity of the new development in Hade Edge cited by the objector is evidence of demand but does not demonstrate a need not suitably met within overall allocations. The substitution of this land for housing allocation H3.31 is proposed, but the suggested alternative of re-allocating the latter for industry is unsupported by evidence that there is a need for additional land for business and industry in this part of the district. In addition, that site is committed by the grant of planning permissions for residential development. Concerning the guidance in PPG13, Hade Edge has very restricted local facilities and residents would be heavily dependent on travel outside the settlement by private car.

18.16.6 This site is one of two large areas of POL in Hade Edge. For the reasons given at IR 18.31, I have recommended that site HV46 be included in the Green Belt. Site HV22 should remain as potential long term development land in order to provide some flexibility outside the Green Belt at this stage, but the allocation of the land for housing within the plan would be contrary to the principles of sustainability in PPG13.

Recommendation

18.16.7 No modification.

18.17 POLICIES D5, D8 AND H6, SITES HV23, HV25 AND HV36 CINDERHILLS, HOLMFIRTH

Objections: 2068 Mr & Mrs J Armitage

2212 P M Plant

Background and issues

18.17.1 These objections concern three adjoining sites:

- HV23 - an area of about 1ha south of allocation H3.22, where a housing allocation is sought in lieu of POL [2068];
- HV36 - 0.8ha to the south of HV23 where objection [2212] seeks a change from Green Belt to POL;
- HV25 - 0.9ha to the west of HV36 where objection [2212] advocates a change from Green Belt to housing.

18.17.2 The issues are:

- i. the extent to which sites HV25 and 36 would contribute to Green Belt purposes;
- ii. the need for and suitability of the land for housing.

Conclusions

18.17.3 Sites HV25 and 36 are open land on a plateau which extends into the settlement to the north and remains open southwards. To the west and especially to the south-west the land slopes away, so that the dwellings in that direction are on lower ground. The northern boundary is with existing dwellings and POL site HV23, while open land rises to the east. The nearest dwellings in Roaine Drive are included in the Green Belt and in the objection site but were granted retrospective planning permission in 1984. These dwellings have an identical character to the remainder of the residential estate and should not be in the Green Belt.

18.17.4 These two sites form part of the open countryside to the south of existing buildings. The Council argues that development here would be inconsistent with the prevailing pattern of the settlement, which is said to be concentrated on more sloping sites. That is neither exclusively the case nearby nor is this a good reason to resist the incorporation of land within the settlement if it is suitable in other respects. Seen from the vicinity of Shaley Farm, there would be a minor projection beyond the area of HV23 but of

a very similar character. Looked at from across the valley to the south-west, the impression would be of an extension to the settlement into an extensive area of countryside because the housing in the foreground is at a lower level. Thus the land is capable of contributing to the purposes of the Green Belt, although this would be a relatively compact addition to the urban form reasonably well related to the existing settlement.

18.17.5 The boundary to the Green Belt as proposed in the plan is the stone walls around site HV23 and the curtilage of dwellings. I have already stated that the boundary should be revised to exclude the dwellings at the southern end of Roaine Drive. If relocated in accordance with the objection, different stone walls would be substituted, except that there is a length near a mill pond where the wall is missing and the boundary is unmarked. Given that there is little physical difference between the objection sites and the land further south, there is the possibility of further pressure on the Green Belt towards the south. In this respect a boundary at the existing limit of development would be rather better defined.

18.17.6 On the second issue, there is no general need for additional housing land and at IR 11.2 I noted that there is not a specific deficiency in the Holme Valley. The recommendation to delete allocation H3.24 does not substantially alter the situation, although it does contribute to a small difference between the level of allocations and historic completions. Bearing in mind that housing allocation H3.22 is at this location, the Council makes no general criticism of the suitability of this area for new housing and there are no special attributes of any of the objection sites which distinguish them in this respect. Objector [2212] notes that the location is convenient for the facilities of Holmfirth, although this does not match the opportunities in the main urban areas, but concedes that the private car would be the main form of transport.

18.17.7 The Council's principal concern is the inconvenience of Cinderhills Road and South Lane for additional traffic, although it is acknowledged that there is no safety problem. This has to be evaluated in the context of the inclusion in the plan of allocation H3.22. Nevertheless I am satisfied that there is very considerable inconvenience in using South Lane, particularly because of the gradient, lack of footways, narrow carriageway and incidence of on-street parking. Whereas problems of this kind are not uncommon in the area, the degree of on-street parking and the length of highway with serious deficiencies are unusual. In these circumstances it would be inappropriate to add an additional housing allocation on site HV23 or to incorporate the potential for further development by increasing the area of land outside the Green Belt.

Recommendation

18.17.8 Modify the Green Belt boundary on the proposals map so that the existing dwellings at the south end of Roaine Drive are excluded from the Green Belt and remain unallocated.

18.18 POLICIES D8 AND H6, SITE HV24 *FAIRFIELD FARM, TOTTIES*

Objections: 1887 E C Booth

Issues

- 18.18.1 i. whether Totties should be inset in the Green Belt;
ii. whether Fairfield Farm is suitable for housing development and should be allocated for that use.

Conclusions

18.18.2 Totties is a small settlement washed over by the Green Belt. The village contains an attractive older core which includes several Listed buildings and is within a Conservation Area. Extending from this are two lines of ribbon development, with a narrow gap separating Totties from Scholes, which is inset within the Green Belt. The plan was prepared in advance of the new guidance in PPG2 concerning the treatment of existing villages in Green Belt areas. This may allow some refinement of the treatment of Totties but this should be instituted by the Council following a review of this aspect of the plan rather than being incorporated piecemeal where objections have occurred. Pending that it is reasonable for a settlement of this size and character to be within the Green Belt, so that development proposals therein are considered against policy D13. I have considered separately the objections by this objector and another to the terms of that policy.

18.18.3 Fairfield Farm contains redundant buildings and is situated within the core of Totties. In its evidence the Council acknowledges that because of its central location and vacant underused state a development initiative or clearance and restoration are required. The land is not open at present and thus a suitable scale of development need not prejudice the openness of the Green Belt and would be capable of enhancing the appearance of the Conservation Area. The design of a scheme would be especially important to ensure that the need to reflect the character of nearby buildings did not result in excessive development, so that it is conceivable that some of the land would need to be returned to an open use. Whereas the Council argues that an allocation should not be made because of the balance of allocations in the Holme Valley, the inadequacy of the road network and the preference for concentration in the main urban areas, I do not accept that these are grounds to fail to make use of previously developed land within the core of the village. With respect to the road network, in particular, this land would have less impact than allocation H3.24, which I have recommended be deleted for other reasons. Notwithstanding the merits of housing development here, I do not believe the land should be allocated for housing. To do so would be inconsistent with the prevailing Green Belt allocation and would commit the precise boundaries of the development when it may be desirable to return some of the land to an open use. Pending any review of the plan to take account of the new PPG2, proposals could appropriately be determined against the policies of the plan without any modification.

Recommendation

18.18.4 No modification.

18.19 POLICIES D5, B2 AND H6, SITE HV28 WOODHEAD ROAD, BROCKHOLES

Objections:

0233 Mr M Noble
2375 England Land Trust
2378 Mr & Mrs Needham
4664 Mr & Mrs C Cocks

1664 J R Brinley
2377 & 2380 Brockholes UDP Action Group
2379 Mrs B Noble
7006 Holme Valley Parish Council

Issues

18.19.1 Whether having regard to:

- i. the quality of the site as open land;
- ii. its relationship to its surroundings;
- iii. access constraints; and
- iv. the need for development land;

the site should be allocated as UGS, Green Belt or in part for business and industry (site A) and in part for housing (site B).

Conclusions

18.19.2 With the exception of objection [2375], the objections seek the re-allocation of the whole of this site from POL to Green Belt or UGS. [2375] proposes the re-instatement of the development allocations in the consultation draft plan, which were for business and industry on 5ha north of Robinson Lane (site A) and housing on 0.8ha between Smithy Place Lane and Robinson Lane (site B). A further area west of site B which was shown as UGS in the consultation draft is outside the scope of objection [2375].

18.19.3 The general character of the site is of grassed fields divided by stone walls and with some trees rising gently from the River Holme in the north-east towards Woodhead Road in the south-west. There is one public footpath, in addition to pedestrian use of Robinson Lane. The land has a pleasant appearance but is not especially attractive. Some objectors refer to the benefit from the availability of flatter pasture for agriculture but this does not demonstrate that the loss of the site would cause significant harm to agriculture. Objectors also identify a benefit to wildlife, particularly because the site lies between the river and a wildlife corridor, but an alternative link exists 400m to the south where the river adjoins another part of the corridor. The increasing importance of tourism in the area is argued in support of keeping the site open but, whereas this has some relevance, development need not be unattractive.

18.19.4 There is existing development on three sides, industry to the north and otherwise mainly housing. The housing to the south is a narrow strip with woodland beyond, complementing the woodland rising to the west of Woodhead Road. The overall effect is that the land has a distinctive character as part of the valley floor contained by and closely related to built development. It is distinguished from the more sloping woodland which adjoins, mainly beyond Woodhead Road. Objectors stress the value of the site in separating Honley and Brockholes but the settlements are continuous to the east of the river and the main views of the land are from outside the settlements in Woodhead Road. Thus any benefits in this respect are of very limited weight. POL designation is criticised by those who want greater protection because of the uncertainty this creates but the principle of safeguarding some land

for potential longer term development accords with national policy and may be the necessary consequence of the firmness which is envisaged for the Green Belt.

18.19.5 The feasibility of access is relevant both to the prospective allocation of sites A and B and also to the appropriateness of identification as POL. The Council makes no objection to the allocation of site A in this respect and I see no reason why an acceptable access could not be formed. The proposals for site B require access to Smithy Place Lane. Detailed evidence was given about the likely traffic flow from the development of this land. Whereas the lane lacks footways and has one bend where forward visibility is restricted, I concur with the Council that the extra traffic could be accommodated there without a significant increase in danger. Proposals for a residential development at Smithy Place Mills include a new bridge improving the link to New Mill Road. That has now been built, so that the potential contribution towards its construction proposed by objector [2375] is no longer relevant. The Council argues that the development of site B should be linked to an improvement of visibility at the Smithy Place Lane/Woodhead Road junction, although this is not put forward as a reason to resist allocation. Objector [2375] forecasts that the majority of departures would be towards New Mill Road, traffic being distributed in the same proportion as found in a survey of the route chosen by existing residents. I am not convinced by the Council's argument that the position of site B would result in a markedly different split, having regard to the position of existing dwellings and the minimal effect these small distances would have on journey time. Bearing in mind available visibility and the number and nature of recorded accidents, the small effect on the use of the Woodhead Road junction would not affect safety to a degree which would justify improvement nor is it so dangerous as to be grounds to resist an allocation.

18.19.6 The need for land for development is an important part of the consideration of these objections. The deposit draft plan includes no other POL in Honley or Brockholes, strongly supporting the retention of the current allocation. Objector [2375] places considerable reliance on the need to identify additional land for business and industry and the benefits of site A because of its size, position on a green route, and proximity to potential employees. In Chapter L1 I concluded that both the scale and distribution of land allocated for business and industry is reasonable. Concerning additional housing land, this is a suitable location but it is not in the main urban area which should receive priority and adequate provision is made in the plan, both generally and in the Holme valley.

18.19.7 Drawing together my conclusions, the need for longer term development land, the limited value of the site in terms of the qualities necessary for UGS identification, and the containment as part of the settlement rather than being countryside contributing to Green Belt purposes, are strong grounds not to designate this site as UGS or Green Belt. There are not grounds to allocate sites A or B to meet a particular need. Although long term protection as open land is not justified, the land does contribute to visual amenity, particularly in views from Robinson Lane and the public footpath, and does link with the open land outside the settlement. It is reasonable that the judgement by the Council should have had regard to the views expressed on the consultation draft plan and the allocation in the plan should only be set aside if shown to be unsatisfactory, which is not the case. Objector [2375] criticises policy D5 for failing to comply with PPG2 advice. I have made recommendations elsewhere which are intended to increase the clarity of D5 allocation but the arguments made do not remove or reduce the need to include sufficient suitable land as POL. The plan designation as POL should therefore remain.

Recommendation

18.19.8 No modification.

18.20 POLICIES D8 AND NE8, SITE HV31 *LAND AT BUTTERLEY, NEW MILL*

Objections: 2222 Conroy & Booth Ltd

Issues

- 18.20.1
- i. the contribution of the land to Green Belt purposes;
 - ii. the need for and suitability of the land for housing development.

Conclusions

18.20.2 The objection relates to a large tract of open land amounting to 22.4ha which extends from the A635 Penistone Road on the fringe of New Mill to Sheffield Road (A616). The hamlet of Butterley and dwellings in Hole Bottom lie to the south but these are isolated within predominantly rural surroundings. While there are a few substantial buildings to the south of Penistone Road on the edge of New Mill these do not significantly diminish the prevailing rural character, to which this land makes an important contribution. Including the site within the Green Belt is necessary to achieve the purpose of that policy to protect the countryside from encroachment.

18.20.3 In Chapter L1 I concluded that there is not a general need to allocate additional housing land. The objector is incorrect in stating that the locally allocated housing sites are for affordable housing, since the plan does not identify specific sites for this purpose. There is a wide choice of locations for new housing, so that little weight can be given to the need for prestigious sites which is claimed. The locality is distant from services and facilities, so that an allocation here would be contrary to the principles in PPG13. Furthermore this is an attractive landscape which would be damaged by a housing development and no evidence is put forward to contradict the designation as an AHLV.

Recommendation

18.20.4 No modification.

18.21 POLICIES D8 AND NE8, SITE HV33 *NORTH OF RIVER PARK, HONLEY*

Objections: 2220 Conroy & Booth Ltd

Issues

- 18.21.1
- i. whether the site contributes to Green Belt purposes;
 - ii. whether there is a specific or general need for additional housing land which this site would fulfil;

- iii. whether the site is suitable for housing development having regard to the effect on the landscape, wildlife and Honley Conservation Area.

Conclusions

18.21.2 This site of about 1ha consists of grassland with some trees, particularly in the north-east corner. There is housing on two sides, a cemetery to the north-west and open land leading down to the River Holme on the fourth side. A measure of containment is provided by the walls around the site and the trees within the cemetery. Nevertheless the land is perceived as part of the open land extending north from Honley and its inclusion in the Green Belt would serve the purpose of safeguarding the countryside from encroachment. Although the land is in a Conservation Area, I disagree with the Council that this is a historic town to which a further purpose of the Green Belt as in PPG2 might be relevant.

18.21.3 The objector argues that additional housing land should be provided but my overall conclusion is that this is not required pending a review of the plan. The housing requirement is not a maximum but it would be undesirable in the context of the advice in PPG13 to make additional provision in a location such as this away from the main urban areas. No detailed evidence is provided to justify the assertion that most allocated housing sites in this part of the plan area are directed at affordable housing provision. The plan contains a broad geographic spread of sites and there is no evidence of an under-representation of higher quality land. Thus there is no particular need to be fulfilled, although if the land were especially suitable it might be appropriate to designate this as POL, as sought in the alternative by the objector.

18.21.4 The site is within an AHLV well-used locally for informal recreation because of the footpaths on adjoining land. The surroundings are very attractive and although the impact of development here would be relatively contained, there would be some detriment both to the AHLV and to the character of the Conservation Area from the loss of openness. This would be especially so because of the importance of the footpath on the south-east side of the site in linking the older parts of the settlement with the countryside. The area is also included in a wildlife corridor and the contribution of the land in this respect would be lost, although I agree with the objector that this would not be crucial because of the land remaining. Bearing in mind the disadvantages of development and the contribution to the Green Belt, the allocations in the plan should be retained.

Recommendation

18.21.5 No modification.

18.22 POLICIES D8 AND NE8, SITE HV35 RAILWAY CUTTING OFF OAKES LANE, BROCKHOLES

Objections: 0611 D Parker (Builders) Ltd

2069 First Architecture

Issues

- 18.22.1
- i. whether the land should be included in the Green Belt having regard to its contribution to Green Belt purposes;
 - ii. whether the landscape quality of the site and its relationship to the adjoining open land justifies its inclusion in the AHLV;
 - iii. whether the land is suitable for housing development, particularly because of the need to retain protected trees and the available width.

Conclusions

18.22.2 This is a former railway cutting which is approximately at the same level as the residential development to the west. The cutting is substantially self-contained because housing development has taken place to the north and there is permission for one dwelling on the section of cutting immediately to the south. There is a small mound with some trees on the western side of the land and for the most part a substantial and well treed embankment on the east side. The trees are subject to a TPO. Beyond the site to the east is rising open land. In my judgement the objection land is much more closely allied with the urban area and is effectively detached from the open land to the east. As a consequence the site does not materially contribute to the purposes of the Green Belt, while the trees and embankment would provide a suitable well defined boundary.

18.22.3 On the second issue, there is a disagreement as to whether the notation of the Special Landscape Area in the HMLP extends on to this land and I find the plan difficult to interpret. Whatever the correct answer might be, the Council agrees that the important landscape feature of this site is the trees, which are independently protected. In other respects the land has very little impact on the remainder of the AHLV and no intrinsic visual quality. It should not be included in the AHLV.

18.22.4 Concerning the developability of the land, the Council agrees that remedial measures could be taken to resolve doubts about stability and landfill gas. It would be desirable to make appropriate use of an unused site within the urban framework such as this, subject to retention of the protected trees. The width of the available corridor between these is agreed to be about 18m. The northern end of the site is without trees and there is the possibility that the adjoining land to the west could be incorporated. However it seems very doubtful that a satisfactory housing scheme could be designed for the majority of the site, so that the land should be left unallocated rather than be allocated for housing. This would enable detailed proposals to be considered on their merits but would avoid making a commitment when the extent of any development is uncertain.

Recommendation

18.22.5 Delete the Green Belt and AHLV notation from site HV35 on the proposals map and leave the area unallocated.

18.23 POLICY D2, SITE HV37 *SPRING LANE, HINCHLIFFE MILL*

Objections: 0234 Ms P Toner

2065 Mr D Lock

Issue

18.23.1 Whether the site should be included in the Green Belt having regard to its contribution to Green Belt purposes and the suitability of alternative Green Belt boundaries.

Conclusions

18.23.2 The Green Belt boundary proposed here generally follows the boundary between existing dwellings in the settlement and the fields rising to the south-east. The objection site constitutes a gap in the frontage development where the field extends to Spring Lane. The Green Belt boundary has been drawn across the field in line with the curtilage of the dwellings on each side but does not follow any existing feature. While the area of land involved is very small, I agree with the objectors that the site forms part of the countryside so that it would contribute to the purposes of the Green Belt. The settlement has an irregular edge and it would be preferable to retain this, especially because the openness of the land makes a valuable contribution to the character of the Conservation Area. Upholding the objection would also accord with the guidance in PPG2 to seek a clearly defined boundary.

Recommendation

18.23.3 Modify the proposals map to include site HV37 in the Green Belt.

18.24 POLICY D5, SITE HV38 *DOBB LANE, HINCHLIFFE MILL*

Objections: 2065 Mr D Lock

7006 Holme Valley Parish Council

Issues

- 18.24.1
- i. whether the site merits designation as UGS;
 - ii. whether the site should be included in the Green Belt having regard to:
 - a. its contribution to Green Belt purposes;
 - b. suitability for housing development.

Conclusions

18.24.2 The site consists of mainly grassed fields rising gently from Dobb Lane then more steeply between Water Side Lane and Acre Lane. The site does not have particular merit

in relation to the criteria relevant to designation as UGS, such as for wildlife, visual amenity, or recreation, so that re-allocation in that way would not be justified.

18.24.3 In supporting the identification of the land as POL separate from the Green Belt, the Council refers to the effect of the existing development to the south-west, of the small group of about three dwellings in the centre of the site at Water Side, and of the public footpath adjacent to a stone wall which forms a proposed Green Belt boundary. There is an extensive area of countryside to the east and south of the site and the degree of association with that and with the settlement is a matter of judgement. In my view Water Side Lane, which crosses the site to the small group of dwellings and is bounded on each side by a stone wall, is also a strong feature. If this together with the dwellings at Water Side were adopted as the boundary, then the particularly prominent land leading up to Acre Lane would be protected as part of the countryside. This land because of its position and elevation is more associated with the surrounding countryside and would justify inclusion in the Green Belt.

18.24.4 The objectors also refer to the developability of the land, particularly the access constraint. The Council acknowledges this but suggests that there could be more detailed investigation if an allocation were contemplated. I believe the severity of the access problem is further grounds for adding part of the land to the Green Belt. Substantial development here would be likely to be constrained by the very substandard junction with Woodhead Road and by the further difficulties caused by the narrow carriageway and on-street parking in Ford Gate.

Recommendation

18.24.5 Modify the proposals map by including in the Green Belt that part of site HV38 to the south of Water Side Lane and the dwellings with their curtilages at Water Side.

18.25 POLICIES D5 AND NE8, SITE HV39 MAINGATE, HEPWORTH

Objections: 2075 Mr & Mrs Alsop
7006 Holme Valley Parish Council

2219 Mr M Palmer

Issues

- 18.25.1 i. whether the land should be included in the Green Belt or designated as UGS having regard to its:
- a. contribution to Green Belt purposes;
 - b. merits as UGS;
 - c. suitability for housing development.
- ii. whether the site should appropriately be included in the AHLV.

Conclusions

18.25.2 The objection site of some 4.7ha lies on the south-eastern edge of Hepworth and is allocated as POL in the plan. The site contains fields divided by stone walls and slopes down gently from the rear of buildings along Maingate/Towngate to Rakes Dike. From there the land rises steadily eastwards and there is a band of trees on the slopes east of the Dike.

To the north the site adjoins housing allocation H3.27, unimplemented at present. Whereas the Council argues that this site is dominated by the adjoining settlement, the objectors emphasise the connection with the countryside. On balance, I believe that the land will retain a predominantly rural character even when the housing allocation is built. This is partly because the rear of the dwellings in Maingate/Towngate has a well-landscaped irregular edge, creating an attractive mellow setting which does not intrude on the rural character of the open land. A further reason is the complementary relationship between this land and the rural landscape rising to the east, so that it is an integral part of the valley form. Retaining the land as Green Belt would therefore make an important contribution to the purpose of the Green Belt to protect the countryside from encroachment.

18.25.3 Although the land is attractive, recognition as UGS is intended to be applied to land within the settlement and is not a means to safeguard the countryside, so that this would not be an appropriate allocation.

18.25.4 The Council supports the POL allocation on the basis of the need for flexibility to accommodate long term demand but does not comment on the specific suitability of this site. In my view there are serious reservations as to the desirability of substantial additional housing provision here because of the very limited services in the village and the reliance on the private car. There is one other POL site and two housing allocations in the village. On balance, given the contribution to Green Belt purposes and the unsuitability of Hepworth for substantial development, this land should be wholly or largely within the Green Belt.

18.25.5 The Council gives reasons why the Green Belt designation in the consultation draft plan was revised and the implication is that AHLV status was removed so as to be compatible with that decision. It is not suggested that the assessed landscape quality did not satisfy the test for designation. Given the important relationship between this land and the area to the east, which is wholly within an AHLV, that status should also apply to the Green Belt on the objection land.

18.25.6 Whereas I support the objections for the most part, it will be vitally important to secure a high standard of landscape treatment on the southern edge of housing allocation H3.27. PPG2 notes the importance of protecting the visual amenity of the Green Belt when considering development proposals which would be conspicuous from it, as would be the case here. Although I do not rule out the possibility that this could be achieved by including the whole of site HV39 in the Green Belt, my recommendation is that the narrow northernmost field be excluded. I appreciate that this may be part of a medieval field system but consultation with the West Yorkshire Archaeological Service shows this to be of limited significance. I do not have details of any planning permission on site H3.27 but the Council should investigate the suitability of adding this field to the housing allocation, on the basis that the majority would be landscaped. This would assist the establishment of a clearly defined Green Belt boundary and would have the further advantage that the landscaped edge would coincide with public footpath No 140.

18.25.7 Whatever the outcome, it would be desirable to keep open the frontage to Towngate, which affords excellent views out into the AHLV from the Conservation Area. There is an area between the limit of the curtilages to the south and Towngate which is unallocated in the plan and is not part of the objection site, so that I make no formal recommendation in this respect. Nevertheless there is no existing boundary feature between

the unallocated area and the POL, so that the same allocation should apply to the whole of the land, whether as a housing allocation or Green Belt. Comprehensive treatment is also desirable because the public footpath crosses the edge of this land and there could be merit in realignment to a central position in conjunction with landscaping proposals.

Recommendations

- 18.25.8 i. modify the proposals map to include site HV39 with the exception of the northernmost field in the Green Belt and AHLV;
- ii. examine the feasibility of assisting the achievement of a high quality landscaped edge to the south of H3.27 by adding the northernmost field in HV39 to that allocation.

18.26 POLICY D5, SITE HV40 *ST MARYS, NETHERTHONG*

Objections: 4630 J Garrard

7006 Holme Valley Parish Council

Issues

- 18.26.1 Whether this site, allocated as POL in the plan:
- i. merits designation as UGS;
- ii. should be kept open as Green Belt, bearing in mind its contribution to Green Belt purposes and suitability for long term housing development.

Conclusions

18.26.2 The site is a fairly steep field between housing development and Miry Lane. Although moderately prominent, the land is not of such visual quality as to merit UGS designation and there is no public access, recreation value, or habitat of particular wildlife significance. Thus there are not grounds to identify this as UGS.

18.26.3 To the west and north there is open land. The boundary to the north is marked by a stone wall beyond which the impression is of a slightly steeper slope, which adds to the visual effect of containment within the broad limits of the settlement. There is a line of trees adjoining the western boundary with Miry Lane, protected by a TPO, and these increase the enclosure of the land between the lane and existing buildings. Overall, the site is more closely associated with the settlement than the countryside and would not significantly contribute to Green Belt purposes.

18.26.4 Retention as POL would rely on the potential for development in the future. Whereas Netherthong is a good way from many services and is not an especially favourable location in this respect, the potential for some further growth should be retained. There are narrow roads through the core of the village and other rural roads with some deficiencies serving the settlement but these constraints are not so severe as to justify failing to protect some land for longer term development. Allocation as POL is preferable to inclusion within the Green Belt.

Recommendation

18.26.5 No modification.

18.27 SITE HV41 *SOUTH OF MILL RACE AND MILL POND, HONLEY*

Objections: 2500 N Snow and R Glover

Issue

18.27.1 Whether the recreation use of the land should be recognised by an alternative designation, such as UGS.

Conclusions

18.27.2 The objection applies to a large area between Honley and Mag Dale which is designated as Green Belt, AHLV and a wildlife corridor. There is considerable use for informal recreation and the objectors point out that this has prompted purchase by the Honley Village Trust. I am satisfied that the policies applied to this land are appropriate and an alternative designation, such as UGS, would not give greater or more suitable protection. Urban Green Space is land within the urban framework, which this is not. The policies in the plan do not protect access to land as such. Nevertheless the objectives of the Green Belt concerning providing access to the open countryside and opportunities for recreation and also to retain attractive landscapes are very relevant to this area.

Recommendation

18.27.3 No modification.

18.28 SITE HV43 *POLLY DAM, NETHERTHONG*

Objections: 7006 Holme Valley Parish Council

Issue

18.28.1 Whether the land should be included in the Green Belt.

Conclusions

18.28.2 This site is mainly the area of a former mill dam. There is development to the north, east and south, so that this is appropriately regarded in the plan as being within the framework of the settlement. There is also a commitment to residential development, with outline permission granted in 1991 and the subsequent details submitted in 1994. Thus there are not grounds to include the land in the Green Belt. In subsequent representations the Green Belt designation is sought in conjunction with the UGS to the west but that too is

within the settlement, largely surrounded by residential development, and does not contribute to Green Belt purposes.

Recommendation

18.28.3 No modification.

18.29 SITE HV44 LAITHE AVENUE, HOLMBRIDGE

Objections: 7006 Holme Valley Parish Council

Issues

- 18.29.1 Whether the site:
- i. would contribute to Green Belt purposes;
 - ii. merits designation as UGS.

Conclusions

18.29.2 This site of about 0.8ha is surrounded by development and detached from other open land which might be suitable as Green Belt. It would not fulfil Green Belt purposes, so that this alternative sought by the objector would be inappropriate.

18.29.3 The land consists of overgrown grass largely behind dwellings. Thus it has little public impact and, although access is not prevented, there is minimal evidence of recreation use. No argument of recreation need or potential is advanced in support of the objection. While the objector is concerned about the suitability of Dobb Top Road to provide access, the Council points out that the site would be accessible from the modern estate roads leading from Laithe Avenue. These would enable access via Smithy Lane to Woodhead Road, so that there is no fundamental reason to reject a POL allocation on these grounds, even bearing in mind the potential cumulative effect in conjunction with site HV45. In this case, if POL were rejected, the appropriate alternative would be to leave the land unallocated, which would not satisfy the objector.

Recommendation

18.29.4 No modification.

18.30 SITE HV45 ADJOINING BANKFIELD, DOBB TOP ROAD, HOLMBRIDGE

Objections: 7006 Holme Valley Parish Council

Issues

- 18.30.1 Whether the land:
- i. merits designation as UGS;

- ii. would contribute to Green Belt purposes;
- iii. would be suitable for residential development.

Conclusions

18.30.2 This site consists of fields divided by stone walls and is gently sloping, the open land rising more steeply beyond to the south-east. There is a tall retaining wall on the frontage to Dobb Top Road, so that the land is not very visible. Seen from across the valley the objection site is also unobtrusive, well screened by trees, and contained within the settlement, which includes buildings to the north-east and south-west. There is no public access to the land, which does not have visual or functional qualities appropriate for designation as UGS. In addition the integration of the land with the built form of the settlement means that it is unnecessary for this to be kept open as part of the countryside or to fulfil any other Green Belt purposes.

18.30.3 The objector questions the suitability of Dobb Top Road to provide access, particularly because of the absence of pavements. Land safeguarded as POL for potential future development should be genuinely capable of development when needed. Access from this site could be to Laithe Avenue and then via Bankfield Drive and Smithy Lane to Woodhead Road. This would involve some use of Dobb Top Road and Smithy Lane, which lack footways. The deficiencies are not so serious as to preclude the potential for development, which could be linked to necessary highway improvements, and are not a good reason to reject allocation as POL.

Recommendation

18.30.4 No modification.

18.31 SITE HV46 SOUTH OF BENT LANE, HADE EDGE

Objections: 7006 Holme Valley Parish Council

Issues

- 18.31.1 Whether the land:
- i. would contribute to the purposes of the Green Belt;
 - ii. is suitable for designation as UGS.

Conclusions

18.31.2 The character of Hade Edge and its surroundings is described at IR 18.16. This site of about 2.6ha is at the northern edge of the settlement, with a recreation ground allocated as UGS to the south and new housing within allocation H3.28 to the east. The objection site rises gently westwards from Dunford Road and consists of grazing land bounded by stone walls. This forms part of the countryside extending north and west of the settlement. There is built development on one side of the land only, so that its relationship to the form of the settlement is less than for site HV22. Because of its position on rising

land on the western edge of the settlement, the site is visible from the higher land which lies west and south-west of Hade Edge. Inclusion in the Green Belt would contribute to its purpose to safeguard the countryside from encroachment.

18.31.3 If the land were to be protected from development, as sought in the objection, this should be by inclusion in the Green Belt since the site does not have the characteristics of urban open land, such as a recreation function, which would be appropriate as UGS. In addition, UGS is directed at land within the urban framework and not that with a rural character.

18.31.4 As part of consideration of the objections concerning site HV22, I have noted the disadvantages of Hade Edge as a location for substantial new housing development because of the dependence on the private car and the lack of local employment and services. In these circumstances, the combined availability of about 6.3ha of POL would be excessive in relation to the small size of the settlement. The relative arguments between the two sites are finely balanced but HV46 is slightly more prominent and less well related to the settlement because of the visibility of the land from the west and south-west and the presence of the open recreation ground adjoining the south boundary. I therefore recommend its inclusion in the Green Belt. As a result, it would be appropriate to review whether the adjoining UGS would be more suitably protected as part of the Green Belt, which could be extended to Greave Road.

Recommendations

- 18.31.5
- i. modify the plan by including site HV46 in the Green Belt on the proposals map;
 - ii. review the appropriateness of extending the Green Belt to the south of site HV46 up to Greave Road.

18.32 POLICY D5, SITE HV49 WESLEY AVENUE, NETHERTHONG

Objections: 0226 B G Armstrong
7006 Holme Valley Parish Council

4629 Mr & Mrs Garrard

Issues

- 18.32.1 Whether the site:
- i. merits designation as UGS;
 - ii. should be kept open as Green Belt, bearing in mind its contribution to Green Belt purposes and suitability for long term housing development.

Conclusions

18.32.2 This site of about 1.2ha is situated on the western edge of Netherthong. There is housing to the south and east, and to the north, in which direction the land slopes down gently towards the Vicarage and Dean Brook, beyond which is the housing around St Marys Rise. The land consists of fields to which there is no public access and which do not have

the visual attractiveness, recreation value or other qualities appropriate for recognition as UGS.

18.32.3 Although the land has a rural character, it is very well contained within the settlement by the surrounding development on three sides, so that it more logically forms part of the built up area rather than the countryside to be protected from encroachment. Thus the land would not make a significant contribution to the purposes of the Green Belt. The adequacy of the roads serving Netherthong is criticised but whereas these have a rural character there is no evidence which suggests that additional traffic from this site could not be accommodated or would prejudice safety. The Council does criticise visibility at the Dean Avenue/Miry Lane junction but whereas I agree this is substandard I am not convinced that the deficiency is so serious as to preclude the use of this land. Thus the potential for future development should be protected by retaining the designation as POL.

Recommendation

18.32.4 No modification.

AREA 4 - KIRKBURTON

18.33 POLICY D8, SITE K3 OFF BACK LANE, GRANGE MOOR

Objections: 0169 Lancasters Property Services

Issues

- 18.33.1 i. the contribution of the land to Green Belt purposes;
- ii. the need for and benefits from a housing allocation.

Conclusions

18.33.2 The objection relates to a triangle of open land with an area of about 0.4ha bounded to the south by the rear of bungalows and on the other two sides by roads, Back Lane and Fixby Lane. The northern part of the land amounting to 0.1ha is within the area of the HWDLP and included in the Green Belt, so that in this respect exceptional circumstances would be required for a variation. The Green Belt boundary proposed in the plan is a stone wall along the rear curtilage of the bungalows. This position coincides with the northern extent of dwellings on the west side of Back Lane. The objection land is well related to the extensive area of open land which spreads out to the north and west on this side of the settlement. The land falls away from the village and development on the site would be very visible in this open landscape and would appear as a projection into the countryside. Although the boundary advocated in the objection would be well defined by roads, the boundary proposed in the plan would also be reasonably clear and would protect land which it is important to keep open in order to safeguard the countryside from encroachment.

18.33.3 The objection refers to the need for additional housing generated by the business and industry allocation at Grange Moor but a housing allocation is also included in the plan and there is no evidence that further housing is needed at the present time. Two areas are allocated as POL and would be preferable if further land were to be required, rather than taking land which would contribute to the Green Belt. Whereas it is suggested that a suitable development would improve the appearance of the approach to the village, the bungalows which are seen at present are very unobtrusive, so that no material benefit would accrue from the changed appearance, rather there would be a projection into the countryside. Aged persons accommodation is suggested but no special need for this is shown. Low cost housing is also referred to but the plan includes general arrangements to negotiate for some affordable housing, no assessment of need has been undertaken here, and this possibility would not outweigh the need to protect land which can contribute to the Green Belt.

Recommendation

18.33.4 No modification.

18.34 POLICIES D8, NE8 AND H6, SITE K4 OFF HILL TOP ROAD, FLOCKTON

Objections: 0171 George Longden Homes Ltd

Issues

- 18.34.1
- i. the contribution of the land to Green Belt purposes;
 - ii. the appropriateness of the AHLV designation;
 - iii. the need for additional housing land and the suitability of this site.

Conclusions

18.34.2 The objector argues that if an immediate housing allocation is not made, the land could alternatively become POL. The Council suggest that this is not the basis of the original objection but this is not a case where the need for a housing allocation is an integral part of an argument to alter an established Green Belt boundary. Here there are three points of objection which may be looked at jointly or independently. If the objection to Green Belt designation succeeds but not that seeking a housing allocation, perhaps because the land is suitable for housing but there is not an immediate need, then in the context of this plan POL would be likely to be the appropriate allocation.

18.34.3 Flockton is a linear village with most of the development on the north side of the A637 Barnsley Road. The objection site is open land with an area of about 3.7ha on the north side of the settlement, behind housing off Hill Top Road. On each side of the site the settlement extends more towards the north and the objection proposes that the Green Belt boundary should align with the limits of the settlement on each side. The land rises towards the north through and beyond the site, but a short distance to the north of the site the slope diminishes considerably. The effects of the landform include that development would only be seen from the south and also that development would be close to the skyline and could be on the skyline at the eastern end. Little open land is visible beyond the site, so that this is relatively self contained rather than being perceived as part of the wider open countryside. There is little opportunity to see the site from within the settlement because of the existing dwellings adjoining Barnsley Road. The most important views are from outside the settlement on rising land to the south, from where the land appears as attractive countryside breaking up the form of the settlement. This benefit is supported by the lines of mature trees down the west and east boundaries. Development would be prominent, albeit not more so than on the land to the west of the site. Nevertheless, it would not be inconsistent with the form of the settlement to continue development across the land to reflect what exists (or will exist if allocation H4.14 is implemented) on each side. In visual terms, the arguments are finely balanced. This land is part of the countryside and would contribute to Green Belt purposes. Conversely, the land is related to the settlement on three sides and development would be a reasonably logical continuation of the existing pattern.

18.34.4 Looking specifically at the quality of boundary definition, that proposed in the plan follows the edge of existing development. The objection proposes a boundary which is in part on the line of a fence and part is unmarked. Despite the absence of demarcation of the proposed boundary, I am not satisfied that this is an important consideration because the

boundary would be obvious as the line between the existing settlement limits. The position of the proposed boundary near a crest would be strong grounds to resist further movement.

18.34.5 The AHLV designation has been derived following a standardised landscape assessment in which the scores of the grid squares containing the objection land were 8 and 9, whereas the guide minimum level for designation is 9. This does not indicate that there has been any inconsistency by including this land in the AHLV. A clear feature is needed to define the boundary, so that it is reasonable that this should coincide with the Green Belt. The landscape impact of the development has been taken into account in the first issue and it is unnecessary for this to be separately considered.

18.34.6 There is not a general need for additional housing land nor is there a special local need, given the scale of allocations in Kirkburton as a whole and in Flockton. The objector refers to the popularity of this area and to demand but this does not equate to a need for planning purposes or demonstrate a lack of balance in the plan. An improvement to highway visibility would be required but this is not so unusual as to amount to a constraint. An allocation of this size would generate a significant increase in traffic which the Council estimate would add some 5-10% to morning peak hour flows on Barnsley Road. I have recommended elsewhere that the Flockton by-pass be deleted from the major highway schemes listed in the plan. The environmental impact of additional traffic does discourage an additional housing allocation here. The desirability of additional development at this location is influenced by its suitability in relation to PPG13. No evidence was submitted on the level of public transport but this is a small settlement with a correspondingly restricted range of services. There is likely to be considerable reliance on the private car, so that housing development should be subject to a degree of restraint.

18.34.7 The weight of the evidence is that a housing allocation would not be appropriate here. If the land were omitted from the Green Belt, it would become POL and be available for future allocation. On balance, this option would not be justified because there are two areas of POL in Flockton amounting to 3.6ha. The availability of a further 3.7ha of safeguarded land would be excessive having regard to the size of the settlement, the availability of services, and the principles in PPG13. The need to direct development to more sustainable locations should receive a degree of priority, so that the objector's argument that the comprehensive protection of open land near urban centres should lead to the selection of rural sites is unrealistic.

Recommendation

18.34.8 No modification.

18.35 POLICY D8, SITE K7 FAR DENE, HIGHBURTON

Objections: 2434 Mr J Mitchell

Issues

18.35.1 i. the contribution of the land to Green Belt purposes;

- ii. the effect of the development of this site on the Highburton Conservation Area and highway safety.

Conclusions

18.35.2 The site is an approximately rectangular field and a small unused triangle amounting to 1.4ha. The land is situated within the core of Highburton, with buildings on two sides and a stone wall on the frontage to Far Dene. Notwithstanding the proximity of development, the site appears as part of the countryside extending out from the settlement towards the east and north-east. The objector refers to existing development in Northfield Lane beyond this land to the north-east, including houses and school playing fields. The playing fields do not alter the prevailing rural character and the dwellings are very unobtrusive and a substantial distance from the objection land and buildings within the settlement, so that these too are a part of the countryside. Whereas the farm adjoining the site is no longer in agricultural use and the future maintenance of the land is questioned, it is the contribution of land to the purposes of the Green Belt which is relevant to allocation and not its condition or attractiveness. This land is closely associated with the settlement because of its central location but its character as part of the open countryside makes an important contribution to the purpose of the Green Belt to safeguard the countryside from encroachment.

18.35.3 The objection is promoted on the basis of the suitability of the land for housing rather than any special general or local need. The site is within the Highburton Conservation Area and is very important to its character because it offers a view of attractive rural land from the centre of the village. Although it is suggested that infill might be appropriate, this is a long open frontage which it would be harmful to obstruct by development. The Council also refer to the difficulty of providing safe visibility and the adverse visual impact from setting back the stone wall on the road frontage. The wall is an important feature in the Conservation Area and would be less attractive if it were set back, which would be necessary to provide the minor road visibility. Further evidence, including vehicle speed measurements, would be needed to demonstrate whether visibility to a safe standard could be achieved, having regard to the obstruction created by the new dwelling on adjoining land. In the absence of this evidence, this would be a further reason why the land should not be allocated for housing development.

Recommendation

18.35.4 No modification.

18.36 POLICIES D8 AND NE8, SITE K8 ROWLEY LANE, LITTLE LEPTON

Objections: 2303 The Dartmouth Estate

5829 The Dartmouth Estate & Conroy and Booth [PC]

Issues

- 18.36.1 Whether the site:
- i. contributes to Green Belt purposes;

- ii. merits inclusion in an AHLV;
- iii. is suitable for housing development, including the effect of this on Lepton Great Wood.

Conclusions

18.36.2 The site consists of 1.8ha of grazing land on the southern edge of Lepton. There is housing to the west and north, with Lepton Great Wood to the east. The southern boundary is marked by a dense hedge. Parallel to the hedge outside the site is a public footpath, which leads into Lepton Wood, where there are informal paths and another right of way. In my judgement the site is closely related to the urban area and well-screened. Development would result in the outward movement of an existing line of development and would be unobtrusive. Bearing in mind the screening and the distance from Highburton, it is not necessary to keep the land open to prevent the coalescence of settlements. Because of the relationship to the settlement, this is not part of the countryside which it is necessary to keep permanently open. The character of the hedge on the boundary of the land would provide clear definition to the Green Belt. The objector has offered to carry out woodland planting on the field to the south if the land is excluded from the Green Belt, which would be beneficial, although this has not affected my assessment of the merits of the case. The objection land does not materially contribute to Green Belt purposes.

18.36.3 Objections by this objector and another to the proposed change to include land north of Beldon Brook in an AHLV have been reported at IR 3.6. In addition to those general arguments, the objector suggests that this land should not be included. The grid square score in the landscape assessment is below the general threshold for inclusion in the AHLV and this site does not have special attributes nor is what occurs on the land likely to have a particular effect on other land which would or could be protected. The land should not be within an AHLV.

18.36.4 Lepton is a good-sized settlement with a local shopping centre which is close to the urban area of Huddersfield, including main shopping and employment locations. Whereas there is no case for an immediate housing allocation, there is no POL in Lepton and there are strong constraints on expansion to the west and north. The Council suggests that provision for growth in all smaller settlements may not be possible but the arguments in favour of some opportunity in Lepton and on this site in particular are compelling. It is very important not to prejudice the character and enjoyment of Lepton Great Wood but that does not preclude development. The outlook from this part of the wood is towards dwellings and a reasonable margin could be incorporated in detailed proposals. There are other examples of development allocations adjoining SSI's in the plan, both next to this site at H4.2 and elsewhere. Although the original objection sought the substitution of a housing allocation in lieu of Green Belt, my recommendation that the land should become POL does not extend the scope of the objection. A small part of this field has been incorrectly included in housing allocation H4.2 and the opportunity should be taken to amend this.

Recommendations

- 18.36.5 i. modify the proposals map by allocating site K8 as POL and not as Green Belt, including a POL allocation for that part of the land shown within housing allocation H4.2;

more rural parts of the district and was recognised by the allocation of this site in the consultation draft plan. This location is also argued to benefit from good links to the M1 and the South Yorkshire towns. Nevertheless this is not within the 5-10 minute drive time agreed at the RTS to be a reasonable indicator of accessibility from the motorway and there is no evidence of specific demand to locate in this area. Thus, whereas there is not strong evidence in support of this general location, the benefits of flexibility and choice for investors supported in national guidance do encourage a range of opportunities. The advantage in this respect depends on what other land would be likely to be available.

18.37.5 The plan makes provision in the Kirkburton area on two sites. As the Council point out, the consequence of the proposed change increasing the effective area of the Grange Moor allocation (B4.3) would be to leave total provision virtually identical to that being proposed in the consultation draft, when the objection site was included. Although there is some public transport between Lepton and Grange Moor, the Council's description that there would be ready accessibility is somewhat exaggerated. Nevertheless the allocation at Grange Moor does offer the flexibility of a large site, whereas it is questionable how well the objection site would provide for the low density business park envisaged, where prospective occupiers may be seeking a variety of unit size and tenure, together with provision for future expansion. Allocation B4.2 at Shelley is in the Penistone Road corridor, which is the general location favoured by objector [1034], and I recommend elsewhere that this be upheld.

18.37.6 The contribution of the land to the purposes of the Green Belt must be weighed against the need for and benefit from development. The potential value of the site as Green Belt is considerable, whereas the lack of evidence of specific local demand and the availability of other land suggest that the benefit from availability for business and industry would not be significant. The possible need for a further release of Green Belt to provide a long term land resource cited by objector [2305] should be determined following a comprehensive review and the evidence does not demonstrate exceptional suitability of this land which might justify allocation as safeguarded land.

Recommendation

18.37.7 No modification.

18.38 POLICY D8, SITES K16-20 *THE KNOWLE/ABBEY ROAD NORTH, SHEPLEY*

Objections:	0257 BGM Plastics Ltd	0258 Mitral Systems Ltd	0778 Mrs S Spedding
	0779 Mr I Smithson	0780 Ms Z Murton	0781 Ms C Richards
	0782 Mr K Battye	0783 P Sullivan	0784 Mr I Walton
	0785 Mr R Norris	0786 Mr R Lea	0787 Mr M Thompson
	0788 D Williams	0901 Mrs J E Smithson	0902 Mr N Jones
	0903 Mr K Johnson	0904 Mr M Ingle	0905 Mr M Richards
	0906 Mr M Clegg	0907 Mr D Bamforth	0908 Mr K Whiteoak
	1035 & 1037 Bass Taverns	2516 Mr J Horn	2521 & 2935 Mr A Hurst

Background

18.38.1 The land lies on the north-east edge of Shepley and is bounded by Abbey Road North, The Knowle and the rear of properties fronting that road, and a connecting lane. The land is in four ownerships and the objections apply both to the whole 4.5ha and to separate parts. All objections seek deletion from the Green Belt, either of the whole area (K17) or of site K19 (the Bass land of 1ha at the south-west corner) or site K20 (the BGM site). Allocation for business and industry is sought for the whole, for K20, and excluding only K19. Objection [1037] seeks allocation as housing or POL on site K19. Objection [2516] proposes, in effect, housing on the whole or in combination with business and industry.

18.38.2 In the Town Map, approved in 1973, the land is outside the Interim Green Belt. The BGM site is allocated for industry and most of the remainder is unallocated, so that only development as would be appropriate in the Green Belt would be permitted, pending a decision to allocate the land. In the Shepley Village Plan, part of the DDKLP, the land is included in the Green Belt. As I explained at IR L1.3.11-17, designation as Interim Green Belt does not amount to fixing the boundary, so that exceptional circumstances are not required for a change. Although I endorse the general approach of tightening the Green Belt boundary away from the main urban areas, the particular circumstances must be considered on their merits.

Issues

18.38.3 These are:

- i. the extent to which the land would contribute to the purposes of the Green Belt, including the merits of alternative boundaries for the Green Belt;
- ii. whether there is a need for the land for business and industry;
- iii. whether there is a need for the land for housing or as safeguarded land.

Conclusions

Green Belt contribution and boundaries

18.38.4 The two Green Belt purposes cited by the Council as relevant are to safeguard the countryside from encroachment and assist urban regeneration. The land is predominantly open. It is essentially a subjective judgement whether the effect of existing development

around The Knowle, the railway embankment and the topography (particularly the slope towards the north-west corner) is that the area is seen as part of the settlement, not the countryside. Although it is argued that the railway embankment cuts the land off from the countryside to the east and north-east, I disagree because the area subject to objection is seen in conjunction with this other land as part of the wider open countryside. The narrow band of development around The Knowle is relatively insubstantial and does not form an obviously urban feature which either is itself inappropriately included in the Green Belt or forms a built-up boundary to the objection land. It is not comparable to those areas of development at New Mill and Marsh Lane, Shepley which are excluded from the proposed Green Belt. Thus the land does in its present state make a significant contribution to the appearance and character of the area as part of the open countryside on the edge of the settlement.

18.38.5 The potential function of the Green Belt in assisting urban regeneration is essentially a general argument which requires an appropriate balance in the provision of development land in the different parts of the district. This is considered further in my overall conclusions.

18.38.6 The proposed boundary is based on existing highways and is well-defined. I believe it would be possible to devise an alternative boundary which excluded the whole of site K17 and was well-defined, perhaps also excluding some other land from the Green Belt as it is proposed in the UDP. Some parts of this boundary might have to follow the curtilage of properties but any difference in the quality of the boundary compared to that proposed in the plan is not important. The Interim Green Belt boundary in the Town Map is unsatisfactory because it is in part unrelated to any physical feature. There would be a benefit from re-drawing this.

18.38.7 It is also necessary to consider the relevant sub-areas against this issue. K20 contains existing buildings, servicing/parking space, and woodland subject to a TPO. On its own this makes only a small contribution to the purposes of the Green Belt but a boundary to the Green Belt which went around this site would not be very clearly defined and distinguished from the area to the west and north which would be within the Green Belt. This would not conform with the advice in PPG2 to identify secure boundaries and would be undesirable.

18.38.8 There is a building at the south-west corner of area K19 but as a whole this appears as part of the generally open land and makes a commensurate contribution to the purposes of the Green Belt. A boundary to the Green Belt which excluded this land, either on its own or in conjunction with site K20, would not be secure and would be likely to result in pressure to develop the adjoining land.

The need for land for business and industry

18.38.9 In Chapter L1 I concluded that the broad level and general distribution of business and industry allocations does not require modification. An allocation here would have to be supported either on the basis of a local need which has been insufficiently recognised or because allocations in the plan are unsuitable.

18.38.10 Objectors [0257 & 0258] argue that when premises are available there is a good level of demand in the A629 corridor and that this is parochial, so that allocations elsewhere,

such as at Denby Dale or Grange Moor, would not be substitutes. This is illustrated by developments which have occurred in the last few years and the intention of the developers of Whitby Court, an office conversion and subsequent new build, to carry out a further scheme if an opportunity can be found. In so far as the developments cited are extensions to existing premises or the redevelopment of existing employment sites, these do not show a need for new land for business and industry. The evidence indicates that occupiers can be attracted to the corridor, although demand is fairly low. In some examples no special reason for relocating to the area is known, which casts doubt on the extent to which there is a highly localised demand. This reinforces the desirability of providing opportunities in a range of locations but does not indicate that the current spread of allocations is unsatisfactory.

18.38.11 The nearest business and industry allocation, B4.2 at Shelley, is criticised as unrealistic because of the access requirement, and also because it is unattractive to potential occupiers. Similar arguments are made by objectors to that allocation but I have decided that it should be upheld (IR 19.4). The access requirement is not exceptional and although greater proximity to existing business and industry would be preferable, employment centres are more dispersed in the more rural parts of the district and allocations may have to meet the demand in more than one settlement.

18.38.12 In addition to the general demand from business and industry in this locality, the objections also refer to the particular needs of the two existing occupiers, BGM Plastics and Mitral Systems. Concerning the former, the firm moved here in the early 1970's, at which time the allocation for industry in the Town Map reflected the existing use. An extension which would have allowed the creation of an additional 20 jobs was refused in 1991 and again in 1992. This is indicative of the development sought now. The business of Mitral Systems was started in 1983. The change of use of former weavers' cottages in The Knowle was approved in 1987. In December 1995 planning permission was granted for an office/workshop of some 200m² on land within the Green Belt designation in the UDP. Factors taken into account in that decision included the emerging policy D11 and the exceptional requirements of the applicant, who had been unable to find alternative land or premises in the A629 corridor. This decision meets the immediate concern of those objectors to the UDP whose representations emphasise the uncertainty of continued employment because temporary premises were the subject of enforcement action. The evidence for Mitral Systems is that it would be preferable to expand at this location, with a further 300m² being sought, although it is not being suggested that relocation is impossible.

18.38.13 PPG4 refers to the need for positive policies to provide for the needs of small businesses. Policy B1 favours the extension of business premises in order to meet the employment needs of the district. In the Green Belt policy D11 would take precedence. In accordance with the Council's further changes, which I have recommended, that policy would allow a degree of extension, but it would be inappropriate to attempt to estimate the amount here. In fixing the boundary of the Green Belt it is overall considerations which are most important, such as the contribution of the land to the purposes of the Green Belt and the need to make adequate land available for development. I do not regard the needs of the individual occupiers as so exceptional as to be important in deciding that boundary. Once that is fixed, the plan would provide a suitable framework for particular proposals to be judged against the relevant policies. This could enable development to be permitted if there were very special circumstances or the scheme was in conformity with policy D11.

Need for land for housing

18.38.14 I have concluded in Chapter L1 that there is broadly a sufficient allocation of housing land, pending the review of the plan which will be necessary when the latest household projections are incorporated in regional guidance. Objection [2516] incorrectly interprets the plans provisions in Shelley and Shepley. In the latter, allocations are broadly equivalent to the settlement's share of district population. Whereas some demand may result from the University development, this replaces the hospital and may produce local stability. Also, a number of settlements are equally accessible, including Shelley, where there is a large allocation. Thus the case for allocating the whole site for housing is insubstantial. Although the allocation of K19 only or some other balance between the uses is also sought, these alternatives would have the additional disadvantage of increasing the juxtaposition of housing and industry.

18.38.15 Objection [1037] seeks the allocation of site K19 as POL, to meet the need for long term housing land. If land were to be allocated as POL, it would be more appropriate to identify the whole site, thereby establishing a satisfactory Green Belt boundary. There is no POL in Shepley, so that the Green Belt boundary is tight. Nevertheless it is the overall land supply rather than the situation in an individual settlement which is most important. I have confirmed elsewhere (IR L1.3.22) that the process of incorporating the latest household projections, which will affect long-term land requirements, should be carried out comprehensively by the Council. Whereas the site could form part of a long-term land supply, its suitability in this respect must be weighed against the contribution made to the purposes of the Green Belt.

Overall conclusions

18.38.16 The objection site in its entirety, K17, makes a significant contribution to the purposes of the Green Belt as part of the open countryside. In isolation its effect on urban regeneration would not be great but this factor does support Green Belt designation in the absence of an identified need. For the reasons given, the case for allocation for business and industry or housing is not made out.

18.38.17 Looking at the various parts of the site, firstly K20, some development would be allowed there if policy D11 is adopted as I recommend. The case of need is outweighed by the potential contribution to the purposes of the Green Belt and the considerable advantage of a clearly defined boundary. Site K19 is substantially an integral part of the whole which it would be undesirable to treat separately, so that allocation for housing or as POL would be unjustified. In so far as [1037] seeks a business and industry allocation excluding K19, the same arguments as for the overall site apply, with the added disadvantage of creating a juxtaposition between housing and industry.

Recommendation

18.38.18 No modification.

**18.39 POLICIES D2, D8, AND S5, SITES K22/23 AND K26
SPA MILLS, PENISTONE ROAD, FENAY BRIDGE AND SPA GREEN
QUARRY, FENAY BRIDGE ROAD, LEPTON**

Objections: 0375 Wynne Investments Ltd 0909 & 0910 Mr K Whiteoak
1370 Kirkburton and District Civic Society 2102 Elliotts Bricks Ltd

Background and issues

18.39.1 These objections concern two closely related sites at Fenay Bridge where the Green Belt boundary can suitably be considered jointly. Site K22/23, Spa Mills, is an area of 2.9ha which was allocated for business and industry (site B7.2) in the consultation draft but in the deposit draft is partly unallocated, with the remainder allocated as washland, a site for a large new store and Green Belt. Objections [0909], [0910] and [1370] seek the reinstatement of the former allocation. Objection [0375] seeks deletion of the Green Belt notation, that part of the objection proposing a shopping designation under policy S5 having been withdrawn. Objection [2102] argues for the exclusion from the Green Belt of an area of some 11ha (site K26), mainly former and current mineral workings between Fenay Bridge Road and Wakefield Road.

18.39.2 The main issue is whether the sites should be included in the Green Belt and site K22/23 allocated for development under policy B2 having regard to:

- i. the extent to which the land contributes to the purposes of the Green Belt;
- ii. the suitability of alternative Green Belt boundaries;
- iii. the availability, feasibility and suitability of site K22/23 for allocation for business and industry.

Conclusions

18.39.3 On point i, firstly in relation to that part of site K22/23 proposed as Green Belt, that is a strip of open land some 60-70m wide at the north-western extremity of an area of proposed Green Belt extending east through K26 to Wakefield Road. The Council argues that this part of the Green Belt separates Huddersfield from Lascelles Hall/Cowmes. Bearing in mind that the settlements are joined further to the north, I do not regard this narrow gap as preventing neighbouring towns from merging nor would development in such a narrow gap amount to unrestricted sprawl. The Council also state that the land preserves an open setting to two public rights of way and safeguards nature conservation interests in the green corridor. Policy D6 is available to protect the green corridor. Maintaining the setting of footpaths is not a purpose of the Green Belt. This land can be viewed as a continuation of countryside from the south and east but given the urban surroundings and its narrowness, this is a weak connection and the site is closely related to the urban area. Objector [0375] also refers to the outline planning permission granted in 1990 for office and industrial units on the whole of the B7.2 land. This has now expired and is of limited relevance. The Council argue that only parking was intended on the area included in the Green Belt and that very special circumstances existed. In my view this permission does call into question the degree of importance which was attached to maintaining the site free from inappropriate development.

18.39.4 Site K26 is a much larger area, most of which was subject to a planning permission for the extraction of clay and brickearth. The extraction is virtually complete and the permission has expired but there is an application for renewal. The original restoration requirements are not detailed but show a substantial proportion of the site for brick storage. The Council acknowledge the possibility of brick storage and clay blending on some of this land. It is suggested that this would be screened from view and would not intrude on the openness of the area as Green Belt but the latter seems unlikely.

18.39.5 The area of K26 lies between the brickworks on the southern periphery of Cowmes and dwellings in Station Road and Oak Tree Road, Lepton. Much of the land is substantially below the surrounding area to the south and east, so that it is very unobtrusive. In relation to the purposes of the Green Belt, the gap between Huddersfield and Lepton is not great. The settlements are linked in the plan along Penistone Road northwards from Station Road and there is a line of housing along Wakefield Road east of the objection site. I agree with the Council that the land between the objection site and Oak Tree Road is too narrow on its own to prevent the joining up of the settlements. In view of the containment by development to the west and on Wakefield Road and the secluded position of the site, development in this gap would neither amount to urban sprawl nor result to any significant degree in the merging of the settlements. The effect of the levels of the land and development in Oak Tree Road, Penistone Road and Wakefield Road is that the objection site and the open land to the south does not in my judgement appear as part of the countryside, nor would the situation be substantially altered when any required restoration is carried out. Hence including this land in the Green Belt would make no contribution to safeguarding the countryside from encroachment. Concerning the purpose of the Green Belt to assist urban regeneration, there is no reason to believe this would be affected by a decision on the boundary in this case. There are not sites in the vicinity where development might be held back and development might not occur, since much of the land is either identified in the plan as an active mineral site (AMWxii) or safeguarded for waste disposal in the proposed changes (WD3xv).

18.39.6 Excluding site K26 from the Green Belt would determine the outcome concerning land proposed as Green Belt to the west of Fenay Bridge Road. This consists both of K22/23 and a further area to the south but, whatever the merits of that additional land, it is not necessary for this to be kept permanently open to fulfil the purposes of the Green Belt. The link to the countryside is weak and this is not part of a significant gap between settlements nor would development result in urban sprawl.

18.39.7 Concerning the merits of alternative boundaries to the Green Belt, the proposed boundary largely follows existing development, having regard also to the minor variation suggested by the Council on the eastern edge of K22/23 [KB/K22 and 23/3]. The exception is to the south of the brickworks, where the boundary is arbitrary and does not coincide with any physical feature. This part of the boundary is therefore vulnerable, especially bearing in mind the possible use of some of the land within the proposed Green Belt for purposes associated with the brickworks. Excluding K22/23 from the Green Belt would result in a new and equally satisfactory boundary along the track to the south of that site. Wakefield Road would be a clear physical boundary which would conform with the guidance in PPG2 and remove the deficiencies of the current boundary within the site of the brickworks.

18.39.8 On the third point, site K22/23 is broadly in three parts, each subject to different allocations in the deposit draft plan. That part which is unallocated is mainly occupied by

existing industrial premises. The Council point out that allocations have not generally been made where land is occupied by buildings unless the owner has expressed a clear intention to make them available for redevelopment. Here the relevant planning permission has expired. Policies D2, B4 and B5 would provide a basis for considering proposals to extend, redevelop or change the use of the premises. Nevertheless, I concur with the Council that these are not appropriate circumstances in which to regard the existing premises as available for redevelopment and therefore suitable for allocation. That part of the land which is subject to a washland/large new store designation now provides flood water storage in connection with the retail development which has taken place on the land to the north. There is no evidence to suggest that this storage capacity can be replaced to enable the land to be developed. In the 1990 planning permission a new access to the site from Penistone Road was proposed across this land, replacing the present sub-standard access past dwellings in Spa Bottom. In the absence of the availability of this land, a redevelopment is unlikely to be feasible. As to the suitability of this location for development for business and industry, this would meet local demand and provide employment close to housing as recommended in PPG13. Nevertheless, whereas the site would be suitable in this respect, substantial parts of the land are not available for development, which may also prejudice the provision of a suitable access, so that an allocation would be inappropriate.

18.39.9 For the reasons I have given, it is unnecessary to include sites K22/23 and K26 in the Green Belt because these would not contribute significantly to its purposes. For similar reasons, other related land to the west of Wakefield Road should not be part of the Green Belt. This would result in an improved boundary to the Green Belt along Wakefield Road. For the most part, representations have not been made on alternative allocations, if any, and this should be a matter for the Council. The case for objector [0375] is that that part of K22/23 to be excluded from the Green Belt should be left unallocated. The Council made no representations on this point. Nevertheless I believe the allocation of all the land should be considered comprehensively in the context of the Green Belt boundary I recommend. If I were to recommend that this particular site be unallocated, this would preclude examination of all options in conjunction with adjoining land, which could include POL or a specific allocation for development, and would fail to give guidance on future use.

Recommendations

- 18.39.10 i. modify the proposals map to delete the Green Belt notation on land between Wakefield Road and Fenay Beck;
- ii. that the Council consider the need for alternative allocations in place of that as Green Belt.

AREA 5 - DENBY DALE

18.40 POLICIES D8 AND NE8, SITE DD1 *HIGH STREET, CLAYTON WEST*

Objections: 0376 T & R K Bradbury

Issues

18.40.1 The objection seeks allocation for housing. At the inquiry, the objectors clarified that what is sought is an allocation for only a part (unspecified) of the site and indicated that removal of the plan designations leaving the land with no notation would also be acceptable. The issues raised are whether inclusion of the site in the Green Belt and designation as an AHLV are appropriate bearing in mind:

- i. its relationship to the settlement pattern and contribution to Green Belt purposes;
- ii. the effectiveness of the designations in maintaining the character of the land and promoting public amenity;
- iii. its potential contribution to housing land supply.

Conclusions

18.40.2 On Town Map 53 the site of about 5.5ha is unallocated and lies outside the Interim Green Belt. It is within the Green Belt in the non-statutory DDKLP. It consists of pasture land in low level agricultural use, containing a number of trees. Despite housing to the north, west and south, the scale of the open area and its uninterrupted visual connection with agricultural land to the east, from which it is separated by only the line of a public footpath and a fence, make it more closely related to the surrounding countryside than the built-up area. Development would be neither infill development nor a rounding-off of the settlement pattern. The site thus serves the Green Belt purpose of preventing encroachment into the countryside. Whilst marked by a variety of physical means of enclosure, the distinction between the adjoining residential curtilages and this open land forms a readily identifiable boundary for the Green Belt.

18.40.3 Nevertheless, with regard to issue ii, there is a difference between the quality of this land and the countryside generally. Originally laid out in connection with the residence known as The Park at Bilham Road, the site has many fine mature trees, protected by a TPO. These and the way in which the land has been cultivated give it the character and appearance of mature parkland. As the Council and the objectors agree, the protection of the unusual and attractive quality of the site is of prime importance.

18.40.4 The objectors consider permanent maintenance of the parkland would be best achieved by dedication to the Council for a public park, with the benefit of increasing public access above that presently given by public footpaths. Approaches to the Council prior to the objection indicated that the land would need to be substantially endowed. The objectors suggest that an endowment would be provided by partial development for housing, but have not established the level of endowment likely to be needed. An illustrative scheme shows about one third of the site given over to housing. If the endowment necessary was of a scale requiring this amount of housing then the harm to the open character of the area would be

so great as to outweigh the benefit from future maintenance of and public access to the remaining land. Even if it were demonstrated that an element of housing was justified to facilitate dedication and future maintenance of the land, the extent of development necessary and acceptable is not established to enable an allocation to be specified. Leaving the land with no notation would create an inadequately controlled situation. In contrast Green Belt designation would allow for such proposals to be considered in the context of very special circumstances.

18.40.5 Following the hearing of the objection at inquiry, work has been done on obtaining funding for use of the site for public open space through the Countryside Commission's Millennium Greens initiative. Permission was granted for the use in August 1996. Although agreement has been reached only in principle, the progress supports the view that release of part of the site for housing is not the only way in which future maintenance may be secured.

18.40.6 The concern over future owners' willingness or ability to manage the land in a manner sympathetic to the parkland character is understandable. Plan designation will not control management decisions, but policies will affect decisions made on development proposals. Designation as Green Belt would ensure such decisions are taken in the context of a prime purpose of retaining the site's openness, giving protection to that element of its character. Whilst the quality of the land is not relevant to the purposes of including it in the Green Belt, in this case the designation is supported by designation as AHLV. Policy NE8 would be relevant and specifies that landscape quality should not be adversely affected. UGS designation, which as the Council indicated at the inquiry has been used elsewhere between the Green Belt and built-up areas, could have merit. However, although plans can be altered, national guidance intends a feature of Green Belts to be their permanence, so they provide a degree of reliance above that likely for other designations or allocations.

18.40.7 On issue iii, housing allocations are made in Clayton West commensurate with the scale of the settlement. These can be expected to contribute to provision of affordable housing through the operation of policy H10. Part of the strategy in setting Green Belt boundaries in the rural areas of the district is restraint there, to aid concentration of development on the main urban areas in the interests of urban regeneration and sustainable patterns of development. It is neither necessary nor in keeping with that strategy to increase housing land provision in Clayton West at this stage and large areas of POL in this rural settlement are available for future consideration. There is no evidence that the Green Belt boundary in the plan is drawn too tightly here.

18.40.8 In summary, the site performs a Green Belt purpose and the present designations would not create an unreasonable obstacle to negotiations and achievement of a scheme to bring the land into maintainable public open use. On all the issues I find no reason to recommend a modification of the plan.

Recommendation

18.40.9 No modification.

18.41 POLICY D8, SITE DD3 CUMBERWORTH LANE, LOWER CUMBERWORTH

Objections: 0424 Hepworth Properties Ltd

Issues

- 18.41.1 Whether the site is appropriately included in the Green Belt bearing in mind:
- i. its contribution to Green Belt purposes;
 - ii. alternative potential allocation for housing and the need for this in the light of employment opportunities.

Conclusions

18.41.2 The site of about 1ha is Interim Green Belt on Town Map 53 and is shown as Green Belt in the non-statutory DDKLP. Lower Cumberworth is a small, tightly grouped settlement set in open countryside to the north of Denby Dale. Buildings extend only a short distance south along Cumberworth Lane from the cross roads at its centre. A clear break to countryside is then provided by open land on each side of the road, including on the east side the objection site. This is grazing land and, due to the topography, allows very extensive views over the surrounding countryside. A small terrace of houses, a farm and recreation ground to the south are an isolated pocket of development. Development of the site would link the existing built-up area to this isolated pocket, creating a significant extension of the settlement and encroachment into the countryside. The site contributes substantially to the Green Belt purpose of preventing such encroachment. The existing boundary, identified by the change between residential curtilages and agricultural land, is satisfactory in terms of PPG2 advice and would not be improved by the position suggested in the objection.

18.41.3 Lower Cumberworth has poor public transport provision and very few facilities or employment opportunities. The lack of housing allocations is in keeping with the strategy to promote development in locations where sustainable patterns of travel can be encouraged. The objector argues that employment opportunities could change as it is intended to delay clay extraction at the Cumberworth Pipeworks to allow industrial use. My conclusions at IR 18.44 are that large scale industrial expansion there should not be encouraged. Employment has been provided at the pipeworks in the past and, even with the site in the Green Belt, a limited scale of employment could occur again. Nevertheless, this does not make housing allocations in Lower Cumberworth necessary or desirable on the basis of matching potential employment opportunities. In addition to existing dwellings, sites smaller than the allocation threshold but suitable for housing are known to exist from the LSR. Neither does the existence of some employment in the rural area undermine the value of the strategy to concentrate development on urban areas and, where some provision is made in the more rural parts of the district, to concentrate on larger settlements with better facilities and transport links. Denby Dale just to south is such a larger settlement where housing allocations are made.

18.41.4 The objector has offered to dedicate the recreation ground and additional land within the objection site to the Council, who currently rent the ground, but this not a factor carrying significant weight in determining the correct Green Belt boundary.

Recommendation

18.41.5 No modification.

18.42 POLICY D8, SITE DD4 ASH LANE, EMLEY

Objections: 0427 K and S Morrill

Issues

- 18.42.1 i. the potential contribution of the site to the housing land supply;
- ii. the extent to which the site performs a Green Belt purpose.

Conclusions

18.42.2 Housing land supply, in the plan period and in the longer term, is considered in Chapter L1. In this part of the district where the Green Belt is being set, PPG2 advises that it is necessary to establish boundaries that will endure. As set out at IR L1.3.23, the balance of arguments on this point favours following the general approach to the designation of Green Belt boundaries used in the plan. The site is Interim Green Belt on Town Maps 53 and 54 and is shown as Green Belt on the non-statutory DDKLP. Emley is a small settlement with limited facilities or employment opportunities. Small scale allowance for housing is already made and increased housing here would be contrary to the plan aims and national guidance to promote sustainable patterns of development and aid urban regeneration.

18.42.3 Emley is a closely grouped, hill-top village where the pattern of development is not linear. This 1.6ha site is an open field clearly seen from Ash Lane as part of the surrounding countryside and outside the confines of the settlement, from which it is separated by another field. Housing on this long narrow site would be very poorly related to the settlement pattern, creating a ribbon of development extending a considerable distance into the countryside. The site performs a Green Belt purpose in safeguarding the countryside from encroachment and should be kept permanently open.

Recommendation

18.42.4 No modification.

18.43 POLICY D8, SITE DD7 CARR HILL ROAD, UPPER CUMBERWORTH

Objections: 2606 H Tinker & Sons

Issues

- 18.43.1 i. the contribution of the site to purposes of the Green Belt;
- ii. its potential to provide for housing on the basis of a need for agricultural workers' accommodation or affordable housing.

Conclusions

18.43.2 The site of about 0.3ha is at the western edge of Upper Cumberworth. Carr Hill Road is an excellent example of ribbon development. The site is part of a field fronting the road at the point where this ribbon of housing ceases on both sides of the road. Its retention as open land is important in preventing further extension of the settlement and encroachment into the countryside. The Green Belt boundary in the plan follows the clearly marked boundaries of existing residential properties. In contrast the boundary suggested in the objection follows no recognisable feature on its south side, where it cuts through a field. The inclusion of the site in the Green Belt performs a purpose as set out in PPG2 and the boundary chosen in the plan similarly accords with PPG2 advice.

18.43.3 As referred to in PPG2 paragraph 3.4, agricultural workers' dwellings and limited affordable housing need not be inappropriate development in the Green Belt. The plan, through policies D8, B19 and H11, provides guidance on such development. Thus, it is not necessary nor desirable to remove land from the Green Belt to enable proper consideration to be given to the individual merits of any such proposal. To do so would be inconsistent with the plan approach which, in accordance with advice in PPG3 Annex A, does not identify sites for affordable housing in rural areas.

Recommendation

18.43.4 No modification.

18.44 POLICY D8, SITE DD8 VIKING AVENUE, EMLEY

Objections: 2611 Diocese of Wakefield

Issues

18.44.1 The land is designated in the plan as AHLV. Although the objection did not refer explicitly to policy NE8, it seeks a housing allocation which would in effect require removal of the designation. The issues raised are whether inclusion of the site in the Green Belt is appropriate having regard to:

- i. its contribution to Green Belt purposes;
- ii. the effect on the permanence of the Green Belt;
- iii. the promotion of sustainable patterns of development;
- iv. potential alternative allocation for housing;
- v. the agricultural value of the site.

Conclusions

18.44.2 The site is not part of the Interim Green Belt on Town Map 53, but is within the Green Belt in the non-statutory DDKLP. At the inquiry, the question was raised of whether exceptional circumstances need to be shown as the Green Belt boundary in the plan is a change from that of the Interim Green Belt. Whereas both the objector and the Council

considered that they do, I conclude that this is not the case. This point is covered at IR L1.3, to which reference is made in the introduction to this chapter.

18.44.3 The site lies at the south-east edge of Emley, a compact, hill top settlement set in the countryside about 11km south-east of Huddersfield. It is agreed that the site does not contribute to the first, second and fourth purposes of the Green Belt. It is a relatively flat, arable field adjoining housing to the north and west and similar agricultural land to the east and south. The route of a public footpath follows the south boundary, but is not physically defined. The site is separated from adjoining agricultural land by no more than typical field hedges and forms part of the countryside. Due to the lie of the land, development would have little visual impact in wider views of the settlement and surrounding countryside. Thus, coupled with the compact shape of the site and its alignment with the edges of built development in the settlement, encroachment into the countryside by its development would not have a severe effect. The site as part of the countryside itself performs a role in preventing encroachment into the countryside, but its contribution to this purpose is not of critical importance.

18.44.4 The tight definition of the Green Belt in the areas of the district without statutory local plans, which are the more rural parts, is supported by its role in assisting urban regeneration and by the strategy of urban concentration adopted in the WYSP and continued in the plan. In the WYSP, Emley is washed over by the general extent of Green Belt. Development on this small site would not itself significantly affect urban regeneration, but its inclusion in the Green Belt is consistent with the contribution of the overall strategy to that purpose.

18.44.5 With regard to the approach of setting the Green Belt boundaries in this part of the district, there is a prospect of changes being necessary at review stage. This is not ideal, bearing in mind that an essential feature of Green Belts is intended to be their permanence and the advice in PPG2 and RPG12 that detailed boundaries should be set to endure beyond the plan period. My reservations on this point are covered in Chapter L1. My conclusions there, that nevertheless the boundaries in the non-statutory local plans are a reasonable starting point, take account of the distribution of POL within the district and the need to consider how enduring boundaries can be achieved on a comprehensive basis for the whole district. The long term situation around Emley, where just over 4ha of POL is identified in the settlement and about 27ha is identified in the Denby Dale area, is not dissimilar from the situation in the remainder of the rural areas and is not such as to alter those conclusions.

18.44.6 On issue iii, advice in PPG7, that new housing will continue to be required in rural areas and can help to sustain local village services, is relevant to how far the strategy of urban concentration can be pursued. The plan approach is not inconsistent with that guidance and includes modest housing provision in many of the rural villages, including Emley. Whereas the objector interprets PPG2 as directing development to towns and villages inset in the Green Belt, as well as to urban areas, paragraph 2.10 advises that the consequences for sustainable development of channelling development towards such locations or beyond the Green Belt should be considered. The width of Green Belt in the south part of the district and its continuity with Green Belt in adjoining authorities mean development jumping over to less sustainable locations away from other urban areas is not a factor.

18.44.7 PPG13 is helpful in considering the consequences of channelling development to inset villages. It reinforces the desirability of concentrating on larger urban areas of market towns and above. In addition, it advises that significant incremental expansion of villages should be avoided, where this is likely to result in car commuting to urban centres and the travel needs are unlikely to be well served by public transport. In the case of Emley, while there are some local community facilities, including shops and a primary school, opportunities for employment are extremely limited. Bus services to Huddersfield and Wakefield are available, but with frequencies of about one per two hours and timing to and from those centres not ideal for working hours, greater reliance on car commuting could be expected. In itself, the scale of this one site is not such as to seriously affect sustainable patterns of travel, but the general approach of limiting development by drawing a tight Green Belt boundary is consistent with national guidance.

18.44.8 On issue iv, physical constraints to housing, due to surcharging of the drainage system and substandard visibility at a road junction, are of a type commonly and readily overcome in the development process. Although outside the built up area of the settlement, the site is closely related to the framework and would continue the compact, hill top pattern. The designation of AHLV is based on an objective, district wide assessment. The relatively flat, treeless site does not contain features included as important to landscape quality in the methodology. This does not invalidate its inclusion in the AHLV, as once a broad area is found to merit designation it is necessary to choose identifiable features to define the boundaries, in this vicinity the edge of the built-up area. However, coupled with the limited visual impact of development due to the lie of the land, it means that removing the site for housing would not seriously affect the quality of the remaining AHLV.

18.44.9 As set out in Chapter L1 there is an approximate balance between the requirement for and identified supply of housing land. The requirement does not set a limit, but care must be exercised in making additional provision since opportunities on greenfield sites in attractive locations, such as this site, could reduce the probability of development on more difficult brownfield sites. In Emley, the housing allocation and three areas designated as POL are more closely integrated within the settlement framework than this site. Although, apart from the considerations below, the site has suitability for housing development, it would be undesirable for extension into the countryside at the site to occur ahead of the development of those other sites. There is no need for the site to form part of the housing land supply, either in terms of the district wide provision or for local reasons.

18.44.10 On issue v, the site is grade 3a agricultural land, which forms part of the national resource of the best and most versatile land. MAFF does not object to the loss of this site, provided no precedent is formed, but the adoption in the plan of that approach of accepting without reason small scale loss would be inconsistent with advice in PPG7. Considerable weight is to be given to protecting such land and the plan provides the opportunity to be proactive in directing development to achieve this objective. In Kirklees, where most of the land is in lower agricultural grades and the best and most versatile land is a much smaller proportion than either regionally or nationally, the high ability to find suitable land for development on lower grade land is a relevant point. The loss of this land for agricultural use is not unavoidable in order to serve other objectives of the plan and there is no justification for failing to give the required weight to its protection.

pattern. Roads serving the site are substandard, in terms of width, footway provision, vertical and horizontal alignment and visibility at junctions. Visibility at some, but not all, junctions could be improved by alterations on third party land. Nevertheless, the overall, poor nature of the road network would remain and makes the site not well suited for housing, even at relatively low levels of traffic generation.

18.45.9 In summary, the site serves a Green Belt purpose and merits designation as AHLV. It has no advantage over other sites available to meet housing land requirements, either allocated for housing or as POL, in terms of its proximity to facilities. In terms of its relationship with the settlement pattern, the adequacy of the highway network and the adverse visual impact, it is most unsuited to housing development .

Recommendation

18.45.10 No modification.

18.46 POLICY D8, SITE DD10 STATION ROAD, SKELMANTHORPE

Objections: 2615 Mr S Gill

Issues

- 18.46.1
- i. whether the site would perform a Green Belt purpose;
 - ii. the need for business and industry or housing land.

Conclusions

18.46.2 The 0.9ha site is an open field, designated as Interim Green Belt on Town Map 53 and within the Green Belt in the non-statutory DDKLP. In addition to close range views from Station Road, there are panoramic views of it from Park Lane in the approach from the north. From here the pattern of isolated pockets of development, outside the confines of the settlement and set in countryside, can be clearly appreciated. These include the small industrial premises west of the site and the cottages at Noble's Row adjoining it to the north-east. The former colliery on the opposite side of Station Road, allocated for business and industry in the plan, is at a higher level and visually divorced from the site. Whether in its present partially reclaimed state or redeveloped, its relationship with the site is not such as to bring the site within the settlement framework. Together with fields to its south-west and south-east which separate it from Skelmanthorpe, the site is part of the countryside. It serves a Green Belt purpose in safeguarding the countryside against encroachment. Given the existence of further pockets of development to the north-east at Park Gate, the performance of this purpose is particularly important in this location. The arguments which the objection advances on the degree of surrounding development could be too easily repeated and result in extensive encroachment. This land should be kept permanently open and its designation as Green Belt, following both the Town Map and the non-statutory local plan, is appropriate.

18.46.3 Overall land supply considerations for housing and for business and industry in this rural area do not provide any overriding reasons for alternative allocations.

Recommendation

18.46.4 No modification.

18.47 POLICY D8, SITE DD11 *CUMBERWORTH PIPEWORKS, LOWER CUMBERWORTH*

Objections: 0425 Hepworth Properties Ltd

Issues

- 18.47.1 These are whether:
- i. inclusion in the Green Belt is appropriate bearing in mind the level of development on the site;
 - ii. allocation for business and industry would be appropriate having regard to the site's industrial history and employment potential.

Conclusions

18.47.2 The site of about 12.6ha is Interim Green Belt on Town Maps 53 and 54 and Green Belt in the non-statutory DDKLP. It is surrounded by countryside also designated as Green Belt. Although there are buildings on part of the site from the former pipeworks, these form one small group and most of the land remains open. The permission granted for clay extraction includes restoration proposals, governed by conditions, for the creation of lakes, extensive tree planting and agriculture. Thus, the site presently adds to the openness of the Green Belt and would remain, following clay extraction, capable of performing a Green Belt function. With the exception of a section along the east boundary, the site is also identified in the plan as an Active Mineral Working site, a Safeguarded Mineral Reserve and a site for Waste Disposal, but these relate to activities which need not be inappropriate. There is therefore no conflict between those and the designation as Green Belt.

18.47.3 In the light of recent guidance in Annex C to PPG 2 on major developed sites in the Green Belt, the Council intends to undertake an appraisal of such sites either prior to the modification stage of the plan or in a review. Whatever the outcome of that appraisal, inclusion of the site in the Green Belt would be consistent with the guidance, which explains that the notation should be carried across such sites.

18.47.4 The objectors wish the existing footprint of buildings to be converted and extended for industry to create employment for residents in Lower and Upper Cumberworth, Denby Dale and Skelmanthorpe. Policies D11 and D12, as recommended to be modified, enable consideration to be given to extension and reuse of buildings within the Green Belt. Contribution to local employment and diversification of the rural economy at a suitable scale need not be dependent on deletion of the site from the Green Belt. More extensive development through an allocation for business and industry would not be justified. Requirements for industrial land in this rural area are limited and the site is outside any settlement, not well related to concentrations of residential development nor well served by public transport. The location of a major employment centre here would be contrary to the

aims of the plan and national guidance to encourage a more energy efficient and sustainable pattern of development.

Recommendation

18.47.5 No modification.

18.48 POLICY D8, SITE DD12 *BIRDS EDGE*

Objections: 0622 Z Hinchcliffe and Sons Ltd

Issues

18.48.1 These are whether:

- i. the purposes of the Green Belt would be more effectively achieved by treating Birds Edge, including mill premises, as an inset settlement;
- ii. the mill premises should be identified as an employment site under Policy B2.

Conclusions

18.48.2 Birds Edge is in the heart of the countryside. There is no dispute that the general extent of the Green Belt and inclusion in it of surrounding countryside is appropriate. The objector argues that the mill and development in the settlement are not open land which it is necessary to keep permanently open. It is inevitable that existing development will occur within the broad zones of Green Belt. PPG2, issued since the preparation of the plan, gives specific guidance on the treatment of villages within the Green Belt. The objector's interpretation, that where settlements are washed over there is a clear presumption against any new building, does not reflect the guidance that settlements intended for infilling only can also be washed over and listed as such. The Council propose to review the settlements in the light of PPG2 advice, with the intention of incorporating alterations into the plan at modification or review stage. Pending this work, I find no reason to recommend the treatment of Birds Edge as an inset excluded from the Green Belt. It is a small settlement with a very dispersed pattern of development. Unlike compact settlements, such as Lower Cumberworth, the setting of a boundary here would either be unreasonably contrived or include significant open spaces. Definition of an inset boundary is more likely to lead to incursion into open land and harm to the purpose of safeguarding the countryside from encroachment, whereas the application of plan policies on Green Belt land would adequately protect the purposes of the Green Belt.

18.48.3 With regard to whether the mill should be excluded from the Green Belt and allocated under policy B2, it is not the practice in the plan to use such allocation to identify existing industrial sites. The objector indicates that modernisation of the property and manufacturing processes may require extension and greater certainty for the firm is sought. It is part of the economic strategy of the plan to provide for the needs of established firms, but as PPG4 makes clear the needs of industry must be reconciled with other objectives. Whilst recognising that extension at factories may help to secure jobs and prosperity, the emphasis in PPG2, even with regard to major developed sites, remains on protecting the

purposes of the Green Belt and containing any increase in developed areas. The mill is not in a location favoured by PPG13 and PPG4, with regard to the juxtaposition of employment and housing and minimising the length of trips, so that more than limited expansion may well go against other objectives of the plan and national guidance.

18.48.4 There are no firm proposals for future extension. If these emerged, the specific needs of an existing firm are capable of falling within the range of very special circumstances to be considered in a planning application. Plan policies on extension of buildings and, pending the work on treatment of settlements, on infill development would also give guidance. The experience from a recent modernisation programme at the mill supports the view that inclusion in the Green Belt would not unreasonably inhibit improvements, necessary for its operation and consistent with the economic strategy of the plan.

Recommendation

18.48.5 No modification.

18.49 POLICY D5, SITE DD14 *CLIFF HILL, DENBY DALE*

Objections: 2104 J Lamle

Issue

18.49.1 Whether the site would perform Green Belt purposes.

Conclusions

18.49.2 The site covers about 3.3ha designated in the plan as POL and includes at its south-west corner site DD15, concerning which an objection is considered at IR 20.31. The land is not within the Interim Green Belt on Town Map No 53 and remains outside the Green Belt, designated as PAD, in the non-statutory DDKLP. Although a prominent area of open pasture with some trees on the hillside north of the valley through Denby Dale, it is within the general settlement framework. This framework of existing development extends closely around three sides of DD14, with buildings at Leak Hall Farm now in residential use partially projecting beyond it to the north-west. In longer range views from the south the site is seen on the lower slopes, below a more open expanse of countryside, and as closely related and intermingled with the settlement. The lie of the land and intervening buildings limit its impact in closer views from within Denby Dale. The drop in land and a block of trees to its north add to its sense of enclosure within the broad limits of the settlement perceived from Cumberworth Lane.

18.49.3 The Green Belt boundary proposed in the plan is clearly marked by the route of a public footpath bounded by a wooden fence and by stone walls, so danger of encroachment onto surrounding countryside is avoided. The intervening distance and topography, with a continued rise in the land north of the site, means that its impact on the gap perceived between Denby Dale and Lower Cumberworth is not significant. I conclude that inclusion in the Green Belt is not necessary to achieve the purposes of that policy.

18.49.4 Whereas the quality of the landscape and features, such as the range of flora, cited by the objector, are not factors relevant to the inclusion of the land in the Green Belt, DD14 as a whole does make a contribution to the setting and visual quality of Denby Dale. Its rural character enhances enjoyment for users of the footpath along its north boundary and a higher ridge in the north-east corner of the site is a feature where interruption from development would be particularly noticeable. This open land value will be protected during the plan period by the operation of policy D5 as recommended.

Recommendation

18.49.5 No modification.

18.50 POLICY D8, SITE DD18 *LITTLE PILLING LANE, SKELMANTHORPE*

Objections: 0081 Mr and Mrs Gill and Mrs Nixey

Issues

- 18.50.1 Whether inclusion of the land in the Green Belt is appropriate bearing in mind:
- i. the extent to which it performs a Green Belt purpose;
 - ii. alternative potential allocations for business and industry, housing or a combination of the two.

Conclusions

18.50.2 The site, of about 2.6ha, is not Interim Green Belt on Town Map 53, but is within the Green Belt in the non-statutory DDKLP. It is an irregularly shaped area of grazing land on the north-east edge of the settlement, with commercial and residential development to the west and south and countryside to the north and east. The industrial buildings to the north-west are at a lower level and separated from the site by a treed valley. The nature of the land is similar to the fields to the east and, in views from Park Lane on the opposite side of the valley, the site is seen as part of the countryside stretching away east and north from the village. The railway line along its north boundary, although on embankment, is at a lower level than much of the site and is screened by trees, so does not interrupt the visual continuity of open land. Little Pilling Lane along its east boundary is a track and public footpath, raised above the level of the site in places with stone walls on both sides. It is noted as a stronger than usual field boundary, but not dissimilar from Pilling Lane where that continues east of the settlement to run through the countryside.

18.50.3 Development on the site would therefore be an encroachment onto the countryside and perceived as an extension of the settlement, rather than a rounding off. To that extent the site performs a Green Belt purpose, although the clearly identifiable features of the railway and Little Pilling Lane would enable the extent of encroachment to be contained and mean that the site's contribution is not of critical importance.

18.50.4 In Chapter L1 I conclude that there is an approximate balance between housing land requirements and supply and that the supply and distribution of land for business and

industry is correct. There is no pressing need for additional provision for either use. Whilst the requirements are not a limit, other considerations point to a cautious approach in making additional provision. Concentration on the main urban areas rather than the more rural southern part of the district is consistent with the aim of urban regeneration and PPG13 advice on promoting sustainable patterns of development. Pressure and interest for business and industrial land is most pronounced in the north of the district where there is motorway accessibility, so greater emphasis on the rural areas is not supported by the objective of encouraging inward investment to assist diversification and strengthen the economy. Bearing in mind the relatively low demand in the rural areas and that the allocation, B5.4, made in Skelmanthorpe is on a former colliery site, additional allocation here would not be in the interest of encouraging recycling of previously used land. With regard to housing land, opportunities on greenfield sites, such as here, could reduce the probability of development on more difficult brownfield sites in urban areas generally.

18.50.5 Whilst Skelmanthorpe is one of the larger settlements in the rural area, with a local centre, schools and employment opportunities, there are large designations of POL. The local situation with regard to potential future land supply to meet development needs does not support a change from the general approach, of using the Green Belt boundaries in the non-statutory local plans as a starting point, which I favour as discussed in Chapter L1.

18.50.6 Access to the site is poor, due to the nature of the highway network throughout the north-east sector of the village. Although there are a number of routes onto Commercial Road, they all suffer from substandard conditions including width, alignment, surfacing, footpath provision and visibility at junctions. In addition, many of these streets leading to the site have housing sited closely along them, making them particularly unsuitable for use by HGV traffic generated by business and industrial use on the site. This highway constraint means that, even if excluded from the Green Belt, the site is most unlikely to be suitable for development for either of the uses suggested or for a mix of the two. Taking account of all the issues, the balance of priorities is that the site should be included in the Green Belt.

Recommendation

18.50.7 No modification.

18.51 POLICIES D8 AND NE8, SITE DD19 *BILHAM ROAD, CLAYTON WEST*

Objections: 0165 & 0262 Mr A Warwick

Issues

18.51.1 Whether the boundary of the Green Belt and AHLV is appropriate, having regard to physical features and the inclusion of potential private gardens on new dwelling plots.

Conclusions

18.51.2 The site covers a strip of land some 11 to 13m wide behind the location of former farm buildings on the south side of Bilham Road. Whereas when the line for the Green Belt

boundary was chosen in the non-statutory DDKLP the land was farmland and the edge of farm buildings provided an identifiable feature, that is no longer the relevant context. Permissions have been granted for residential development on land including the site. A condition restricting development to conversion of existing buildings was removed on appeal in 1991 and subsequent permissions are for the erection of new dwellings. At present, following demolition of the farm buildings and erection of dwellings on various lines, neither the Green Belt boundary in the plan nor that suggested by the objector follows recognisable features as advocated by PPG2.

18.51.3 The general position suggested for the boundary in the objection would not be unreasonable. It would continue the line of Green Belt from that immediately to the west. Whereas the southern parts of the development plots form open, rising land more closely related to the surrounding countryside and allotments, site DD19 does not significantly encroach into the countryside, but is at a lower level close to Bilham Road and well related to village form. The inclusion of the site is not critical to purposes of the Green Belt. The minor alteration in the boundary of the AHLV where it meets the built-up area would not undermine the value or protection of the wider landscape.

18.51.4 The implementation of the residential development gives the opportunity for a robust boundary to be created and selected. The latest permissions are subject to conditions limiting the extent of the domestic curtilage. The reason is given as because the site lies within the Green Belt, but this is not accurate as the DDKLP was not adopted and the site is not included in the Green Belt on Town Map 53. Rather than imposing an artificial restriction, merely to serve the retention of a notional line no longer supported by a physical feature, a better course is to determine the proper extent of the curtilage, based on considerations such as securing adequate residential amenity and achieving a form of development in keeping with the character of the village and surrounding rural area. The firm feature then created by the edge of the domestic curtilage would be able to form a suitable Green Belt boundary.

Recommendation

18.51.5 Modify the proposals map to exclude the general area of site DD19, as shown on plan DD19(b) of KB/DD19/1, from the Green Belt and the AHLV and to define the boundary in association with details of the residential development to follow recognisable features.

18.52 POLICIES D2 AND D8, SITE DD22 TELEPHONE EXCHANGE, SCISSETT

Objections: 1858 British Telecommunications plc

Issue

18.52.1 Whether the land is appropriate for inclusion in the Green Belt having regard to its contribution to Green Belt purposes.

Conclusions

18.52.2 The objection seeks no notation under policy D2 in place of Green Belt designation. There was discussion at the inquiry session regarding the need for exceptional circumstances to alter Interim Green Belt. The point is covered at IR L1.3, to which reference is made in the introduction to this chapter. In this case, there has been a significant physical change on the site, by the construction of a substantial area of building, since it was included as Interim Green Belt on Town Map 53. Even if exceptional circumstances had needed to be shown, this would warrant reviewing the site's ability to contribute materially to Green Belt purposes.

18.52.3 Scissett is a primarily linear settlement along both sides of Wakefield Road in the valley bottom. The site, occupied by a dwelling and a telephone exchange, forms a continuation of the development on the north-west side of Wakefield Road. It is set at the lower valley level and is no further west than houses at Church Terrace, off Busker Lane, which are included in the settlement. Despite the interruption by Busker Lane, it is well related to the settlement pattern. There are trees on the site, some protected by a TPO, and the buildings do not cover the majority of its area. Nevertheless, the physical presence of the exchange building, which includes elements from 1 to 3 storeys and has a bulky, dominating appearance, and the commercial character reinforced by surfaced parking areas give the site an essentially urban character and set it apart from surrounding countryside. There is a clear distinction between its nature and that of wooded land to the south-west and north-west. Woodland edges are noted in PPG2 as recognisable features suitable to define Green Belt boundaries and it is not necessary to designate the site as Green Belt in order to safeguard the countryside from encroachment.

18.52.4 The gap between Scissett and Skelmanthorpe is vulnerable due to the presence of properties, set in large grounds, along the south side of Busker Lane between the settlements. If the lack of inclusion of the site in the Green Belt could be interpreted as a precedent for those properties, then the damage to the purpose of preventing coalescence would be immense. However, I am satisfied that the site can and should be distinguished from these. Whereas it is related to the settlement form, properties further west on Busker Lane are on higher land away from Wakefield Road. They are perceived as scattered development within the countryside, rather than as part of a settlement. The nearest building, Scissett Mount, is separated from the exchange site and village by some 100m of undeveloped, well wooded land. The site is not therefore critical in preventing the settlements from merging.

18.52.5 The general tight definition of the Green Belt in the areas of the district without statutory local plans is supported by its role in assisting urban regeneration and by the strategy of urban concentration adopted in the WYSP and continued in the plan. Nevertheless as the Council acknowledges, the individual contribution of this site, of about 0.45ha, is not of significant importance to this purpose.

Recommendation

18.52.6 Modify the proposals map by removing Green Belt designation from site DD22.

AREA 8 - HUDDERSFIELD NORTH

18.53 POLICIES D3, D5 AND D8, SITE HN13 SHOP LANE, KIRKHEATON

Objections: 1044 Illingworth Morris Ltd

Background

18.53.1 The objection concerns land on the east side of Kirkheaton which is subject to three separate allocations in the plan as follows:

- Area A - UGS - 0.4ha
- Area B - POL - 1.0ha
- Area C - Green Belt - 2.9ha

The objection seeks the allocation of the whole of the land for housing. At the inquiry an alternative Green Belt boundary was proposed by the objector taking only part of area C out of the Green Belt and for convenience I refer to this as area D [HN13/00663/3]. The objection site is within the area of Town Map 11, so that the detailed definition of the Green Belt approved by the Minister in 1970 is not "interim". In the Town Map the outer boundary of the objection land coincided with the inner edge of the Green Belt. At IR L1.3.11-17 I concluded that there are exceptional circumstances to review the boundary, but the Town Map should be given some weight.

Issues

18.53.2 These are:

- i. whether the UGS designation is merited;
- ii. to what extent area C contributes to Green Belt purposes;
- iii. the suitability of alternative Green Belt boundaries;
- iv. whether all or part of the land should be allocated for housing.

Conclusions

18.53.3 Although the objector argues that area A is not an allotment, that is an appropriate description of the use to which the land is put, albeit that this is privately owned and there is no statutory protection. One purpose of the UDP, as described in PPG17, is to identify areas of public or private recreational or amenity value. This land is not prominent but it is well-used and relieves the built-up urban core, so that continued protection is justified.

18.53.4 The purpose of the Green Belt relevant to area C is safeguarding the countryside from encroachment. The land is part of an area of open countryside which extends to the east and south-east. The land is visible from a short length of Cockley Hill Lane, from public footpaths through and near the site, and in longer range views from higher land around Cuckoo Hill to the south. In long range views development here would appear well-related to the settlement. From closer up the land does provide a pleasant setting to the village but the allocation of area B as POL recognises the enclosing effect of the settlement to the south-west and north-east. Bearing in mind the extent of housing development on the north-east side of Cockley Hill Lane, the same principle supports my judgement that the whole of area D is well-related to the settlement. Although the objection site provides an

attractive open foreground to the settlement, it is only the land further from the urban area beyond area D that is strongly perceived as part of the open countryside. The Council place weight on an appeal decision made in 1988 in which the Inspector concluded that Green Belt policies should apply to the whole of area C. This followed on from consideration by the Inspector of the criteria in policy N10 of the Structure Plan but it would be wrong to give these much weight when a new plan is being prepared, particularly because the criteria are inconsistent with current national guidance in taking into account the objectives of the Green Belt.

18.53.5 The Green Belt boundary should preferably be clearly defined. The boundary proposed in the UDP is not marked and the Council argues that this deficiency would be met by the relationship to the form of the settlement. I am not convinced by this, since it would apply equally to a boundary which excluded area D from the Green Belt. The Town Map boundary (Area C) coincides with a wall and footpath. This would be the better boundary in this respect, although the tree planting which has been carried out along this line has little significance in the landscape hitherto.

18.53.6 Looking at the case for a housing allocation on all or part of the land, the objector questions the purpose of identification as POL. The need for safeguarded land is referred to in RPG12 and PPG2. Area B contributes significantly to visual amenity, which is grounds for resisting an immediate allocation. Development of any or all of the land could only proceed if satisfactory access were available. The Council's highway engineers are opposed to an access from Town Road and I agree that this would be unsatisfactory. Access could be provided from Cockley Hill Lane but this would cross land shown in the Green Belt in the UDP. Thus in its present form the POL allocation is unrealistic and does not satisfy the advice in PPG2 that such land should be genuinely capable of development when needed.

18.53.7 Housing allocations in Kirkheaton broadly match the settlement's share of total households. The objector notes that three allocations have been identified since at least 1985. However, all except one, with an area of 0.9ha, were agreed in the Joint Study of Housing Land to be likely to be developed within 8 years. The share of housing allocations is only a broad guide, since it is the merits of a particular location in relation to the objectives of the plan which are crucial. This is a location with good public transport accessibility which is close to employment areas.

18.53.8 The Council gave evidence concerning the pressure on Kirkheaton Junior and Infant School. The number of school age children is difficult to predict but there is a genuine concern that increased housing development might make it impossible to provide satisfactory accommodation and recreation space on a restricted site. This is a free-standing settlement from which busing would be undesirable. The evidence available suggests that additional housing allocations would be undesirable in this respect.

18.53.9 Overall, there is no reason not to uphold the allocation of area A as UGS. Concerning the Green Belt boundary, this should be in accordance with the objector's alternative suggestion. That would be consistent with PPG2 by including only land making a significant contribution to Green Belt purposes, and would also make access to the remainder of the site feasible. Although the proposed boundary is not clearly defined, it would relate more clearly to the form of the settlement than the UDP boundary and I give much greater weight to the protection of important countryside, so that part of area C should

be in the Green Belt. On balance, areas B and D should not be allocated for housing development now because of their contribution to visual amenity and the need to avoid prejudicing satisfactory education provision.

Recommendation

18.53.10 Modify the proposals map by defining the Green Belt boundary as in document HN13/00663/3 and allocating as POL the land thereby excluded from the Green Belt (area D).
