

**Consultation Response from KC,  
Policy****2023/92448 Former Cooper Bridge Water Treatment Works, Leeds Road, Mirfield, WF14 0BT****Outline application for erection of B8 industrial unit****Date Responded: 07/10/2024****Responding Officer: HR****Responding Ref:**

The applicant has submitted additional information in relation to the Sequential Test. This Policy response relates solely to the Sequential Test submitted by the applicant.

**The decision in relation to the assessment of sites (and justification for discounting them) as part of the test would be a Development Management decision. Therefore, these comments relate to the Sequential Test methodology only.**

Area of search

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed (NPPG).

The Local Plan LP27 (Flood Risk) states that the whole of the Kirklees District should be the starting point for the Sequential Test.

Sources of sites

Alternative 'reasonably available' sites will need to be considered as part of the Sequential Test, sources should include:

- Local Plan allocations
- Sites that haven't been allocated in the Local Plan, but have been granted planning permission for a development that is the same or similar to the proposed development (ELSR)
- Expired sites
- Windfall sites that aren't allocated in the Local Plan and don't have planning permission, but that could be available for development (information from local estate agents about sites for sale)

Site Size

Reasonably available sites could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

Applicants approach

The applicant has considered the whole of the Kirklees district when applying the sequential test. However, recent case law has been considered by the applicant (R (Mead and Redrow) v SoS LUHC [2024] EWHC 279) which suggests that a limited catchment can be considered provided there is a specific need to be met. The applicant has ruled out many of the alternative sites as they would not meet the rationalisation needs of the business and would in effect maintain the problem the business is trying to eliminate.

In this case it is appropriate to consider a limited catchment as the proposal is to assist in the expansion of a well-established local business within the district.

The applicant has considered the following sources:

- Local Plan allocations (employment)
- Local Plan allocations (mixed use)
- Unallocated sites with employment permissions
- Safeguarded sites which are not in the GB

Windfall sites without permission or allocation have not been considered by the applicant as sites of a suitable size are likely to be in the Green Belt which will be constrained by other policy requirements. In this case the council accepts that it is not necessary to look at windfall sites as the applicant has justified a smaller area of search.

The applicant has looked at Safeguarded Land sites which are safeguarded for development beyond the plan period. These sites are also safeguarded for housing not employment use, it is therefore unreasonable to consider these sites as alternatives.

The proposal seeks to develop a 300,000sqft building on a 6.1ha site. However, the applicant has looked at sites between 5ha and 6.1ha, sites at 5ha can accommodate a 189,000sqft building. Sites smaller than 5ha have been discounted and sites must be available within a 2-year time period to meet the expansion needs of the business.

The site size has been set based on the reasons that the business is seeking to rationalise their business to one single site to reduce traffic movements as well as increasing operational efficiency, reduce cost and have positive sustainability benefits. The applicant has shown flexibility in their approach and the council considers this appropriate in line with the rationalisation and expansion plans of the business.

The applicant has not considered a number of smaller sites. However recent case law (R (Mead and Redrow) v SoS LUHC [2024] EWHC 279) states that when considering a series of smaller sites (disaggregation) to accommodate the development, consideration should be given to need. Sites should have a relationship which makes them suitable in combination to accommodate any need or demand to which the decision-maker decides to attach weight.

In this case as it would be inappropriate to consider a series of smaller sites as the aim of the proposal is to rationalise and improve the efficiency of the business operation, relocating warehousing from Ravensthorpe, Ossett and Euroway back to the main productions site at Mirfield. Disaggregation of the site would not meet the identified need of the business. The site is in a highly accessible strategic location, immediately adjacent to the business wanting to expand within Kirklees.

The council agrees that the purpose of the development is for the expansion of an existing business therefore it would be inappropriate to consider sites elsewhere within the district.

The applicant has concluded that 3 allocations are large enough to accommodate the proposal but have been discounted due to disaggregation of the business not meeting the proposed needs and ambitions of the business.