

## MATTER 37 – BATLEY AND SPEN HOUSING ALLOCATIONS: GREEN BELT RELEASES

### Site H442 – land between Richmond Park & Sunnyside Avenues, Roberttown

**Issue - Are the proposed Green Belt release housing allocations in the Batley and Spen Sub-Area justified, effective, developable/deliverable and consistent with national policy?**

#### 1 Introduction

- 1.1 The allocation of Site H442 for residential development as currently proposed is not sound as it is neither justified nor is it consistent with either the emerging Policies in the Local Plan or with national policy guidance.
- 1.2 Paragraph 126 of the NPPF sets out a requirement for Local Plans to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development upon the significance of a designated heritage asset, Paragraph 132 of the NPPF makes it clear that great weight should be given to the asset's conservation and explains that significance can be harmed by development within its setting. Old Hall Farmhouse, to the north-west of this site is a Grade II\* Listed Building. The loss of this site and its subsequent development could harm elements which contribute to its significance.
- 1.3 A Heritage Impact Assessment has been produced to ascertain whether or not this site could be developed in a manner consistent with the conservation of this Listed Building. This has identified that parts of Site H442 contribute to the setting of Old Hall Farmhouse and concludes that their loss and subsequent development would be likely to cause harm to elements which contribute to its significance. However, the Heritage Impact Assessment has not set out clearly or explicitly what measures would be necessary to reduce the potential harm which the development of this site might cause to this designated heritage asset.
- 1.4 As a result, the extent of the area that is proposed for developed coupled with the lack of any specific measures within the Plan to ensure that any

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development will take place in a manner consistent with the conservation of Old Hall Farmhouse could result in a form development which would harm elements which contribute to its significance.

1.5 Consequently, the allocation of Site H442 for residential development as proposed in the Submission Local Plan would be in conflict with the following aspects of the emerging Local Plan:-

- The Spatial Vision – in that it conflicts with the intention that development will take place in a sustainable way (balancing economic, social and environmental priorities), that the local character and distinctiveness of Kirklees and its places will be retained, or that the natural, built and historic environment will be maintained and enhanced through high quality, inclusive design
- Spatial Objective 8 - in that it will not protect or enhance the characteristics of the historic environment
- Policy PLP35 – in that it will not conserve elements which contribute to the significance of a designated heritage asset.

1.6 It would also be contrary to national policy guidance as set out in the NPPF insofar as it would not:-

- Help to deliver a “*positive strategy for the conservation and enjoyment of the historic environment*” as is required by NPPF Paragraph 126.
- Contribute to protecting or enhancing the historic environment. Therefore, it will not deliver sustainable development in terms of the conservation of the historic environment [NPPF Paragraph 7].
- Conserve heritage assets in a manner appropriate to their significance. Therefore it will run contrary to one of the Government’s Core Planning Principles [NPPF Paragraph 17].
- Give great weight to the conservation of the area’s designated heritage assets [NPPF, Paragraph 132]
- Provide clear and convincing justification for the harm that it would cause to the historic environment [NPPF, Paragraph 134].

2 Response to the Inspector's questions

Question i) Has the impact of the proposal on heritage assets been adequately assessed and addressed? Should protection and mitigation measures linked to the Heritage Impact Assessment (LE72) be specified? Are there implications for site capacity?

- 2.1 The Heritage Impact Assessment has provided an excellent summary of the historic development of this area, it has identified the elements which contribute to the significance of Old Hall Farmhouse and has set out a good evaluation of the contribution which this site makes to its setting. The Heritage Impact Assessment considers that Site H422 contributes to the historic understanding of the Grade II\* building. It also considers that views to and from the asset over this site are of significance being both historic views and enabling people to appreciate the building's agricultural setting.
- 2.2 It is evident from the First Edition OS Map that the field structure of the Site H442 today appears little changed from that of the mid-nineteenth Century. There are also Public footpaths from south-east to north-west across this site on a route which heads directly towards Old Hall Farmhouse. The Heritage Impact Assessment considers that the development of this area would harm elements which contribute to the significance of this asset. We would concur with this evaluation and agree that the loss of those parts of the site on its northern and western edges would be likely to result in the most harm to its significance.
- 2.3 Given this assessment, it is unclear how the Heritage Impact Assessment envisages that this harm might be effectively removed or reduced or which areas might need to remain undeveloped in order to lessen the adverse effects which residential development might cause to the significance of the Listed Building.
- 2.4 On the basis that the Heritage Impact Assessment has not set out clearly or explicitly what measures would be necessary to reduce the potential harm which the development of this site might cause to this designated heritage asset coupled with the lack of any specific measures within the Plan to ensure that any development will take place in a manner consistent with the conservation of Old Hall Farmhouse this allocation is, at present, Unsound.

### 3 Conclusions

3.1 The Heritage Impact Assessment has identified that parts of Site H442 contribute to the rural setting of the Grade II\* Listed Building at Old Hall Farmhouse. The loss of these areas, therefore, would be likely to result in harm to the setting of this building. However, it is not clear from the Heritage Impact Assessment how that harm might be effectively mitigated. In terms of NPPF Paragraph 134, this is likely to constitute less than substantial harm to the significance of this designated heritage asset. Whilst the degree of harm may be less than substantial, nevertheless, it would still be causing harm to a designated heritage asset. As such, therefore, it would not be delivering sustainable development in terms of protecting and enhancing the historic environment, it would conflicts with one of the Government's Core Planning Principles (that heritage assets should be conserved in a manner appropriate to their significance), nor would it be likely to provide the positive strategy for the conservation of the historic environment that is required for Local Plans.

### 4 Suggested Modifications

4.1 It is recommended that:-

- (a) The Heritage Impact Assessment is amended to set out more explicitly the measures necessary to reduce the harm to the Grade II\* Listed Building.
- (b) The recommendations of the Heritage Impact Assessment are securely tied into the Policy framework of the Local Plan