

Feb 2023



Planning Policy Statement

Land at Abbey Road, Shepley

Proposed Residential development up to 2 dwellings – all matters reserved except for means of access to, but not within, the site

Prepared for SIW Properties by:



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Appendices

None



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1.0 Introduction

- 1.1 This Planning Policy Statement has been prepared to support an outline planning application (all matters reserved except for means of access to, but not within, the site) for residential development up to 2 dwellings on land to rear of 9-17 Abbey Road (A629), Shepley.
- 1.2 The applicant is the landowner (SIW Properties).
- 1.3 The application seeks to deliver up to 2 family dwellings together with improvements to the existing means of access (widening access point to 5.5m at junction with Abbey Road to enable 2 vehicles to pass).
- 1.4 The application is lodged at a time when the LPA are unable to demonstrate a 5 year supply of deliverable housing. The current provision is considered to be circa 4.5 years.

Background and the Colney Heath Appeal decision – significant material consideration

- 1.5 The planning application is lodged at a time when the Council are unable to demonstrate a robust 5-year supply of housing. The current provision is considered to be c4.5 years.
- 1.6 The Council maintain they can demonstrate a 5.17year deliverable supply of housing. Detailed assessment of the Kirklees Council housing supply figures has been undertaken by IDPlanning over the last 12 months. The latest review (Sept 2022) has been provided for inclusion with this application. A summary of the supply position if copied below and indicates current figure to be 4.57years.

	A	B	C	D
1	Five Year Supply Calculation Table			
2		Council	ID Planning	
3	Requirement Calculation			
4	Five year housing requirement (5*1730)	8650	8650	
5	Shortfall to be made up in plan period (The shortfall of delivery against the Local Plan target since 2013, divided over the remainder of the plan period) multiplied by 5)	2490	2490	
6	5% buffer (Buffer derived from housing delivery test applied to five year housing requirement and shortfall figure)	557	557	
7	Total five year requirement	11697	11697	
8				
9	Components of Supply			
10	Sheet 2 - Sites with Full Planning Permission or Reserved Matters Approval	5188	5188	
11	Sheet 3 - Sites with Outline Planning Permission	572	572	
12	Sheet 4 - Allocated Sites without Planning Permission where Clear Evidence of Delivery Commencing in 5 Years is Required	6165	4,755	*See sheet 6
13	Windfall allowance (2 years of windfalls capacity to reflect planning permissions granted which are not currently in the supply)	900	900	
14	Sub-Total of deliverable capacity	12826	11415	
15				
16	Demolitions allowance (90 per annum - projecting forward the trend)	-450	-450	
17	10% lapse rate (discount applied to planning permissions to recognise that some sites may not come forward as expected)	-281	-281	
18	Total Deliverable housing capacity	12095	10685	
19				
20	Difference between requirement and supply	398	-1,012	
21	Supply of deliverable housing capacity	5.17	4.57	
22				
23				
24	Sheet 6 - Main Categories in Dispute			
25	Sites with no planning permission - site shown to be deliverable through the Local Plan		766	
26	Sites with no planning permission - Council owned		645	
27	Total		1411	

- 1.7 As such it is considered the LPA cannot demonstrate a 5 year supply of housing and as such the tilted balance is engaged.
- 1.8 In addition to the supply work undertaken by IDPlanning, 2022 press articles resisting an application for LIDL on basis that site is required for housing (The Examiner 2 August 2022 and 1 Sept 2022) includes comments from Councillor Graham Turner (Cabinet Member for Growth & Regeneration) who advises there is both a national and local housing

supply shortage. The relevant extract is copied below for ease – quote taken from The Examiner 2 August 2022 – Article entitled 'Council Vows to Stop new Lidl' – link to article

<https://www.examinerlive.co.uk/news/west-yorkshire-news/council-vows-stop-new-lidl-24642963>

Cllr Graham Turner, Cabinet Member for Growth and Regeneration, says: "Due to the housing shortage – not just locally but nationally (my emphasis) – we believe this land would be put to better use for housing, which is its designation in the Kirklees Local Plan. We've listened to the views of the public, and looked at the justification for the application, but still feel the site should be developed for housing should a suitable developer come forward.

"The surroundings are largely residential already, and a supermarket and large car park would be out of character for the area. Crucially, if we don't earmark areas like this to tackle the housing shortage, we may need to consider planning applications for housing on valued green spaces further down the line.

"If the application is refused, the applicant is welcome to appeal, and we're happy to defend our decision."

- 1.9 The quote was repeated in the 1 September article.
- 1.10 A more recent Examiner Article published on 3 March 2023 again clearly states Council Members view that there is a Housing Shortage in Kirklees. Link to article below:
<https://www.examinerlive.co.uk/news/west-yorkshire-news/kirklees-housing-shortage-allows-wily-26369909>
- 1.11 The relevant quote, again from Cllr Graham Turner, Cabinet Member for Growth & Regeneration, is copied below (my emphasis):
"So sometimes, whilst it's painful to say we'll drop some percentage off, at least that way we get some houses because we are desperately short of houses in Kirklees, and we need to build more, so there's always a trade-off, but where it's viable, we're very successful because it's policy. They can't build without."
- 1.12 It is therefore clear that the LPA have a housing supply issue.
- 1.13 Paragraph 60 of the NPPF (July 2021) reiterates the Government's objective to significantly boost the supply of housing whilst para 74 of the NPPF seeks to ensure Councils can demonstrate a 5-year supply of housing (including buffer).
- 1.14 Paragraph 11 of the NPPF advises that where the development plan is out of date the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In addition, relevant policies relating to the supply of housing should not be

considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites (Para 11 [d]).

- 1.15 In these circumstances, the tilted balance of Paragraph 11(d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 1.16 The Planning Statement and supporting reports / plans demonstrate there are no adverse impacts that significantly and demonstrably outweigh the benefits of delivering housing.

The Colney Heath Appeal decision – significant material consideration

- 1.17 As set out above, the Planning Inspectorate have recently granted planning permission for residential development (100 dwellings including 45% affordable and 10% self-build) in the Green Belt – Appeal reference APP/B1930/W/20/3265925 – decision dated 14 June 2021.
- 1.18 As part of the planning assessment, the LPA's poor housing supply position weighed in favour of the proposal and was accepted as a very special circumstance in outweighing the harm to development in the green belt.
- 1.19 Set out below are some of the key points from the appeal and how these can be applied to this proposal on land to rear of Abbey Road.
- 1.20 The site subject to the Colney Heath was a green field site similar to the application site. The Inspector concluded the appeal proposal would result in limited harm to the character and appearance of the green belt given its surrounds.
- 1.21 The Inspector considered the appeal proposal would have a limited impact on the wider integrity of the green belt with no harm in terms of encroachment given the limited role the site made in terms of safeguarding the countryside from encroachment. Similarly, the application site provides a limited green belt role / function as identified in the 2017 Green Belt Review (see comment later in the Planning Statement) and will not harm the integrity of the green belt in terms of encroachment.
- 1.22 In light of the above and the Council's current housing supply position, it is considered the appeal decision is a material consideration and any application for residential development on the site should be considered favourably.

Planning History

- 1.23 There is no known relevant planning history for the site.

The Application Site

- 1.24 The site is located to the east of Abbey Road (A629) to the rear of no's 9-17 just to the north of the junction between A629 and Abbey Gardens). The site is currently accessed by a private road owned by the applicant and serving a number of existing dwellings.

- 1.25 There are dwellings to the east, south and west of the site with paddock to the north. The paddock to the north is also in the ownership of the applicant.
- 1.26 There is a hedge along the access drive but the measured width between boundary walls to the north and south is greater (allowing for localised widening proposals).
- 1.27 The site itself sits within the Green Belt. However, it is noted that the role of the Green Belt in this location is limited as set out in the Council's Green Belt Review Document (April 2017) prepared as part of the Local Plan process. This matter is dealt with further later in the Planning Statement.
- 1.28 The site sits in Flood Zone 1 and is not subject to any Local Plan allocations and is not subject to any landscape, ecology or heritage designations.
- 1.29 Further details are set out in the submitted DAS.

The Proposed Development

- 1.30 The proposed development comprises an outline planning application for residential development for up to 2 dwellings. Means of access to, but not within, the site is to be considered at this stage with all other matters reserved.
- 1.31 The proposal includes improvements to the existing access to enable 2 way passing at the junction of the lane with Abbey Road. This enhancement would benefit existing and future residents.
- 1.32 Details of the highways improvements are set out in the submitted Highways Supporting Statement prepared by AMA. An extract of the proposed access improvements is copied below:

Proposed Access Improvements:



- 1.33 An indicative layout has been proposed as copied below. This demonstrates how 2 detached family dwellings (2 storey with room in the roof) could be sited on the site and provide adequate private amenity space together with parking / turning.



- 1.34 Matters relating to layout, external appearance, scale and landscaping are reserved for future approval.
- 1.35 Further details are set out in the submitted plans and DAS prepared by Eleven52Architects.

The Planning Application

- 1.36 This statement describes the application site and nature of the proposal (above) together with an assessment of planning policy issues (Chapter 2) of relevance to the application. Assessment of the planning application is set out in Chapter 3 with a summary of the planning application / planning case is set out in Chapter 4.
- 1.37 This statement will fully justify the proposal for the site and will advance reasons why it should be supported and outline consent granted.
- 1.38 On the basis of the information provided in this statement, the associated supporting documents and on the application drawings, a presumption in favour of development can be maintained in this particular instance, the application being in accordance with the advice set out in the NPPF.
- 1.39 The planning application is supported by the following:
- Completed application forms, with all certificates signed and dated;
 - Site Location Plan and Indicative Layout (Eleven52Architects)
 - Design & Access Statement (Eleven52Architects)
 - Highways Supporting Statement (Andy Moseley Associates)
 - Planning Statement (Alistair Flatman Planning)
- 1.40 The submitted additional technical information is considered sufficient to enable the Local Planning Authority to determine the clear merits of the proposed development.

2 Planning Policy Review

National Planning Policy Framework (July 2021)

- 2.1 The National Planning Policy Framework (revised July 2021) sets out the government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 2.2 The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. The guidance advises that the policies in paragraphs 1-217 taken as a whole constitute the government's view on what sustainable development in England means in practice for the planning system.
- 2.3 Set out below is a summary and assessment of the relevant sections of the NPPF.

Achieving Sustainable Development

- 2.4 Paragraphs 7, 8 and 11 of the NPPF confirm that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 2.5 Paragraph 8 sets out the three overarching objectives of sustainable development, namely economic, social and environmental objectives. Paragraph 10 confirms that the presumption in favour of sustainable development is at the heart of the Framework.
- 2.6 Paragraph 11 sets out the presumption in favour of sustainable development stating:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 2.7 Paragraph 11 of the NPPF advises that where the development plan is out of date the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In addition, relevant policies relating to the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites (Para 11 [d]).
- 2.8 In these circumstances, the tilted balance of Paragraph 11(d) of the Framework indicates that planning permission should be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 2.9 The site sits on the edge of Shepley / Shelley and is well located to local shops, services and public transport (train station 750m to south west). In that respect it can be considered to be a sustainably located site.
- 2.10 The LPA are currently able to demonstrate a 5 year supply of housing although recent refusals on allocated sites and slow progress with larger strategic sites suggests that this is not now the case (that is, no demonstrable 5 year supply). We consider the existing deliverable supply position to be circa 4.5years. As such there is a need to boost the supply of housing in the district.
- 2.11 Given the economic and social benefits associated with delivery of family housing and absence of any ecological or landscape harm, it is considered that there are no adverse impacts that significantly or demonstrably outweigh the benefits of delivering housing

Delivering a sufficient supply of homes

- 2.12 Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes with Paragraph 60 confirming the Government's objective of significantly boosting the supply of housing.
- 2.13 In the absence of a deliverable 5YHLS, the development of this sustainably located site will assist the LPA in boosting the supply of housing in Kirklees.
- 2.14 Paragraph 69 confirms the role of smaller sites in meeting housing requirements stating such sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Paragraph 69 goes on to advise that in order to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes and work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
- 2.15 The application comprises a windfall site in an accessible location and will contribute to the Council's housing supply.
- 2.16 Paragraphs 74-77 confirm the importance of maintaining a minimum 5 year supply of deliverable housing sites. Where this 5 year supply is not maintained Local Plan policies can be considered out of date (as per Para 11 'd' of the NPPF). As set out above, we believe the current position is less than 5 years at around 4.3 years.
- 2.17 As such the proposal is considered acceptable in principle with regards NPPF paras 60 and 69.

Promoting Sustainable Transport

- 2.18 Chapter 9 of the NPPF refers to highways matters with para 111 advising that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 2.19 The proposal includes highway improvement works to the access point onto Abbey Road by widening the existing land to enable 2 cars to pass (as the junction). This is an enhancement on the current situation and will benefit existing and proposed residents. This is a positive that weighs in support of the proposal.
- 2.20 The proposed development of up to 2 dwellings will not give rise to any highway safety or capacity issues. The site is also in a sustainable location in terms of accessibility to shops, schools, employment opportunities and public transport. Further details are set out in the submitted DAS and Highways Supporting Statement.
- 2.21 The proposal will not give rise to any severe residual cumulative impacts on the road network in terms of safety or capacity.

Making Effective use of land

- 2.22 Chapter 11 seeks to encourage effective use of land with paragraph 119 stating decisions should promote an effective use of land in meeting the need for homes while safeguarding and improving the environment. The proposed scheme is consistent with these aspirations.
- 2.23 Paragraph 120 is also relevant stating that decisions should encourage multiple benefits from both urban and rural land and take opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access.

Design

- 2.24 Chapter 12 of the NPPF refers to Design and advises that good design is a key aspect of sustainable development.
- 2.25 Paragraph 130 sets out a number of design criteria to be considered in terms of design of development stating:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and*

future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 2.26 The proposed development is submitted in outline with details on design / appearance reserved for future consideration. However, an indicative site layout has been prepared which shows how the site could be laid out which includes 2 detached dwellings. The layout retains boundary vegetation and provides large private gardens to rear as well as space top park / turn.
- 2.27 From the information submitted it is considered the site can be designed to reflect the residential character of its surrounds whilst retaining boundary hedges and providing a safe means of access. The proposal can deliver a well-designed scheme with benefits to visual amenity of the site and its surrounds.
- 2.28 The Design & Access Statement that accompanies the development proposals sets out how the development could, in the future, meet all of the objectives set out above and represents high quality design.

Protecting Green Belt Land

- 2.29 The application site is located within the defined Green Belt. The essential character of the green belt is its openness. The Green Belt serves the following five purposes (para 138);
- To check the unrestricted sprawl of large built up areas.
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 2.30 Given the location of the site (infill with residential development to the east, south and west), the role of the green belt in this location is limited in terms of the five purposes listed above.
- 2.31 The limited role / function of the Green Belt is noted in the Council's 2017 Green Belt Review Document prepared as part of the Local Plan process (further details in Section 3).
- 2.32 As such it is considered the role of the green belt in this location is limited to that of safeguarding the countryside from encroachment, and even with that the infill nature of the site is such that the development of the site for 2 dwellings would not result in any demonstrable or significant encroachment.
- 2.33 The NPPF sets out that inappropriate development is harmful to the green belt and should not be allowed unless very special circumstances exist (para 147). Where there is considered to be a degree of harm to the Green Belt, this harm must be outweighed by any very special circumstances.
- 2.34 In this case, the Council are unable to demonstrate a 5 year housing supply. The recent appeal decision for housing development in Colney Heath as set out in Section 1 above is a material consideration and clearly confirms that the need to deliver housing can be a very special circumstance. In allowing the Colney Heath appeal, the Inspector attached significant weight to delivery of housing.

2.35 In summary, given the limited role of the green belt in this location (as noted by the LPA in their 2017 Green Belt Review Document and given it is surrounded on 3 sides by housing) it is considered any harm to the green belt is limited and this limited harm is outweighed by the need to boost the supply of housing within Kirklees (in the absence of a demonstrable and deliverable 5 Year Housing Supply)

2.36 There are therefore clear planning grounds to support this proposal

Meeting the challenge of climate change, flooding and coastal change

2.37 Paragraph 159 of Chapter 14 confirms that development should be directed to areas with the lowest probability of flooding. The site lies within Flood Zone 1 and is therefore at low risk from flooding.

Conserving and enhancing the natural environment

2.38 Paragraph 174 of Chapter 15 advises that the planning system should contribute to and enhance the natural and local environment by: -

- *a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- *b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- *c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- *d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- *f)remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

2.39 Paragraph 180 relates to ecology and biodiversity considerations when determining planning applications. There are no known protected species or ecology designations on site, the site is therefore of low wildlife value. Similarly the site is not subject to any landscape designations.

2.40 Paragraph 183 refers to ground conditions advising that when making decisions, consideration must be given to whether a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The land has always been in use as a paddock and as such there are no known contamination or stability issues that would prevent redevelopment of this site.

Assessment against NPPF

- 2.41 Assessing the proposal against the main objectives of the NPPF, it is clear the scheme accords with the overarching approach to planning in that:-
- The proposal will maintain the supply of housing in the district through redevelopment of a small windfall site in an accessible location in Shepley / Shelley;
 - The proposal will assist the LPA in meeting its housing supply targets at a time when it is considered they are unable to justify or demonstrate a 5 YHLS position;
 - The proposal represents development of a sustainable site within the urban area;
 - The site is not of any heritage value;
 - The proposal will enhance existing access such that the site can be safely accessed and will not give rise to any highway safety or capacity issues;
 - The site comprises infill between housing to the east, south and west and its development will not harm the role or function of the green belt in this location;
 - It has been accepted at appeal that lack of a 5 year housing supply can be considered as a very special circumstance to allow inappropriate development in the green belt;
 - The site will not give rise to any flood risk or drainage issues;
 - As illustrated by the proposed layout, elevations and Design Statement, the development proposal will provide a development that is sympathetic to and reflective of the character of the surrounding area.

Statutory Development Plan Policies

- 2.42 With respect to the proposed development, the Development Plan currently comprises the adopted Kirklees Local Plan sets out planning strategy with relevant planning policies together with an Allocations Document.
- 2.43 The site is designated as Green Belt in the Local Plan.
- 2.44 In light of the above and having regard to the proposal, the following Local Plan policies are noted:
- PLP 1 – Achieving Sustainable development
 - PLP 2 – Place Shaping
 - PLP 3 – Location of New Development
 - PLP 21 – Highway Safety
 - PLP 22 – Parking
 - PLP 24 – Design
 - PLP 30 - Biodiversity & Geodiversity
- 2.45 Chapter 19 of the Local Plan deals with Green Belt policies. Reference is made to infill but it is noted this is not an exact fit with this proposal. It is noted that the proposal requires demonstration of very special circumstances as set out in the NPPF (see above).
- 2.46 These policies are assessed in Section 3.

3 Planning Assessment

Principle of Development

- 3.1 This windfall site comprises an infill plot in a sustainable and accessible location within adjacent to the settlement boundary for Shelley / Shepley.
- 3.2 The two issues here relate to housing supply and the site location within the Green Belt.
- 3.3 With regards the first issue, it is considered the LPA are unable to demonstrate a deliverable 5 year housing land supply. The absence of a 5 year housing land supply has been accepted by Inspector's as a very special circumstance.

Housing Supply and sustainable development

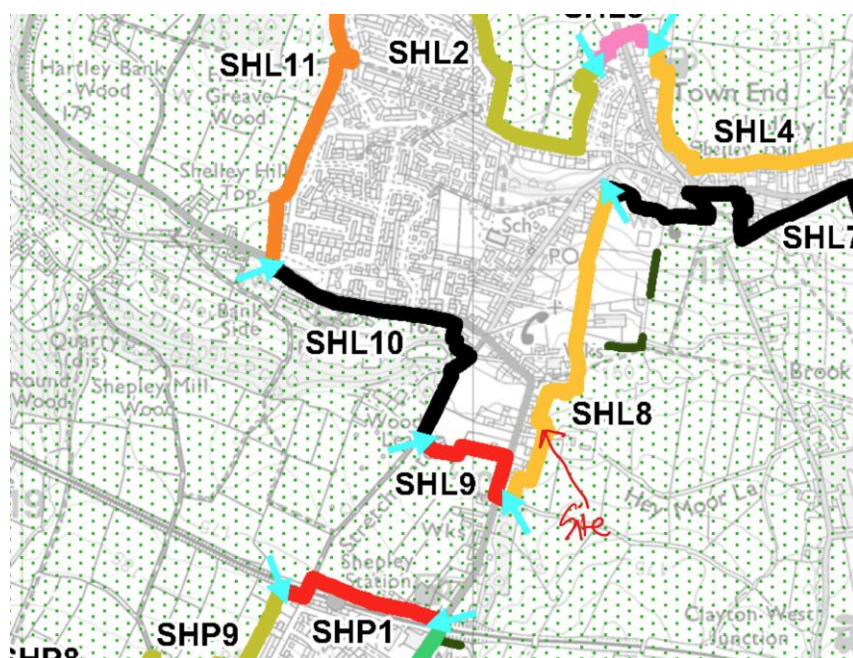
- 3.4 Paragraph 60 of the NPPF (July 2021) reiterates the Government's objective to significantly boost the supply of housing. As set out in Section 1, it is considered the LPA are unable to demonstrate a deliverable 5 year supply of housing. Consequently, Footnote 7 of the NPPF indicates the most important policies for determining the application are deemed to be out of date. In these circumstances, the tilted balance of Paragraph 11(d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.5 Paragraph 11 of the NPPF advises that where the development plan is out of date the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In addition, relevant policies relating to the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites (Para 11 [d]).
- 3.6 It is noted that footnote 7 (within para 11 d i) references policies in the Framework that protect areas or assets which would provide a clear reason for refusing development. Footnote 7 includes Green Belt, Heritage Assets and Local Green Space. Whilst Green Belt is listed, the appeal decision set out in section 1 pre-dates the NPPF and can therefore for considered as a material consideration. Importantly, as set out below, the site constitutes infill / rounding off on the eastern edge of the settlement and so the impact on the role / function of the green belt is limited in this instance. As such the benefits arising from additional housing can be considered to outweigh the very limited harm to green belt.
- 3.7 Paragraph 8 of the NPPF sets out the 3 elements of sustainable development, namely economic, social and environmental objectives.
- 3.8 The proposal will bring clear economic benefits in terms of creation of construction jobs and increased spend in the local economy both during and post construction. In terms of social benefits, the proposal will deliver highway safety improvements on the lane to the benefit of existing residents. With regards environmental benefits, the site is currently part of a larger paddock with little ecological or landscape value. The proposal seeks to deliver up to 2 dwellings with land available for gardens and biodiversity benefits (remaining paddock).

- 3.9 In addition, the proposal will not result in any drainage / flood risk issues and can be safely served from Abbey Road.
- 3.10 In terms of access to services, the site is within walking and cycling distance of the town centre and local schools as well as public transport (bus and train).
- 3.11 The proposal is therefore considered to constitute sustainable development, delivering economic, social and environmental benefits such that there are no adverse impacts that significantly or demonstrably outweigh the delivery of new houses.
- 3.12 In light of the above it is considered the proposal constitutes sustainable development and is consistent with the NPPF. The principle of development should be supported.
- 3.13 Local Plan Policies LP1, LP2 and LP3 reflect national guidance set out in the NPPF in terms of sustainable development and delivery of housing. The proposal is consistent with these policies.
- 3.14 As such the principle of development is acceptable in respect of housing supply and the application should therefore be approved.

Development on Green Belt

- 3.15 The site sits adjacent to the settlement boundaries of Shelley and Shepley and is therefore within the designated green belt. The site is surrounded by housing to the east, south and west and so constitutes an opportunity for infill / rounding off with no harm to visual amenity of the green belt in this location.
- 3.16 The role / function of the green belt is considered to be limited in this location, predominantly relating to preventing encroachment into open countryside. As stated, given the proximity of the site to existing housing, this role is limited.
- 3.17 The limited role / function of the Green Belt in this location is acknowledged in the Council's 2017 Green Belt Review document (prepared for the Local Plan). The relevant extracts (plan and table) are copied below:

Extract from Green Belt Edge Map – Kirklees Rural East (April 2017) – see ref SHL8



3.18 The site sits on the eastern edge of the settlement – the relevant extract above is referenced SHL8 – it is coloured orange indicating a moderately important role – this is set out in the Summary Matrix below:

GREEN BELT ASSESSMENT MATRIX

Degree of importance of green belt role				
Less important role		Moderately important role		Important role
1	2	3	4	5

Green Belt Purpose			Assessment conclusion: green belt role points
Checking unrestricted sprawl of built up areas (test 2b)	Safeguarding countryside from encroachment (test 2c)	Preserving setting & special character of historic assets (test 2d)	
Less important	Less important	Less important	1
Less important	Less important	Moderate	2
Less important	Less important	Important	3
Less important	Moderate	Less important	2
Less important	Moderate	Moderate	3
Less important	Moderate	Important	3
Less important	Important	Less important	3
Less important	Important	Moderate	3
Less important	Important	Important	4
Moderate	Less important	Less important	2
Moderate	Less important	Moderate	3
Moderate	Less important	Important	3
Moderate	Moderate	Moderate	3
Moderate	Moderate	Less important	3
Moderate	Moderate	Important	3
Moderate	Important	Important	4
Moderate	Important	Less important	3
Moderate	Important	Moderate	3
Important	Less important	Less important	4
Important	Less important	Moderate	4
Important	Less important	Important	5
Important	Moderate	Less important	4
Important	Moderate	Moderate	4
Important	Moderate	Important	5
Important	Important	Important	5
Important	Important	Less important	5
Important	Important	Moderate	5

3.19 Where a red score / value is given that would indicate an important or strategic role / function. The extract below is the summary for SHL8.

Appendix 2a: Outcomes of the Green Belt Edge Review (tests 1 to 2d)

Ref.	TEST 1: CONSTRAINTS			Existing use	TEST 2: GREEN BELT PURPOSES				Conclusion	Test 2 score
	1a Topographical	1b Physical	1c Environmental		2a Prevents merging	2b Checks Sprawl	2c Safeguards from encroachment	2d Preserves setting & character		
SHL6	None	High pressure gas pipeline to west	High pressure gas pipeline buffer to west	Grazing land, farm buildings	Extensive gap	Field boundaries and existing development provide potential for containment	Limited relationship with wider countryside. Risk of encroachment of residential development to create bad neighbour from farm buildings.	No impact	Risk of elongated settlement form to east but extension could be limited to Windmill Hill Farm.	3
SHL7	Severe	High pressure gas pipeline	High pressure gas pipeline buffer							
SHL8	Minor	Shepley Dike	Flood zone 3a	Industrial site, housing, woodland, grazing land	Extensive gap	Numerous opportunities for containment from fragmented land use; industrial site, housing, field boundaries.	Part of wider countryside. Open watercourse should be protected.	No impact	Existing boundary weak in places. Encroachment of urban land uses adjacent to the edge. Shepley Dike bisects the edge.	3
SHL9	None	None	None	Housing fronting A629, grazing land	Narrow gap separating Shelley and Shepley - see SHP1					
SHL10	Severe	Shepley Dike	Protected trees, flood zone 3a							

- 3.20 SHL8 does not include any important or strategic green belt roles or functions. The tables extract above confirms the existing mix of uses along this eastern edge of the settlement whilst reference to FZ3a is not relevant as that sits to the north of the site. The conclusion states that the existing boundary is weak in places, the site sits within that 'weak boundary' given surrounding housing and so any harm arising from the proposal is limited.
- 3.21 This limited harm is outweighed by the benefits of delivering housing at a time when the LPA are unable to demonstrate a 5 year supply of housing together with highways improvements associated with widening the existing access. The development of this infill plot would be seen in the context of existing housing and can therefore be supported in principle for the reasons set out above.

Design / Visual Amenity

- 3.22 The application is submitted in outline with all matters reserved (except for means of access). The proposal is for up to 2 dwellings served from the existing driveway. The outline application is however accompanied by an Indicative layout demonstrating how 2 dwellings can be located on the site. The indicative layout retains paddock to the north.
- 3.23 It is noted that Local Plan policies deal predominantly with detail and as such are more relevant for future reserved matters submissions. However, in drawing up the indicative layout, Local Plan policies LP21 (Highways & Access), LP22 (Parking) and LP24 (Design) have all been considered.
- 3.24 The indicative layout demonstrates how the development of the site for 2 dwellings can comply with these policies. Design wise (and materials), there is a mix of styles / materials on existing housing stock surrounding the site. As such this site would provide an exciting opportunity for a small scale, bespoke high quality scheme of dwellings that create their own sense of place.
- 3.25 Overall, the proposal with details suggested in the DAS and on the indicative layout, is consistent with guidance set out in the NPPF and the relevant Local Plan policies LP21, LP22, LP24 and LP31.

Amenity Considerations

- 3.26 The indicative proposed site layout ensures that there are no issues of overlooking / loss of privacy with regards existing dwellings adjacent to the site whilst future residents will also benefit from adequate private amenity space. Overall, the proposed indicative layout demonstrates one way the site can be laid out to deliver up to 2 dwellings and ensure existing and proposed residents enjoy acceptable levels of residential amenity.

Highways

- 3.27 Means of Access is being applied for. Access will be taken from the existing driveway (in applicant's ownership). The access will be improved (see submitted plans) to widen the lane at its junction with Abbey Road to enable 2 cars to pass. This is clear betterment over the existing situation and will benefit existing and proposed residents.
- 3.28 The outline application is accompanied by a Highways Supporting Statement (HSS) which demonstrates how the site can be safely accessed and will not give rise to any capacity issues. The HSS also sets out the accessibility of the site in terms of proximity to public transport, shops, services and schools..

- 3.29 The indicative layout shows adequate space for onsite parking and turning.
- 3.30 The quantum of development is not expected to give rise to any highway capacity or safety issues.
- 3.31 The low trip generation expected will have no material adverse impact on the existing highway network. In terms of the NPPF (para 111) it is considered the proposal will not result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network.
- 3.32 Local Plan policies LP21 and 22 relate to Highway Safety and Parking respectively. The site can be safely accessed with adequate parking / turning on site to ensure there are no highways issues arising in terms of capacity or safety. As such it is considered the requirements of LP21 & 22 have been met.
- 3.33 In light of the above, it is considered that the Proposed Development would not have an unacceptable effect on traffic flow and safety and as such will not detract from the character or appearance of the area.

Ground Conditions

- 3.34 The site comprises grassland. It is not considered the proposal will give rise to any new issues in terms of pollution / contamination or ground stability..

Flood Risk / Drainage

- 3.35 The site is in FZ1. It can be suitably drained and will not give rise to any flooding issues on or off site.

Summary

- 3.36 Considering the above assessment and with regards the submitted plans, and technical reports, it is considered that relevant national and local planning policies provide a reasonable planning basis for the proposal to be supported. As such there is no planning reason why outline planning permission should not be granted for the proposal.

4.0 Summary

4.1 This Planning Policy Statement has been prepared to support an outline planning application (all matters reserved except for means of access to, but not within, the site) for residential development up to 2 dwellings on land off Abbey Road, Shepley.

4.2 The application is lodged at a time when the LPA are unable to demonstrate a 5 year supply of deliverable housing.

Background and the Colney Heath Appeal decision – significant material consideration

4.3 The planning application is lodged at a time when the Council are unable to demonstrate a robust 5-year supply of housing. The current provision is considered to be c4.5 years

4.4 Paragraph 60 of the NPPF (July 2021) reiterates the Government's objective to significantly boost the supply of housing whilst para 74 of the NPPF seeks to ensure Councils can demonstrate a 5-year supply of housing (including buffer). Paragraph 11 of the NPPF advises that where the development plan is out of date the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In addition, relevant policies relating to the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites (Para 11 [d]). In these circumstances, the tilted balance of Paragraph 11(d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

4.5 The Planning Statement and supporting reports / plans demonstrate there are no adverse impacts that significantly and demonstrably outweigh the benefits of delivering housing.

The Colney Heath Appeal decision – significant material consideration

4.6 As set out above, the Planning Inspectorate have recently granted planning permission for residential development (100 dwellings including 45% affordable and 10% self-build) in the Green Belt – Appeal reference APP/B1930/W/20/3265925 – decision dated 14 June 2021.

4.7 As part of the planning assessment, the LPA's poor housing supply position weighed in favour of the proposal and was accepted as a very special circumstance in outweighing the harm to development in the green belt.

4.8 In light of the above and the Council's current housing supply position, it is considered the appeal decision is a material consideration and any application for residential development on the site should be considered favourably.

The Application Site

4.9 The site is located to the east of Abbey Road (A629) to the rear of no's 9-17 just to the north of the junction between A629 and Abbey Gardens). The site is

currently accessed by a private road owned by the applicant and serving a number of existing dwellings.

- 4.10 There are dwellings to the east, south and west of the site with paddock to the north. The site sits in Flood Zone 1 and is not subject to any Local Plan allocations and is not subject to any landscape, ecology or heritage designations.
- 4.11 The site itself sits within the Green Belt. However, it is noted that the role of the Green Belt in this location is limited as set out in the Council's Green Belt Review Document (April 2017) prepared as part of the Local Plan process. This matter is dealt with further later in the Planning Statement.

The Proposed Development

- 4.12 The proposed development comprises an outline planning application for residential development for up to 2 dwellings. Means of access to, but not within, the site is to be considered at this stage with all other matters reserved.
- 4.13 The proposal includes improvements to the existing access to enable 2 way passing at the junction of the lane with Abbey Road. This enhancement would benefit existing and future residents.
- 4.14 An indicative layout has been proposed demonstrating how 2 detached family dwellings (2 storey with room in the roof) could be sited on the site and provide adequate private amenity space together with parking / turning.
- 4.15 Matters relating to layout, external appearance, scale and landscaping are reserved for future approval.

Assessment

Principle of Development

- 4.16 This windfall site comprises an infill plot in a sustainable and accessible location adjacent to the settlement boundary of Shelley / Shepley.
- 4.17 The two issues here relate to housing supply and the site location within the Green Belt. With regards the first issue, it is considered the LPA are unable to demonstrate a deliverable 5 year housing land supply. The absence of a 5 year housing land supply has been accepted by Inspector's as a very special circumstance.

Housing Supply and sustainable development

- 4.18 Paragraph 60 of the NPPF (July 2021) reiterates the Government's objective to significantly boost the supply of housing. It is considered the LPA are unable to demonstrate a deliverable 5 year supply of housing. Consequently, Footnote 7 of the NPPF indicates the most important policies for determining the application are deemed to be out of date. In these circumstances, the tilted balance of Paragraph 11(d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 4.19 It is noted that footnote 7 (within para 11 d i) references policies in the Framework that protect areas or assets which would provide a clear reason for refusing development. Footnote 7 includes Green Belt, Heritage Assets and Local Green Space. Whilst Green Belt is listed, the appeal decision set out in section 1 pre-dates the NPPF and can therefore for considered as a material

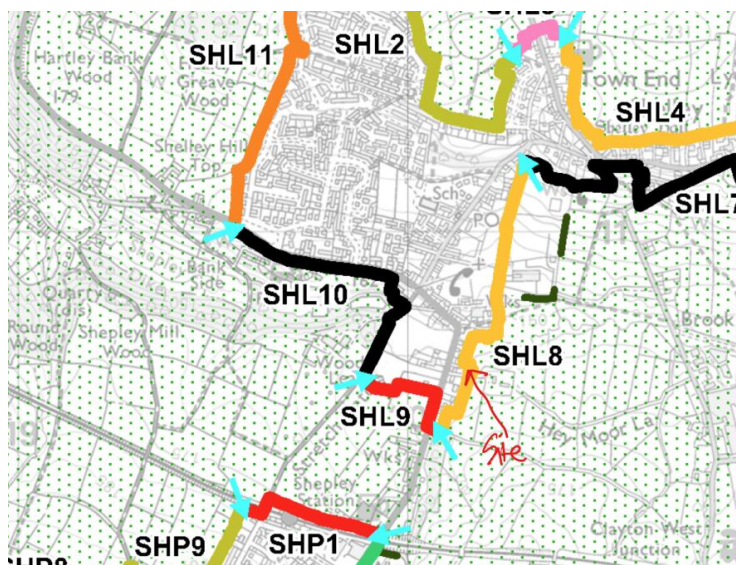
consideration. Importantly, as set out below, the site constitutes infill / rounding off on the eastern edge of the settlement and so the impact on the role / function of the green belt is limited in this instance. As such the benefits arising from additional housing can be considered to outweigh the very limited harm to green belt.

- 4.20 Paragraph 8 of the NPPF sets out the 3 elements of sustainable development, namely economic, social and environmental objectives. The proposal will bring clear economic benefits in terms of creation of construction jobs and increased spend in the local economy both during and post construction. In terms of social benefits, the proposal will deliver highway safety improvements on the lane to the benefit of existing residents. With regards environmental benefits, the site is currently part of a larger paddock with little ecological or landscape value. The proposal seeks to deliver up to 2 dwellings with land available for gardens and biodiversity benefits (remaining paddock).
- 4.21 In terms of access to services, the site is within walking and cycling distance of the town centre and local schools as well as public transport (bus and train). The proposal is therefore considered to constitute sustainable development, delivering economic, social and environmental benefits such that there are no adverse impacts that significantly or demonstrably outweigh the delivery of new houses.

Development on Green Belt

- 4.22 The site sits adjacent to the settlement boundaries of Shelley and Shepley and is therefore within the designated green belt. The site is surrounded by housing to the east, south and west and so constitutes an opportunity for infill / rounding off with no harm to visual amenity of the green belt in this location.
- 4.23 The role / function of the green belt is considered to be limited in this location, predominantly relating to preventing encroachment into open countryside. As stated, given the proximity of the site to existing housing, this role is limited.
- 4.24 The limited role / function of the Green Belt in this location is acknowledged in the Council's 2017 Green Belt Review document (prepared for the Local Plan). The relevant map extract is copied below:

Extract from Green Belt Edge Map – Kirklees Rural East (April 2017) – see ref SHL8



4.25 SHL8 does not include any important or strategic green belt roles or functions. The Green Belt Review conclusion for SHL8 states that the existing boundary is weak in places; the site sits within that 'weak boundary' given surrounding housing and so any harm arising from the proposal is limited.

4.26 This limited harm is outweighed by the benefits of delivering housing at a time when the LPA are unable to demonstrate a 5 year supply of housing together with highways improvements associated with widening the existing access. The development of this infill plot would be seen in the context of existing housing and can therefore be supported in principle for the reasons set out above.

Other planning considerations

4.27 The application is submitted in outline with proposed access improvements (widening at junction of driveway with Abbey Road). The submitted indicative layout shows how 2 dwellings could be laid out with each dwelling benefitting from parking, turning and garden areas. The site can be developed without harm to residential amenity of nearby dwellings.

4.28 The site is in Flood Zone 1 where there is the lowest risk of flooding and can be developed without increasing the risk of flooding. The site is of little ecological value and there are no heritage designations on site whilst there are no known ground conditions that would prevent development for housing.

4.29 Assessing the proposed development against the main objectives of the NPPF, it is clear the scheme accords with the overarching approach to planning in that:-

- The proposal will maintain the supply of housing in the district through redevelopment of a small windfall site in an accessible location in Shepley / Shelley;
- The proposal will assist the LPA in meeting its housing supply targets at a time when it is considered they are unable to justify or demonstrate a 5 YHLS position;
- The proposal represents development of a sustainable site within the urban area;
- The site is not of any heritage value;
- The proposal will enhance existing access such that the site can be safely accessed and will not give rise to any highway safety or capacity issues;
- The site comprises infill between housing to the east, south and west and its development will not harm the role or function of the green belt in this location;
- It has been accepted at appeal that lack of a 5 year housing supply can be considered as a very special circumstance to allow inappropriate development in the green belt;
- The site will not give rise to any flood risk or drainage issues;
- As illustrated by the proposed layout, elevations and Design Statement, the development proposal will provide a development that is sympathetic to and reflective of the character of the surrounding area.

- 4.30 The Proposed Development therefore complies with requirements set out in the NPPF and Local Plan policies PLP1, PLP2, PLP3, PLP21, PLP22, PLP24, and PLP30.
- 4.31 In view of the above, it is considered the scheme satisfies national and local policy and represents a suitable and sustainable development proposal for the site that addresses all the relevant and material considerations. In this context, the proposal satisfies Section 38(6) of the Planning and Compulsory Purchase Act 2004 and it is considered that planning permission should be granted.