

EXAMINATION OF THE KIRKLEES LOCAL PLAN**EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of Chartford Homes Ltd****Matter 24 – Green Belt and open space policies****Issue: Does the Plan set out positively prepared policies for protecting the Green Belt and open spaces which are justified, effective and consistent with national policy?****Introduction**

- 1.1 Barton Willmore is instructed by Chartford Homes Ltd ('our Client') to submit responses to the Inspectors Matters, Issues and Questions following the submission of the Kirklees Local Plan ('Local Plan') for examination. The Local Plan comprises of two; the Strategy and Policies (SD1) which sets out the vision and strategic policies for growth and development in the district over the plan period and the Allocations and Designations (SD2) which contains site allocations and areas shown on the proposals maps which relate to the Strategy and policies.
- 1.2 Chartford Homes Ltd is a Leeds based housebuilder who have a successful track record of promoting land through the Local Plan process and obtaining planning consents for residential developments throughout Yorkshire.
- 1.3 Our Client's land interest in the district is land to the south of Nutter Lane, Birstall (reference: H3) which the Council have not identified as a proposed housing allocation, despite the previous representations that have been made on behalf of the landowner. The landowner is currently undertaking pre-application discussions with the Council regarding the potential redevelopment of the haulage yard which fronts onto Nutter Lane on the northern part of the site, for a residential development.

Policies PLP 54 - 63***a): Is criterion (d) in Policy PLP 54 clearly defined and effective? What standard of design and materials would be required?***

- 1.4 Our Client does not wish to make comments in respect of this question.

b): Is Policy PLP 56 consistent with the exception outlined in paragraph 89 of the NPPF relating to the provision of facilities for outdoor sport, outdoor recreation and cemeteries in the Green Belt?

1.5 Our Client does not wish to make comments in respect of this question.

c): Does Policy PLP 57 provide a clear and effective definition of a 'disproportionate addition' in relation to extensions?

1.6 Our Client does not wish to make comments in respect of this question.

d): What is the definition of 'original dwelling', as referred to in criterion (a) in Policy PLP 57?

1.7 Our Client does not wish to make comments in respect of this question.

e): Are the criteria in Policy PLP 59 relating to impact on the openness of the Green Belt justified and consistent with paragraph 89 in the NPPF?

1.8 Our Client has concerns regarding the wording of Policy PLP 59 and objects to the policy in its current form as it is considered to be unsound as it does not meet the tests outlined in paragraph 182 of the NPPF, namely that it is not in accordance with national planning policy and that it is not effective or justified.

1.9 Criterion (b) of the Policy states that in the case of a "*partial or complete redevelopment the extent of the existing footprint is not exceeded, unless the resulting development would bring about significant and demonstrable environmental or other improvements*", which is a clear deviation from paragraph 89 of the NPPF. There is no reference in paragraph 89 of the NPPF to such developments not exceeding the footprint of the existing development, and there is no test which states that the footprint can only be exceeded where it would bring about a 'significant and demonstrable environmental or other improvements'. The proposed policy PLP 59 therefore introduces two tests over and above the guidance within the NPPF, which are overly onerous and clearly go against the intentions of the policy.

1.10 The issue of openness in the Green Belt is subjective and should be considered on a case by case basis, which is why the paragraph 89 leaves some flexibility and is not rigid in its interpretation. The Council's interpretation of the policy is wrong and is unsound and should be amended so that it aligns with paragraph 89.

1.11 Part (c) of the policy states that any new buildings should not be materially higher than the existing development it replaces, unless there are operational requirements for such a building. This again deviates from the requirements of paragraph 89 of the NPPF, as it makes no such reference to building heights and whether they should or should not exceed those of the existing development. This is also because it should be a subjective judgement on a

case by case basis, and this criterion is unnecessary and is not sound as it is not justified or in accordance with national planning policy.

- 1.12 Notwithstanding the above, the judgement around building heights is considered to be one of visual impact, rather than the impact upon the openness of the Green Belt, which paragraph 89 is aiming to preserve.
- 1.13 With regard to part (e) of the policy, which states that such developments should not result in any detrimental cumulative impact on the openness of the Green Belt, this also fails to comply with the requirements of paragraph 89 of the NPPF, which requires no such assessment. In addition, the supporting justification for the policy provides no indication as to the reasoning why this is included, but also no indication as to how this would be assessed and reviewed. As such, this criterion of the policy is flawed and should be removed from the policy as it is unsound because it is not effective, justified or in accordance with national planning policy and fails to meet the tests of paragraph 182 of the NPPF.
- 1.14 In summary, our Client has significant concerns regarding the contents of Policy PLP 59 of the Local Plan as it is fundamentally flawed as it fails to take account of relevant guidance within the NPPF, adding in unnecessary and overly onerous tests over and above what is required within the NPPF. Paragraph 151 of the NPPF states that *"local plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in the Framework"*. Unfortunately, in this instance, the Council have failed to do this.
- 1.15 Paragraph 89 of the NPPF is worded in a way which allows flexibility, given the subjective nature of assessing the issue of openness. Policy PLP 59 of the Local Plan as currently drafted is too rigid and prevents developments being considered on a subjective basis on a case by case basis. In order for the policy to be made sound, parts (c) and (e) should be deleted altogether, whilst any reference in part (b) to development not exceeded the existing footprint, and the subsequent test that then follows, should be deleted. Without these changes the policy remains unsound.