

**Consultation Response from KC,  
Policy****2023/93031 Wappy Springs Inn, Lindley Moor Road, Lindley Moor, Huddersfield, HD3 3TD****Erection of mixed industrial development (Use Classes E(g)(i, ii, iii), B2 and B8); including demolition of existing structures, new yard, parking, landscaping, drainage features and ancillary structures****Date Responded: 6 February 2024****Responding Officer: Amanda Potter/Hannah Morrison****Responding Ref:**

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.

This application proposes the demolition of the Wappy Springs public house and all associated structures and the erection of a mixed-use industrial development (Nano Park) totalling some 2,550sqm/27,450sqft as follows:

- 15 hybrid units over 2 floors, at about 1,830sqf /170sqm each (Use Class mixed E(g)(i, ii, iii), B2 and B8)
- associated access, car parking, circulation space and landscaping.

The plans and description propose E(g) (i, ii, iii), B2 and B8 uses whereas the planning statement at paragraph 3.2 describes the units as hybrid in nature, which could be used for either storage (B8) or light industrial space (Egiii) on the ground floor and office (Egi) space above. Clarification is required from the applicant on which uses are actually proposed.

**Green Belt**

The council's position on the redevelopment of this site for industrial use remains the same, with respect to Green Belt policy, as for the previous application 2021/91611 (withdrawn 5<sup>th</sup> August 2021). That application proposed a similar development but with a slightly different arrangement of units. NPPF Paragraph 154 states that other than for limited exceptions, the construction of new buildings in the Green Belt is inappropriate. This proposal would not fall within one of the exceptions set out within the Framework and is considered to represent inappropriate development. This is the agreed position between the local authority and the applicant.

NPPF at paragraphs 152 and 153 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.

In their supporting information the applicant has set out reasons why the resulting harm is mitigated by the location and character of the site and the presence of the existing public house building. It is still the council's position that the scale of the increase in built form and the spread of development over the site, as well as the change in character from country pub and grazing land to industrial park, is materially significant. This increase in both the amount and the spread of built form, as well as the intensification of the use of the site, will result in a significantly greater impact on openness than the existing development.

The applicant has stated that the site sits in an area of urban fringe and already contains urbanising features including a stable, polytunnel and the curtilage of the pub. However, equestrian buildings and polytunnels are not urbanising features as they would be expected outside of urban areas. Nor is a long-standing public house, its car park and curtilage necessarily out of place in a countryside location. If anything, the presence of the stable, horses and polytunnel, rather than detracting from it, adds to the rural character of the undeveloped land adjacent to the pub. The openness of the fields and the treed backdrop gives some visual relief to the heavily urbanised nature of the land on the other side of Lindley Moor Road. It is acknowledged that the site does not sit within the wider countryside and has no relationship to any wider countryside setting but nonetheless it does retain something of a localised countryside character. While its role in safeguarding the countryside from encroachment may be minor, it does still perform that role and therefore an industrial park will result in encroachment and cause harm to the purposes of including land in the Green Belt.

### **Very Special Circumstances**

This response considers the very special circumstances put forward in support of the proposal and assessment of the proposal against Green Belt policy.

The applicant considers that the following 'very special circumstances' apply in this case:

- Need for start-up and small business space
- Lack of alternative sites
- Socio-economic benefits and Economic benefits
- Environmental

### **Need for start-up and small business space**

The need for new employment land, can be considered in two parts, the general need for employment land within the district and the need for start-up and small business space.

Regarding the general need for employment land within the district, the Local Plan Inspector was clear that even with the removal of some of the employment allocations (Clayton West and part of Cooper Bridge) which occurred during the Local Plan preparation process, the Objectively Assessed Need (OAN) for 175 hectares of employment land in Kirklees would still be met.

The Inspector concluded that overall supply from identified sources would total 193 hectares, against the requirement of 175 hectares and that an oversupply of 18 hectares provides sufficient flexibility to allow for an element of non-delivery from commitments and allocations or deal with changing circumstances and allows for some market choice. The Inspector goes on to say that as further allocations would be likely to involve the release of Green Belt land, this represents an appropriate balance between meeting employment needs and protecting the Green Belt.

Currently within the district, there are employment and mixed-use Local Plan allocations that are not developed, these are part of our employment land supply and should be developed prior to Green Belt land.

The allocation of land as Priority Employment Areas (PEAs) across Kirklees allows for churn and supports the growth aspirations of the small and medium sized businesses established in Kirklees. These existing employment areas will need to be retained if jobs are to be provided in locations which are close to residential areas and reasonably accessible by public transport.

The Inspector concluded that the PEA assessment is appropriate and proportionate and that PEAs play an important role in providing local employment opportunities and contributing to the local economy. The potential employment supply across the district of 48ha from vacant land within designated PEAs is considered as potential employment supply and contributes to our OAN (SD1,

Table 5). These sites are not considered as windfall as they form part of the employment land supply in the Local Plan. The Inspector concluded that the employment strategy and policies are justified, effective and consistent with national policy.

Turning to the need for start-up and new business space with the district and evidence presented by the applicant (Need Statement):

#### UK Industrial Market

Nationally, the industrial market is dominated by larger units and significant scale, e-commerce requirements which can be explained by growing demand for online retail, demand from manufacturers and population growth. Regionally, there is high demand for industrial floorspace, but a low supply as evidenced by high levels of take-up. Also, the current market favours larger developers that provide bigger buildings and there is a strong industrial market in the UK.

In Kirklees, the provision of larger-scale employment buildings has been achieved on the allocations at Lindley Moor (MX3), Bradley (ES1), Slipper Lane (MXS6) and St Andrew's Road (ES2). Recent applications at Whitechapel Lane (ES6) and Cooper Bridge (ES9) have also been for the construction of larger scale employment developments. The Authority Monitoring Report also indicates that there has been growth in the amount of floorspace coming under industrial use classes (E(g)(iii) and B2. Therefore, it is considered that there is a demand for employment floorspace within the district.

#### Local Need for Start-up and Small Business Space

The applicant states that it is necessary to provide sufficient floorspace for start-ups and/or smaller businesses. The applicant has provided data from the Office for National Statistics (ONS) showing that there has been growth in business start-ups however, there has also been a reduction in net business registrations. The data also suggests that Kirklees is more entrepreneurial than Yorkshire and the Humber but less so than the rest of the UK (as evidenced by the business births per 1000). ONS data supplied by the applicant also suggests that a large proportion of businesses in Kirklees are either microbusinesses or small businesses. The applicant goes on to argue that the lack of floorspace is preventing growth and success for smaller businesses.

The low rate of business births compared with the UK and the fall in net business births may have arisen due to other factors affecting the district and not just because of a lack of floorspace. Regarding the information on micro and small businesses, it may be the case that these businesses have secured the floorspace they require, or the operational requirements of the microbusinesses mean that floorspace is not required. Therefore, it is considered that the ONS data on its own is insufficient to support the case.

#### Under delivery of small business space

The applicant has set out that the development market for employment sites favours larger units whilst smaller units are less attractive due to additional costs arising from fitout works and marketing additional units. This is an issue on bigger and better located sites. This results in an under supply of smaller units.

Table 2 in the Leeds City Region Strategic Employment Evidence - Land and Property report (available at <https://www.westyorks-ca.gov.uk/media/6271/lcr-strategic-employment-evidence-land-and-property-feb-2021-final.pdf>) identifies the following issues regarding the provision of smaller units:

- There is an under supply of small and mid-size premises which is acting as barrier to growth
- The strength of the warehouse market encourages development at expense of small industrial units

In Kirklees, where there has been development and/or a planning application on an allocated site, larger scale premises have come forward rather than smaller scale premises. Therefore, it is

considered that this proposal could help address any undersupply of small industrial units not just in Kirklees but the wider Leeds City Region. As the evidence submitted covers all of the Leeds City Region and not just Kirklees.

#### Quantitative Need

The applicant explains that they have used past take-up to assess the need for floorspace and that it is just a minimum expression of demand. The applicant has stated that there is a need for 2,291 sq. m of small unit space per year (or 0.6ha). The applicant states that the requirement for employment floorspace is too low and that the Council is over reliant on PEA sites to meet employment needs and smaller units have been excluded from the land supply and the space is not being delivered.

Kirklees Council have commenced a review of the Local Plan and may identify a different employment land requirement. It is agreed that past take-up can be one way in which the need for employment floorspace in a district can be assessed. The Council are also mindful that on employment allocations that have been completed, the developments have tended to be larger units as opposed to smaller units. LCR evidence cited above also highlights a need to provide smaller units across the Leeds City Region.

#### Occupier Need

In Appendix 4, the applicant has set out a list of businesses requiring small units. On the list, there are businesses which want to locate in West Yorkshire, on the M62 corridor or in the Kirklees/Calderdale area. Also, the application could provide floorspace for 15 of the businesses on a list of 38.

As the application site is accessible from the M62 and is close to the district boundary of Kirklees and Calderdale, this site would fulfil the locational requirements of all the businesses listed in Appendix 4. It may be the case that there are more businesses who need 1,000-2,000 sq. ft of floorspace, who did not participate in the applicant's survey and therefore, it is considered that there is an occupier need for small business space along the M62 corridor, not specifically in Kirklees. However this location would meet the locational requirements.

To summarise, considering all the submitted evidence as a whole, there is evidence produced by both the applicant and Leeds City Region which indicate an undersupply of small to mid-size premises and evidence from the applicant which indicates a demand within the M62 corridor that could be met by the proposed development. The balance that therefore has to be determined is whether the benefits arising from the proposed development set out above would outweigh the harm to the Green Belt in terms of inappropriateness and impact on openness, both of which carry substantial weight.

#### **Lack of alternative sites**

The applicant claims as part of demonstrating that very special circumstances exist that there is no existing space on the market for this sector; no space with planning permission for this type or scale of use, and no alternative sites to meet this need. The requirements set out by the applicant are as follows and have informed the approach used to define the area of search:

- Locational Requirements - Good access to the motorway network, good access to the main road network, good access to larger existing employment locations (customers and other businesses) and good access to urban areas (customers and staff).
- Avoid constraints - for example, very steeply sloping sites (which would increase build costs further) and access through residential areas (which might cause amenity or environmental concerns).
- Reasonability Available - Suitable, achievable and deliverable within the next 3 years (available within 3 years).

Locational requirements:

A catchment area has been defined based on a 10-minute drive time from the motorway junctions in

Kirklees. The applicant considers this a generous reflection of the wider accessibility needs of the occupiers, set out above. The applicant considers that this catchment is broad enough to avoid excluding too much of the district, which would make the assessment artificially constrained, whilst also capturing the general need for occupiers to be able to readily access the main strategic highways network in the area.

The Council consider a 10-minute drivetime appropriate in terms of having good access to the motorway network. Proximity to the strategic road network (motorway junctions) is important to ensure that a site is well located to enable the efficient movement of HGV traffic and other associated vehicles to the existing and potential users of the site.

#### Constraints:

The Council considers that significant site constraints would have the potential to increase build costs. However, access through residential areas is not considered as a significant constraint and potential sites should be considered further as developing these sites wouldn't always result in residential amenity or environmental concerns.

#### Existing Stock and units currently on the market

In addition, existing developed sites of small units/starter units have been considered. An occupier questionnaire was sent to existing occupiers, it concluded that the design and environment expectations of occupiers is high.

Most companies were looking for new premises for a considerable period (70% looking for over 3 months) and were not able to find anything that could meet their needs in their preferred location (100%). Only 20% were able to find something which met their needs, but not in their preferred location.

The applicant concludes based on this evidence that there is an inadequate supply of this sort of product locally, which also suggests that the developments secured on the employment allocations from the 2019 Local Plan have not delivered this type of product.

All units currently on the market (searched by Eddisons property search engine vis the council's website) are outside of the catchment area. Council owned flexible workspaces have also been considered, but most are fully let, and the applicant has reviewed available property by looking at local estate agents web pages and using their search functions, 3 properties were found and all of them are considered not appropriate by the applicant.

#### Alternative Sites

The applicant has reviewed all of (in the applicants opinion) the available sites within the parameters set out above and discounted them all for this use due to suitability, availability or deliverability issues. A total of 40 sites have been identified and analysed by the applicant. The full site assessment proformas are provided as appendices and cover the following sites:

- Employment Allocations
- Mixed use Allocations
- Priority Employment Area (PEA) sites
- Safeguarded Land

#### Employment allocations:

6 employment allocations have been identified by the applicant that are within the search catchment. All of these are either fully developed or not available to the applicant now and are therefore not considered as reasonably available.

#### Mixed-use allocations:

7 mixed use allocations have been identified by the applicant that are within the search catchment, these have been discounted by the applicant as they are either fully developed or not reasonably available.

However, the site at Lindley Moor (MXS3) is adjacent to the Wappy Springs site and offers all the locational requirements, as set out by the applicant, needed by this type of development. The planning application, currently under consideration by the Council, proposes in outline (among other things) 11 small B2/B8 units (with ancillary office) ranging between 260 and 525 sqm each. These units, even though they are a little larger than the proposed nano units will help to meet the demand for start-up and small business space set out by the applicant.

The Lindley Moor allocation is an Enterprise Zone, where the key focus, as set out by the LCR SEP is 'the acceleration of development and delivery of high-quality employment floorspace in the advanced and innovative manufacturing and complementary sectors'. This is exactly the type of floorspace the Nano park aims to provide.

Lindley Moor East is a 6.3 ha site planned to deliver between 16,250-22,000 sqm of B1/B2/B8 floor space. This site has an excellent strategic position, as it is centrally located on the East/West M62 motorway link across the country and able to utilise either of the North/South M1 and M6 motorway links.

#### Priority Employment Areas (PEAs):

In terms of PEAs the Council (LPA) accepts that some of the vacant land within PEAs is only suitable as expansion land for existing businesses and that with the constraints listed above the number of potential sites within PEAs will be limited. Although these are smaller sites which would lend themselves to small startup businesses.

#### Safeguarded Land:

In terms of, Safeguarded Land, this land is to be protected from development during the local plan period to be considered for development through a review of the Local Plan. The consideration of the permanent development of safeguarded land, such as for housing or employment, will only occur through a change to the allocation through a review of the Local Plan. During a Local Plan review, the reassessment of Safeguarded Land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as safeguarded land until the next review of the plan. Therefore, it is not appropriate to consider Safeguarded Land at this stage.

#### **Socio-economic benefits and Economic benefits**

It is considered by the Council that any new development within the district, especially development that will secure further investment, business retention and provide a platform for business start-ups would make a positive contribution to the local economy, both in terms of GVA and job creation.

This isn't unique to this particular site; it would be the case with any new development within the district.

#### **Environmental**

The applicant considers that the development will result in a considerable uplift in the biodiversity value of the site, significantly greater than current policy expectations and more than 3 times the level forthcoming legal requirements. This has been presented as a benefit that clearly outweighs the harm caused to the Green Belt.

The Council do not consider this to be a very special circumstance, however more guidance on this should be gained from the Councils Biodiversity Officer.

The Kirklees Local Plan policy LP30 states that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees.

The Environment Act 2021 requires that the development exceeds the pre-development biodiversity value of the onsite habitat by **at least 10%**. Therefore, this is a minimum value, and 3 times this requirement is not considered as a significant benefit that clearly outweighs the harm caused to the Green Belt.

#### Conclusion

Harm to the Green Belt carries substantial weight. In this instance, harm is caused by reason of inappropriateness. There is also very significant harm caused to the openness of the Green Belt and harm to the purposes of including land in the Green Belt. Harm may also be caused through any other harm not covered in this response. Any benefits, in terms of very special circumstances, of allowing this proposal will need to overcome the substantial degree of harm to the Green Belt that would be caused as a result of this proposal.

Kirklees currently has allocated employment and mixed-use sites, which have not yet been developed, they are allocated to support the local Advanced Manufacturing Sector, provide start-up and small business space and create jobs.

All of the allocated employment and mixed-use sites are considered to be suitable, available and deliverable. The sites may not be available to the applicant or meet their locational requirements, but these sites are available, and as Local Plan allocations they should be developed prior to any green belt land.

Evidence submitted does not clearly demonstrate that there is a need for these type and size of units in this particular location that would outweigh the substantial harm caused to the Green belt.

#### **LP48 on Community facilities and Services**

##### **Existing use Public House**

The planning statement advises at paragraph 1.4 that ‘the Wappy Spring Inn closed for business since Summer 2022. It will not be reopened as a public house. It was on the market for around 2 years before the applicant purchased it. There were only two interested parties in purchasing the site, one was a popular garage forecourt operator who later pulled out of the deal, and the other was Frank Marshall Estates.’ However, it does not provide any further detail to address Local Plan policy and the NPPF.

Pubs are regarded as valued community facilities and Local Plan policy LP48 on Community facilities and Services states the following:

*‘Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:*

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or*
- b. its current use is no longer viable; or*
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or*
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and*
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.’*

The applicant needs to demonstrate one of the criteria a to d. To address criteria a or b as set out in Local Plan paragraph's 17.17 to 17.19, the applicant needs to provide the following:

- evidence demonstrating that they have made reasonable attempts to actively market the land or premises for sale or lease at existing use value,
- the last 3 years trading accounts with a breakdown of the percentages of income from food and drink; where a dining facility is provided, details of the market aimed at and the number of covers available; who the licence is currently held with and when it is due for renewal; the opening times for the premise,
- Evidence demonstrating that the scope for multiple use, alternative uses has been considered.

NPPF paragraph 92 supports the above, stating that planning policies and decisions should '*guard against the unnecessary loss of valued facilities and services*'.

### **LP13 Town centre uses - Hybrid industrial space**

The proposal includes 15 units of new hybrid industrial space with a total floorspace of 2,550sqm for use class E (g) i. offices, iii. Any industrial process being a use which can be carried out in any residential area without any detriment to the amenity of that area or B8 Storage and Distribution.

The planning statement (paragraph 3.2) describes the units as hybrid in nature, which could be used for either storage or light industrial space on the ground floor and office space above.

In reality as a flexible use is proposed both floors of all these units could be used as office. Use Class Eg)i) Office is a main town centre use as defined in the Local Plan and NPPF glossaries and the proposal is in an out of centre location, a Sequential Test and Impact Assessment (as the floorspace is above 500sqm gross) are both required as set out in Local Plan policy LP13 Town centre uses.

The scope of the Sequential Test and Impact Assessment should be agreed with the council prior to the submission of a planning application. It should be reflective of the scale, role, and function of the proposal, address the business model and the catchment that the proposal is intended to serve.

Alternatively, the description of the proposal should be amended to exclude office to ensure that any element of office is truly ancillary to the main use, and should the application be approved, a condition would be required restricting the use to those set out in the application (if the description of the proposal is amended) to ensure the vitality and viability of town centres.

### **Call for Sites**

The Call for Sites has been open since February 2020 and remains open to continue to allow interested parties, including landowners and developers, to inform the council of potential sites to be considered for inclusion in the updated Local Plan.

Proposing a site does not necessarily mean that it will be allocated in the updated Local Plan. The choice of sites to be included in the Local Plan will be made at a later stage of the plan making process and after consultation.

[Call for sites | Kirklees Council](#)