

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/62/93742/W
Site Address:	land adj The White House development, Chain Road, Slaithwaite, Huddersfield, HD7 5TY
Description:	Erection of 2 detached dwellings
Recommending Officer:	Lucy Taylor

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 31 May 2024

Officer Report.

Reference: 2023/93742

Location: land adj The White House development, Chain Road, Huddersfield, HD7 5TY

Proposal: Erection of 2 detached dwellings

Site Description.

The site consists of an open piece of agricultural grassland, with no existing pedestrian or vehicular accesses. The site is bounded by dry stone walling, separating the site from different parcels of land.

Surrounding the site is a mixture of open land, farmsteads and residential development, albeit this is within a sporadic form, given the site's location within the Green Belt.

Description of Proposal.

Planning permission is sought for the erection of 2 detached dwellings.

The two dwellings would be sited approximately 30 metres back from the frontage of the site (Chain Road), with a 5-metre-wide shared drive to be created to facilitate access.

Both dwellings would have a maximum height of 7.4 metres, a width of 10.85 metres and a length of 7.4 metres, with a single storey lean-to front porch projecting 1.8 metres forward of the principal elevation.

Both dwellings would also have an attached garage to their side elevation, which would project forward of the dwelling by approximately 5.5 metres.

The dwellings would be faced in coursed stone to their principal elevations and render to their side and rear elevations. The roofs would be infilled with artificial stone slates.

Fenestration detailing would consist of access doors and windows, which would be constructed from UPVC.

History of Negotiations/Amendments Received.

No negotiations took place, and no amended plans were sought or submitted, as it was not considered that there could be any amendments, within the remit of the description of proposal, which would overcome the reasons for refusal.

Relevant Planning History.

Neighbouring the application site:

- 2014/90347 – Erection of 2 detached dwellings. *Refused, Appeal Dismissed.*
- Pre-Application enquiry for residential development 2022/20914 comments provided.

Representations.

The application was publicised in accordance with statutory publicity requirements, via neighbour notification letters.

Final publicity date expired: 2nd May 2024.

In response to publicity, five objections were received.

The objections received raised the following, summarised, concerns, that are considered to be material considerations in the determination of this current planning application (the objections can be viewed in full on the website):

Green Belt:

- The building of two properties would be inappropriate development in the Green Belt, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The site has never previously been developed and has been grazing land for over 75 years. It is still currently used as grazing land for horses.
- The 'very special circumstances' required for any intrusion into the Green Belt as stated in the National Planning Policy Framework simply do not exist. The special circumstances referred to in the application re 'between 2 existing developments' is not appropriate under planning laws for the green belt. This is not a case of a 'limited infilling in a village' but a completely new development on a completely open piece of land. The current proposal would promote urban sprawl.

Biodiversity / Natural Environment:

- The removal of the large holly bush is an additional concern, removing even more biodiversity from the site.
- This will have an adverse effect on the natural environment. There will be no main sewage. There is already an issue in respect of Utility services in the area. The land drainage is already at a critical stage causing flooding on the road.

Highways:

- There are huge implications in respect of traffic management and highways safety as the access to this site would be on Chain Road, a 60mph road. The speed limit on the road would have to be reduced to 30 or 40mph.
- Access to the site is off Chain Road, and whilst the plans allow for a pull-in egress, it is not a safe entry or exit given the location near the rise and corner of the bend.

Consultation Responses.

KC Highways Development Management (formal): –

- No details of the sight lines from the proposed new access onto Chain Road are provided. The speed limit along Chain Road is 60mph. HDM would recommend that speed surveys are undertaken, and the applicants are asked to demonstrate that their proposed sight lines are satisfactory for the 85-percentile speed of vehicles along this section of Chain Road.
- No details of bin collection points are provided. Bin collection points should be provided to both dwellings to enable bins to be presented on collection day without either obstructing the highway or proposed driveway.

KC Environmental Health (formal): –

- Foul drainage – pre determination information required.
- Contaminated land – pre-commencement conditions required.
- Construction noise –limit the hours of operation for the site.
- Electric vehicle charging points – remind the applicant that approval under the Building Regulations may be required for the EVCP's, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

KC Policy (informal): Proposal constitutes inappropriate development in the Green Belt.

Policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is situated within the Green Belt on the Kirklees Local Plan.

The nearest Listed Buildings located to the site are No. 3 Delves Moor and Delves Gate Farm, which are situated over 50 metres from the site of proposed development. Therefore, given this extent of separation distance, it is not considered that the proposal would impact upon the setting of these designated Heritage Assets. As such, no further assessment of the application in relation to the Historic Environment is required.

Kirklees Local Plan:

Principal policies relevant to this enquiry include:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity & geodiversity
- **LP33** – Trees
- **LP35** – Heritage
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contamination

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11- Making Effective Use of Land
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Highways Design Guide (2019)
- Housebuilders Design Guide (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Waste Management Design Guide (2020)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Assessment.

The following matters are considered in the assessment below: -

- 1) Principle of development
- 2) Impact on Visual Amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1) Principle of Development

Sustainable Development:

NPPF Paragraph 11 and Policy LP1 of the Kirklees Local Plan outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Housing Supply:

The February 2024 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for

decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), 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 proposed (NPPF Footnote 7)** ; 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.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. In this case, as the site is within land designated Green Belt, the application of Policies in the NPPF which protect Green Belt land could provide a clear reason for refusing planning permission. In those circumstances the tilted balance would not apply. The judgement in this case is set out in the officers assessment.’

For completeness within the principle of development section, and notwithstanding the site is within Green Belt, Policy LP7 of the Kirklees Local Plan states encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

The site measures around ~1,392.62m³, therefore, approximately 0.14 hectares. Therefore, whilst officers note that more dwellings could theoretically potentially be provided on site, to increase the density of housing development, would increase the potential for other issues to arise, which could have a harmful impact, especially with regard to the Green Belt setting of the site. However, the site is not previously developed and is not within a sustainable location and those is not in accordance with Policy LP7 in principle.

Green Belt:

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development within the Green Belt should be treated as inappropriate unless they fall within one of the exceptions set out in Paragraph 154 or 155 of the NPPF. Of note, this includes:

- the construction of new buildings comprising limited infilling in villages (Paragraph 154(e)).

With regard to Paragraph 154(e) of the NPPF (i.e. the construction of new buildings comprising limited infilling in villages), Paragraph 19.31 of the Local Plan states that: *'new dwellings may not be inappropriate in the Green Belt where they constitute limited infilling within villages. There are a number of smaller settlements in Kirklees which are either over washed by the Green Belt or inset within it and the level of services contained within these settlements varies considerably. Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built up frontage'*.

In this instance, the site is part of a large open field between the 4 dwellings that were created from the conversion of the former White House public house to the south east and the property at Slate Pitts Farm to the north west. The site is an integral part of an upland landscape of agricultural grazing land interspersed with occasional residential and agricultural properties and buildings. The site is not therefore considered to be within a village and the construction of two new dwellings would therefore constitute inappropriate development in the Green Belt.

In this instance, the site is not either previously developed (brownfield) land and it is not in a continuously built-up frontage, therefore, the proposal constitutes inappropriate development in the Green Belt by definition.

The impact of other harm on the Green Belt will now be discussed.

Any other harm to the Green Belt: The effect of the proposal on the openness of the Green Belt, the purposes of including land within Green Belts and on the character and appearance of the area:

In respect to the openness of the Green Belt, Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has been established to have both a visual and spatial aspect.

In this case, the proposal would reduce openness and prejudice the objective of keeping land permanently open through the introduction of a new built form. More specially, the introduction of two new dwellings with detached garages and associated domestic paraphernalia would result in a significant loss of openness, both spatially and visually. Furthermore, the creation of an access and hardstanding for vehicles within the Green Belt, would further add to the erosion of the openness of the Green Belt and would constitute encroachment of urban development within the Green Belt.

Further to this, it is considered that the proposal would fail to safeguard the countryside from encroachment (thereby conflicting with one of the purposes of including land within the Green Belt as set out in the NPPF) and by virtue would have an adverse effect on the wider area. At present, the built form along Chain Road, is sporadic, with open pasture land in between. Therefore, if this proposal was to be accepted, it would result in the loss of part of this existing field and would create an incongruous form of 'estate type' development. This would not respect the established landscape and would create an unsympathetic and alien form of development within the Green Belt. This is also contrary to Policy LP24a of the Local Plan.

Thus, the harm by virtue of conflict with one of the purposes of including land within Green Belts, adds to the harm to the character and appearance of the Green Belt and the openness of the Green Belt, and this adds to the substantial harm by virtue of the proposal, constituting inappropriate development in the Green Belt.

Very Special Circumstances:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The applicant has put forward the following very special circumstances within the submitted Design and Access Statement:

“These special circumstances are the site being in the centre of other housing and in particular the four new dwellings (The White House) and also the past history of the site and would therefore demonstrate that the development would not be contrary to policies set out in Chapter 9 Protecting Green Belt land of the National Planning Policy Framework.”

Whilst officers acknowledge the presence of housing either side of the site, as previously set out, housing along Chain Road is sporadic, with open pasture land in between. Therefore, it is considered that, the development of two new dwellings on this land, would result in the loss of part of the existing field and would create an incongruous linear form of development. The modest increase in housing supply does not outweigh the harm to the Green Belt. As such, it is not considered that the very special circumstances put forward by the applicant would outweigh the harm of the proposed development to the Green Belt. The 'past history of the site' relates to applications submitted more than 40 years ago that are not relevant to the consideration of this application.

Given the above, no very special circumstances have been put forward to outweigh the substantial harm to the Green Belt identified above, therefore the proposal is considered to be contrary to Chapter 13 of the NPPF and Policy 24a of the Local Plan.

Conclusion:

Officers conclude that the proposal constitutes inappropriate development in the Green Belt. The development is also considered to cause harm to the openness of the Green Belt, the visual amenities of the Green Belt and the character and appearance of the wider area, as well as conflict with one of the purposes of including land within Green Belts. It is considered that 'very special circumstances' which would clearly outweigh such harm caused to the Green Belt have not been demonstrated. Therefore, the development is considered to conflict with Policies in Chapter 13 of the NPPF and Policy 24a of the Local Plan.

2) Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape...” and “c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details...”

Paragraph 134 of the NPPF states that design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. In addition to this, Paragraph 139 of the NPPF outlines that Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Kirklees has an adopted House Extensions and Alterations SPD.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 6 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whilst Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties.

Given the location of the site, with a highway to the frontage (Chain Road), the two new dwellings would be highly visible from public vantage points. The site comprises part of a field between existing residential development (The White House and Slate Pitts), but as the field appears to be agricultural land and extends significantly beyond the rear boundaries of these neighbouring properties, it visually appears to form part of the open countryside. In addition, the character of the area is as such that housing along Chain Road is sporadic and dispersed with open pasture land in between, with this open land considered to make a positive contribution to the character and appearance of the locality. The road to the east, Wood Lane, is at a lower level and the side elevations of one of the dwelling, on rising land, and associated paraphernalia would also be visible from that viewpoint.

As such, residential development on such a site, with associated hard standing and domestic paraphernalia, is considered to urbanise this currently open and green site, thereby altering its rural characteristics and causing significant harm to the character and appearance of the area and visual amenities of the locality. Residential development on the site is therefore considered to be contrary to Policy LP24a of the Kirklees Local Plan, Policy 2 of the SPD and Chapter 12 of the NPPF.

The proposed development of two dwellings on the site, in principle, would have a visually incongruous appearance to the locality and be out of character, however, notwithstanding the in-principle concerns as set out above, when considering the proposed layout and appearance of the dwellings, it is considered that the forward projection of the single storey double garages would result in a disordered layout of built form. Furthermore the style of the dwellings is more reflective of ‘estate’ housing than the organic form of older dwellings in the sporadic collections of buildings in the area.

It should also be noted that the indicative plan suggests a large expanse of hardstanding to the front elevation of the proposed dwellings. This is considered to be contrary to Principle 5 of the Housebuilders Design Guide SPD, which sets out that careful consideration should be given to accommodating car parking, to ensure that it is not visually dominant.

In conclusion, it is considered that the siting, appearance and layout of the dwellings would cause considerable harm the character and appearance of the area. Consequently, it would conflict with Policies LP1, LP2 and LP24(a) of the Kirklees Local Plan. In summary, these policies seek to deliver sustainable development and to protect and enhance local character amongst other matters. The proposed dwellings, hard standing and associated domestic paraphernalia would fail to adhere to the principles 2 and 12 of the Housebuilders Design Guide SPD, which advise that buildings should have a coherent and harmonious appearance within the street scene and avoid the hard standing and parking of vehicles over-dominating the streetscene. There would also be conflict with the design objectives of chapter 12 of the National Planning Policy Framework.

3) Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states that: *“Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.”* For two storey houses typical minimum separation distances are advised as:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

In this instance, the nearest residential property to the application site is Slate Pitts to the west. This neighbouring property benefits from large areas of glazing within the side elevation of their flat roof extension, which is adjacent to the proposed new dwelling, No.1. The closest side elevation to the new built form (the rear elevation of the double garage at No.1) would be separated from this glazed side elevation by approximately 3.5 metres. All other proposed built form would be separated from this side elevation of Slate Pitts by approximately 8 metres or further. The only window proposed in the side elevation, to face towards Slate Pitts would serve a utility. Given the close proximity of this window in relation to this neighbouring property, if

planning permission were to be granted, a condition would be imposed to ensure that this window be obscurely glazed. With the inclusion of this aforementioned condition, given the layout of the proposed dwellings and the separation distances present, it is not considered that the development would result in significant impacts of undue overbearing, overshadowing or overlooking with regards to the neighbouring property of Slate Pitts.

To the south east are the cottages contained within The White House. These include 1 Whitehouse Cottage, 2 Dyers Cottage, 3 Holly Cottage and 4 Delves Cottage. The submitted block plan demonstrates that the built form of the proposed dwellings would retain a separation distance of 30 metres and further from the siting of these properties. These dwellings were formed by the conversion of a Public House some years ago, and are not newly erected dwellings. Therefore, officers are satisfied that the proposed dwellings would not result in any significant impacts of undue overbearing, overshadowing or overlooking for the occupiers of these neighbouring properties.

The wider surrounding site is dominated by open fields.

The internal floorspace of the dwellings would comply with the aspirations of Principle 16 of the SPD and provide a high standard of amenity for future occupiers, as would the amount of amenity space it is proposed to provide (Principle 17).

Therefore, given the above assessment, the proposed development is considered acceptable in terms of residential amenity, and it is considered that the proposed development complies with Local Plan Policy LP24(b), Principles of the SPD and Chapter 12 of the National Planning Policy Framework.

4) Impact on Highway Safety

Paragraph 115 of the NPPF states 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.”*

As part of the determination of this planning application, a formal consultation was undertaken with KC Highways Development Management, where the Highways Officer made the following comments:

The application seeks approval to the erection of 2 detached dwellings at land adjacent to The White House development, Chain Road, Slaithwaite.

The site is access from Chain Road (B6107) and is situated to the West of the old White House Public House, now converted into four dwellings.

The proposals show 2 detached dwellings with attached double garages served by a shared private driveway.

No details of the sight lines from the proposed new access onto Chain Road are provided. The speed limit along Chain Road is 60mph. HDM would recommend that speed surveys are undertaken, and the applicants are asked to demonstrate that their proposed sight lines are satisfactory for the 85-percentile speed of vehicles along this section of Chain Road.

No details of bin collection points are provided. Bin collection points should be provided to both dwellings to enable bins to be presented on collection day without either obstructing the highway or proposed driveway.

In this instance, officers did not consider it justifiable to request amended or further plans from the planning agent / applicant in relation to the suggestions set out by Highways Development Management, given the reasons for refusal as set out within the 'Principle of Development' and 'Impact on Visual Amenity' sections of this report. However, given that officers consider that amendments / further information could have been secured through appropriately worded pre-commencement conditions, it is considered that it would be unreasonable of the Local Planning Authority to refuse permission on the basis of the concerns raised by KC Highways Development Management.

5) Other Matters

Climate Change:

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

The application is supported by a Climate Change Statement, which sets out various mitigation measures.

In addition, and in accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 of the Kirklees Local Plan and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate

Air Quality harm. The provision of electric vehicle charging points is controlled by Part S of the Building Regulations which came into force in June 2022.

Contaminated Land:

With regard to land quality, Chapter 15 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development is relevant.

The proposed development site is shown as being potentially contaminated from its proximity to former quarries (site references 112/14 circa 60mW, 111/14 circa 130mNW and 114/14 circa 170mSE).

In support of the application an unauthored Phase 1 Desk Top Study dated the 24th of March 2024 has been submitted. Although this report informs of the site walkover and gives information in regard to the current and historical site information, it does not consider the wider area and is not considered a Preliminary Site Appraisal by a competent author. Therefore, KC Environmental Health recommend conditions in relation to contaminated land upon any grant of approval and note that any contamination reports must be prepared in accordance with guidance in:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

Biodiversity:

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 9 of the Housebuilders Design Guide SPD is also of relevance.

The site is currently an open field, surfaced with grassland. Therefore, as outlined within Natural England standing advice, grassland has the potential to provide habitats for birds, badgers, bats, reptiles and protected plants, and the trees and vegetation nearby increase the potential for bats and birds. Of note, the site is also within the twite buffer area. Given the above, officers consider the site to have some ecological potential.

Therefore, in the event of any grant of permission, a condition would be imposed requiring the submission of Ecological Design Strategy. This would be required as a pre-commencement condition, given the need to ensure appropriate enhancements are implemented from the start. This is to comply

with the aims and objectives of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the NPPF.

Drainage:

In support of this application, a foul drainage assessment form dated 05/03/24 has been submitted. It informs a connection to a public sewer is unavailable due to distance and a connection to an existing septic tank will be made.

KC Environmental Health set out in their consultation response that they require further information as to the condition and the capacity of the existing septic tank, exactly how many properties (including the proposed new dwellings, including the total number of bedrooms) they will serve. It must demonstrate that the tank will be of adequate capacity for the highest number of persons that may use the tank.

KC Environmental Health set out that they require this information to ensure that any existing systems are not overwhelmed which may give rise to statutory nuisance or contamination. Provision of an adequate system of foul water drainage is also a requirement of the Building Regulations.

KC Environmental Health set out that the applicant would be advised to discuss the matter with their Building Control Provider.

If the principle of development had been acceptable, these issues would have been investigated further prior to determination.

Construction Practices:

The Council's Environmental Health Team has requested that construction site working times are conditioned. Given that construction practices are covered by other regulations it is not considered necessary or reasonable to attach such a condition, but an informative regarding such practices can be attached instead if permission is granted.

6) Representations

In response to publicity, five objections were received. These objections raised concerns regarding Green Belt, biodiversity / natural environment and highways.

These matters are assessed in depth within sections 1, 4 and 5 of this officer's report.

7) Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with the development plan and that the application of Policies within the NPPF that protect areas or assets of particular importance (Green Belt) provides a clear reason for refusing the development proposed.

Whilst the Council is unable to demonstrate a 5-year supply of housing land supply, in this case, specific policies in the Local Plan and NPPF indicate that development should be restricted. It is considered that the detrimental impact to the Green Belt and to visual amenity as a result of the proposal would not be outweighed in this case in relation to the Council's current housing land supply position.

The proposal is therefore considered to be contrary to policy LP2 which seeks to ensure all development proposals build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

For the reasons set out in this report, refusal is therefore recommended.

Recommendation: Refuse
Decision Authorisation – Delegated Powers
Application Number: 2023/93742
Officer Recommendation: Refuse

Reasons for Refusal:

1. The proposed development would constitute inappropriate development in the Green Belt by definition. Further harm would be caused to the visual and spatial openness of the Green Belt by the development of land that it presently open and through the siting, design and appearance of the dwellings and associated works. In addition, the development would fail to safeguard the countryside from encroachment, thereby conflicting with one of the purposes of including land within Green Belts. Very special circumstances which clearly outweigh the harm caused by inappropriateness and other harm have not been demonstrated. The development is therefore contrary to Policy LP24a of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.
2. The proposed development, by reason of the siting, appearance and layout of the dwellings and associated works, would result in an alien and incongruous form causing significant harm to the visual amenity and character of the locality. To approve the development would cause harm to visual amenity and the character and appearance of the area, contrary to Policies LP1, LP2 and LP24a of the Kirklees Local Plan,

Principles 2 and 12 of the Housebuilder's Design Guide SPD and Policies within Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Plans, Elevations and Views as Proposed	2123-02	-	26.03.24
Drainage around Holt Head	-	-	26.03.24
Foul Drainage Assessment Form (FDA1)	-	-	26.03.24
Phase 1 Desk Top Study of Site	-	-	26.03.24
Design and Access Statement	-	-	09.01.24
Climate Change Statement	-	-	09.01.24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

In this instance, no negotiations were undertaken with the applicant or planning agent regarding the proposal for two new dwellings. This was predominantly due to the fact that, it was not considered that the reasons for refusal, could be overcome via negotiations or the submission of amendments and / or further information.

Report dated:

29.05.24

