

**Consultation Response from KC,
Policy**
2023/93013 Moorhouse Farm, Moorhouse Lane, Birkenshaw, BD11 2AY
Demolition of existing buildings and erection of 9 dwellings
Date Responded:
Responding Officer: Amanda Potter
Responding Ref:

This application proposes the erection of 9 detached dwellings on a site currently used as a livery and caravan storage business. There is an existing access off Moorhouse Lane. The site comprises two large buildings located to the front/north-east of the site arranged in an 'L' shape, with an area of associated hardstanding to the rear/south-west. The site received planning permission in 2021 (application 2021/94599) for the erection of 6 dwellings. These were largely on the footprint of the existing buildings and respected the existing layout. This current scheme amends the layout and extends development further to the south/west across the area of hardstanding.

The site is located within the Green Belt meaning Green Belt policies in the National Planning Policy Framework (NPPF) and Kirklees Local Plan apply to this proposal. The Local Plan was adopted on 27 February 2019 and the Local Plan Strategy and Policies should be fully considered. The following response relates to specific Local Plan policies which are of particular relevance to the proposal. Other policies that are not mentioned here may also apply.

NPPF paragraph 149 states that the construction of new buildings in the Green Belt is inappropriate except for a limited number of specified exceptions, including at criteria g) the partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than the existing development. The council is satisfied that the site, including the hardstanding, represents previously developed land for the purposes of the glossary definition in the NPPF. The previously approved scheme was for 6 dwellings largely on the site of the existing buildings. The current proposal adds an additional three dwellings, extending development across the hardstanding area which is currently free of buildings. The erection of new buildings where no buildings currently exist impacts on the openness of the Green Belt and the scheme therefore constitutes inappropriate development. The NPPF at paragraphs 147 and 148 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The council is currently unable to demonstrate a 5 year supply of housing and as such the 'tilted balance' in favour of sustainable development applies in accordance with the provisions of NPPF paragraph 11, unless the application of policies in the NPPF that protect areas of particular importance provide a clear reason for refusing the development proposed. These protected areas are set out in footnote 7 of paragraph 11 and include Green Belt. The previous scheme reflected the current grouping of buildings on site. This present scheme would result in a suburban layout of straight rows of detached houses spread across the site, with suburban character rear gardens and parking to the front of the dwellings. Principle 12 of the Housebuilder's Design Guide SPD (adopted June 2021) states that car parking should not dominate street frontages through parking arrangements that place car parking at the front of all dwellings.

Harm is caused to the Green Belt through inappropriateness, by impact on openness and harm to the purposes of the Green Belt which is to safeguard the countryside from encroachment, in this case the encroachment of urban form. All harm carries substantial weight and in the case of the current scheme the harm caused to the Green Belt outweighs the benefit of the provision of a further three dwellings over the previously approved scheme. The harm to the Green Belt that would be caused by this

proposal is substantial and provides a clear reason to refuse the application. As such the tilted balance is not engaged. This application is not supported.