

**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:	2024/62/90416/W
Site Address:	Former Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth, HD3 3FR
Description:	Erection of one dwelling
Recommending Officer:	Tom Hunt

DECISION - REFUSE

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: 7th May 2024

Officer Report

Site Description

2024/90416 – Former Hall Ing Quarry, Hall Ing Road, Brockholes

The application site is a roughly rectangular plot approximately 60m x 93m on south west facing hillside to the north east of Brockholes. It is adjacent to the southern side of Hall Ing Road, a single width country road roughly between Honley and Thurstonland.

There are large fields and woodland belts rising up to the north, mature woodland to the southern and western boundaries descending down the hillside and open fields to the east.

The site is a relatively small disused and overgrown sandstone quarry cut into enclosed grassy land that slopes from east (highest point) to west across the site at a gradient of approximately 1 in 12. The rock face is roughly 'J – shaped' and positioned towards the eastern end of the site with exposed rock facing in a westward direction. The maximum height of the rock face is around 7.0m, with mounds covered in overgrown vegetation at the base and grassy banks to the northern and southern sides.

There are no buildings or other structures.

The site and surrounding area is designated Green Belt on the Kirklees Local Plan. The site is located at least 550m from the nearest settlement boundary of Brockholes / Honley, and being outside a settlement, it is deemed to be in the countryside. The nearest neighbouring dwellinghouse is also approximately 150m to the north.

Description of Proposal

Erection of one dwelling

It is proposed to erect a single storey, 4-bed dwelling in front of the existing rock face and roofed with earth-cover in new soft landscaping above and to the rear and sides. This is stated to be Self-build and custom build development within the application form.

It would be graded to blend back into the existing landform. A 20.0m wide and largely glazed single storey front elevation, appearing 3.8m height, would be visible below the new landscaping. Eight roof lights would protrude 0.6m above the new earth covered roof, together with three rows of 15 solar panels on galvanised frame positioned near the eastern boundary. Heat pumps are proposed but not shown on plans.

There would also be a new vehicular entrance from Hall Ing Road making use of an existing former highway access. This would be constructed of natural stone walling with timber gateway, a bin storage/presentation point, along with a new driveway of grasscrete edged in stone setts. This would lead to a stone turning circle with central fountain and continue to an integral quadruple garage off to the north and integral workshop on southern wing of the house. There would be a 5.0m long straight footpath from circular drop off point to the central front door and significant areas of stone paving to either side outside the front elevation of the house.

This would have four double bedrooms with ensuites, open plan living/kitchen/dining area, gamesroom, office, media room, gym and plant room amongst utility, W.C. and storerooms. A garden is not shown on plans.

This would have a footprint of 776.3sqm.

The existing wall would be repositioned with sections rebuilt to suit sightlines with visibility splays indicated.

The submitted Planning Statement agrees that the proposal would constitute inappropriate development in the Green Belt however wishes to rely on paragraph 84e) of the NPPF in the consideration of the proposal as follows.

History of negotiations/amendments received

The pre-application enquiry service was made available to provide site specific advice on the acceptability of the proposal but was not used. The case officer considered the application on review and sought no amendments as the proposal did not meet the requirements of paragraph 84e) homes (NPPF), Green Belt Policy and did not substantiate this effectively within the submission. Officers moved to determination to reach a timely Decision in accordance with the initial target date.

Relevant Planning History

2006/90415	Land fill of former quarry site <i>Refused</i>
2007/91816	Land fill of former quarry site and formation of 2 no. passing bays.

Refused

2008/91269	Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas. <i>Conditional Full Permission.</i>
2012/91042	Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas. <i>Section 106 Full Permission.</i>
2016/93268	Landfill of former quarry site and restore to agricultural land and highway improvements to provide vehicle passing areas. <i>Section 106 Full Permission.</i>
2017/93290	Erection of detached dwelling. <i>Withdrawn.</i>

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice which had a final expiry date of 16/04/2024.

There are noted Listed Buildings to the east, circa 450m distance. Given that the distance and low profile of the development to match the contours of surrounding quarry land, it is considered that the development does not cause harm to the significance of the Listed Building. Given the above conclusions, it was not considered necessary to publicise the application via site notice or press notice and further consideration of impacts under LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) were not required in the assessment.

No representations have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Holme Valley Parish Council – Support.
- Highways Development Management – No response received at time of report.
- Highways Structures – No Objection. Advised a condition to provide detail on impact to the highway.

- Trees – No Objection. Advised conditions are necessary to have a Tree survey and Arboricultural Impact Assessment submitted to determine impact to Trees and methods of protection to those.
- Policy – Objection. Details in the Principle of Development section of the report.
- Ecology – Cannot Support. Requires identified recommended additional surveys set out in the Preliminary Ecological Appraisal to be submitted prior to determination.
- Environmental Health – Cannot Support. Requires contaminated land reports to be submitted prior to determination to assess impact on contaminated land.
- Waste Management – Comment provided. Details in the Highway Safety section of the report.

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) and the Holme Valley Neighbourhood Development Plan adopted 8th December 2021.

The site is within the Holme Valley Neighbourhood Plan under Local Character Area
7: River Holme Wooded Valley

The site in the Green Belt on the Kirklees Local Plan.

It is bordering a group Tree Preservation Order, ref: HO2/51/w13, to the south; this is also identified as Great Plain Wood/Ancient woodland. It is within a Bat Alert area and the Kirklees Wildlife Habitat Network.

It is within a Low Risk Risk Coal area for development. To its north, separated by the highway is a Kirklees Landfill Site (ref: Site 276 hall Ing Road, Longley, Brockholes); as such it is at high risk of land contamination due to its proximity.

It is within Flood Zone 1 and has been identified as at minor risk of local, low level surface water flooding.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 3 – Location of new development**
- **LP 7 – Efficient and effective use of land and buildings**
- **LP 20 – Sustainable travel**
- **LP 21 – Highways and access**

- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 26 – Renewable and low carbon energy**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 32 – Landscape**
- **LP 33 – Trees**
- **LP 34 – Conserving and enhancing the water environment**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**
- **LP 58 – Garden extensions**
- **LP 59 – Brownfield sites in the Green Belt**

Supplementary Planning Guidance and other considerations

- Highways Design Guide SPD
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- Waste Management Design Guide for New Developments (Oct 2020, v.5)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- Institute of Air Quality Management Land-Use Planning & Development Control; Planning for Air Quality (2017)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

HVNDP Policies relevant to this application are:

- Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 6: Building Homes for the Future
- Policy 11: Improving Transport, Accessibility and Local Infrastructure
- Policy 12: Promoting Sustainability
- Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Relevant to the scale of the proposal, Officers are required to consider the LCA and to support its local identity by:

- having regard for the key characteristics that give these areas their distinctive character and to respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.

The HVNDP (pages 43-44) sets out the Key Characteristics of LCA7 as:

- Glimpsed views of a wider rural backdrop are often framed by built form.

- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) crosses the landscape.

Particular to the local built character:

- Settlements characterised by a close association between built form and landscape.
- Noted industrial heritage features such as weavers cottages, weirs and mill buildings.

Officers are guided to assist with this aim with the following Character Management Principles as below:

- Respect elevated long distance wooded valley landscape and glimpse views between built form.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance PROWs and consider opportunities for new linkages to existing routes.

Particular to the local built character:

- Ensure that new development respects the distinct character and built form of the LCA and to carry out conversion of former farm buildings sensitively.
- Strengthen local sense of place through improving the connection to past industrial heritage including through retaining or restoring mill buildings.
- Consider use of millstone grit and slate for repairs and localised alterations with stone mullions to be retained.

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

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 – e.g. trees/ecology
- 6) Representations
- 7) Conclusion

1 – Principle of development:

1.1 Sustainable Development

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive and proactive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The Principles in the Housebuilders Design Guide SPD and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan have been used as a guide in considering the proposal’s visual amenity impact on the locality and host.

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.

1.2 5 Year Housing Land 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. The tilted balance is not engaged as the site is within the Green belt where the application of Policies within the NPPF could provide a clear reason for refusing planning permission. The judgement in this case is set out in the officers assessment.

Policy generally seeks to support residential development upon unallocated sites. However, Policy LP7 establishes a desired target density of 35 dwellings per hectare unless the individual site characteristics dictate a lower density of development. Policy 6 of the HVNDP states a lower target reflecting the existing development to have housing density in the Holme Valley guided as approximately thirty dwellings per hectare. This is further clarified by Principle 4 of the Housebuilders Design Guide which states that densities lower than 35 per hectare are only permitted in line with Local Plan Policy LP7.

In this instance, this site is outside any settlements, not linked to any clusters of development and would appear as an isolated form of development. There are single detached dwellinghouses and farmhouses scattered in the landscape and so the site characteristics may support a lower density of development subject to other considerations as follows.

Further to this, Policy 6 of the Holme Valley Neighbourhood Development Plan

(HVNDP) states that housing development will be supported subject to the following considerations being met:

- The proposed development being within existing settlement boundaries;
- Adequate parking;
- Good access to public transport and encourage walking and cycling by enhancing, expanding and linking to existing routes;
- Densities making best and efficient use of land and reflecting settlement character.

Taking the above into consideration, as previously described, the proposed development would not be within existing settlement boundaries. It would not have good access to public transport and the Hall Ing Road does not have a footway to support pedestrian travel; as demonstrated by its quadruple garage providing adequate parking for a four bedroom property, it would be car dependent. As such, it cannot be considered to have a density making best and efficient use of land or a sustainable location for development.

However, the provision of housing needs to be balanced against all material planning considerations outlined below.

1.3 Green Belt

As outlined above the site is located within the Green Belt on the Kirklees Local Plan. Therefore, the proposal will be assessed having regard to NPPF Chapter 13, paragraph 142 which advises Officers to attach *“great importance to Green Belts. 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.”*

The proposal would introduce a dwellinghouse in the countryside and to reuse a quarry site. It would not result in urban regeneration as it would be an isolated dwelling house intended for market housing. In addition, this quarry site is a ‘greenfield site’ as it has partly regenerated from its former use.

There are five identified purposes of the Green Belt, paragraph 143, of which the following are considered most relevant to the proposal:

- c) to assist in safeguarding the countryside from encroachment;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 152-153 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* and that *“substantial weight is given to any harm to the Green Belt”*. It goes on to define that:

“Very special circumstances’ 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.”

Keeping land permanently open in the Green Belt does not imply freedom from “any form” of new built development. The exceptions are set out in paragraphs 154-155 of the NPPF which define categories of appropriate development.

One of those exceptions that may be considered relevant to the proposal to be considered is LP59 of the Kirklees Local Plan and paragraph 154g):

“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

Considering the NPPF definition of previously developed land, this is defined as being land which is or was occupied by a permanent structure and any

associated fixed surface infrastructure. Reviewing historic survey records and aerial photography, the site has not been occupied by permanent structures and would not meet this definition of previously developed land/brownfield land.

Is it inappropriate development in the Green Belt?

In this instance, none of the exceptions of paragraph 154-155 have been met and that consequently the proposal is agreed by all parties to be inappropriate development in the Green Belt.

Impact on openness

The appeal site contains no buildings or other structures. It appears of a pleasing naturalised area with pioneer species in shrubbery and trees, repopulating the quarry and of benefit to biodiversity.

The proposal seeks to introduce built development of substantial scale, mass and permanence. The scheme would be a conspicuous change to land presently free from buildings or any other built form. The introduction of a dwelling in this location would harmfully erode from the open and unbuilt qualities of the site, resulting in substantial demonstrable harm to the openness and permanence of the Green Belt.

Whether very special circumstances exist

The application site has previously had planning permissions (ref: 2008/91269, 2012/91042 and 2016/93268) granted to restore the land to agricultural use with appropriate landfill to this end. This would have involved potentially 12 months of landfill operations and increased transport movements in the locality. The Planning Statement considers that the alternative scheme for this erection of a single dwelling would be a significant benefit to the local community as opposed to the potential for 12 months of landfill operations to warrant VSC. It is noted that those permissions are not extant, Officers therefore give this no weight in their consideration.

In the event, a similar future proposal for landfill was permitted, it could be considered that vehicle movements would be limited and controlled by condition to minimise impact to the locality and would be temporary with restoration of appropriate agricultural land for its setting as opposed to a permanent intrusion of built development in the Green Belt.

Within Chapter 5 of the NPPF, there is provision to support the development of isolated homes in the countryside, if they meet certain exceptions under paragraph 84. The relevant exception put forward by the agent is paragraph 84e):

“the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture; and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

This could be taken to be very special circumstances in some limited instances.

Is it an isolated home?

Recent caselaw on what is meant by 'isolated' is set out in the Braintree decision (Braintree District Council v Secretary of State for Communities and Local Government & Ors) in which the Lord Justice found that the then paragraph 55's meaning, when it referred to isolated, was '*explicitly and simply a geographical one*' that '*simply differentiates between the development of housing within a settlement – or 'village' – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement*'. He continued: '*Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision -maker in the particular circumstances of the case in hand*'. In City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors [2021] EWCA Civ 320 (09 March 2021), this is further defined as meaning to be isolated from a settlement not dwellinghouses.

In this instance the site is located at least 550m from the nearest settlement boundary of Brockholes / Honley, and being outside a settlement, it is deemed to be in the countryside. The nearest neighbouring dwellinghouse is also approximately 150m to the north, and so as a matter of fact and degree in officers' opinion it is considered that the proposed development could be regarded as an isolated home in the countryside and would comply with paragraph 84.

Truly outstanding and reflecting highest standards in architecture?

It has to be noted that this is an extremely high and exponentially progressive bar to reach as previously 'highest' standards architectural design evolves to be commonplace, i.e., Passivhaus standards. The proposal seeks to introduce a dwellinghouse within the contours of the landscape/quarry, using locally sourced material, roof it with green roof/earth using local species, to use some renewable sources of power generation and have passive heating from the earth insulative layer.

The Statement highlights that the design could be a form of 21st century vernacular and its sustainability credentials of the proposed dwelling which are argued to follow an innovative design. No significant detail was submitted to demonstrate why the design could be regarded as innovative as opposed to a standard, earth covered building. Officers concur that this low impact, earth sheltered design ethos is not uncommon in many bespoke designed dwellings.

There is no submitted evidence that as the scheme has evolved, it has been influenced or been recognised through any peer review or critical appraisal of its design (via a Design Review Panel) that might objectively demonstrate its quality. As such it is considered that the proposal does not meet the particularly high bar of being of exceptional quality or of being truly outstanding.

Significant enhancement of immediate setting?

In terms of significantly enhancing the immediate setting and being sensitive to defining characteristics of the local area, it is considered that the earth sheltering landscaping around the proposed house could be considered sympathetic to the patchwork of fields and woodlands on this hillside. However, the associated domestic use and paraphernalia together with new entrance, driveway, turning feature, extensive patio, raised roof lights, artificial lighting within the dwelling in a dark area and mounted solar panels would not.

Without any submitted evidence provided, Officers disagree there would be significant and substantiated biodiversity enhancement to the setting. Native planting on a green roof is not significant or unusual and the development would have some detrimental impact sited adjacent to an ancient woodland and within a bat layer. The Ecology Officer has requested additional information to this effect (expanded upon in the Biodiversity section).

Thus, those VSC are not compelling reasons to set aside or clearly outweigh the unacceptable and substantial harm to the Green Belt identified. The development would significantly erode from the openness of the Green Belt by its scale, massing and built form and would result in substantial demonstrable harm to the purposes of containing land within it. It would conflict with the aims of Chapter 13 of the NPPF.

2 –Impact on visual amenity:

In terms of visual amenity, general design considerations are set out in Policy LP02, LP24 and LP60 of the Local Plan, Principles 1 and 2 of Housebuilders Design Guide SPD, Policy 1 & 2 of the HVNDP and Chapter 12 of the NPPF, which seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, respecting and enhancing the character of the townscape, heritage assets and protect amenity. These are assessed below, in isolation from the consideration of Green Belt Policies set out above.

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states 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.

The Holme Valley Neighbourhood Development Plan guides Officers to consider the certain characteristics of their identified character areas for place shaping and good design. Of relevance to this proposal for the LCA7, Officers are required to consider long distance views of the open landscape, retaining/including stone boundary walls and vernacular building materials such as millstone grit in properties to form a strong local identity.

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.”*

The proposal would be a single storey structure with only the front elevation visible and the rest covered with landscaping. It would blend in with the existing contours and topography of the site and would allow significant greening within the land together with insulation for the building. The roof would not cause any increase in height beyond the existing contours of the quarry. Furthermore, the submitted plans show the dwelling to be constructed from stone on visible elevations and reconstruction of drystone boundary walling which is a natural material that would blend in with the rural landscape.

The sheltered nature of the design set within the site contours and green roofed would however lead to a secluded design that would have minimal/no impacts on long distance views. In addition, the use of drystone walling typical of the area would relate positively to the character and function of the landscape under Principles 2 and 8 of the SPD and Policy 1 of the Holme Valley Neighbourhood Development Plan.

It would introduce some urbanising features within its pleasant rural setting such as significant alterations to the site with extensive hardsurfaced areas, alien features such as solar panels and rooflights and excessive use of glazing. However, this would remain predominantly screened by surrounding topography and woodland in long range views, and would have its driveway in grasscrete construction limiting this visual effect with some positive benefits in energy generation.

Should the application be otherwise supported as having sufficient VSC to outweigh the clear harm to the Green Belt, Officers recommend that Permitted Development Rights be removed on all extensions to avoid further visual harm and intrusion in this sensitive Green Belt setting.

In summary, it has been concluded that the proposal would be of a satisfactory design quality in accordance with Policy LP24 of the Kirklees Local Plan, Policies 1 and 2 and LCA of the HVNDP the Council's Housebuilders Design Guide SPD and Chapter 12 of the NPPF. These considerations do not outweigh the harm to the Green Belt by reason of inappropriateness and other harm.

3 – Impact on residential amenity:

Section B of Policy LP24 of the Kirklees Local Plan states that all development should:

“...provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings...”

Further to this, Paragraph 135f) of the National Planning Policy Framework 2023 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

It is considered that the proposed development's design would not protrude above existing land contours and would be sited a sufficient distance away from any other neighbouring properties so as to prevent undue harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Future Occupiers

Impact of land contamination on occupants

Paragraph 191 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on living conditions. In addition to this, Policy LP52 of the Kirklees Local Plan states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour and other forms of pollution must be accompanied by evidence to show the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. The site is noted to be adjacent to a landfill site and within a former quarry. As such this would be a site of strong interest for any development to be sufficiently assessed for land contamination.

At present it is considered that insufficient information has been provided to enable a full and proper assessment of this scheme. If the application was otherwise supported, Officers would require future land contamination reports (Phases 1 and 2) to be submitted prior to determination to make a full assessment, given it's former use. It is therefore considered that, in the absence of the necessary information, this application is refused on the basis that a full and proper assessment of contaminated land cannot be undertaken.

Amenities

In terms of the amenities of the proposed occupiers, Principle 16 of the Kirklees Housebuilders Design Guide SPD states that: *"All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. Although the government has set out Nationally Described Space Standards, these are not currently adopted in the Kirklees Local Plan."* Further to this, Principle 17 of the Kirklees Housebuilders Design Guide SPD outlines that: *"All new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character and context of the site. The provision of outdoor space should be considered in the context of the site layout and seek to maximise direct sunlight received in outdoor spaces."*

The proposal would satisfactorily provide sufficient internal floor area in excess of NDSS guidance for good standards of residential amenity and would have its bedrooms daylit sufficiently by its glazed sections. The dwellinghouse would have a proportionate and functional outside private space as demonstrated by its stone paving to the front, any further garden

extensions of the Green Belt would be resisted and would require very special circumstances to warrant further domestication of the Green Belt, which has not been met. Should the proposal be found otherwise acceptable, a condition would be recommended to restrict the change of the use of land to minimise harm to the Green Belt's landscape character and openness under LP60 of the Kirklees Local Plan, Policy 1 of the Holme Valley Neighbourhood Development Plan and Chapter 13 of the National Planning Policy Framework.

For the reason given above, the proposal cannot be supported and is not considered to meet policies LP24b and LP53 of the Kirklees Local Plan as well as policies within Chapter 15 of the National Planning Policy Framework.

4 – Impact on highway safety:

Turning to highway safety and parking, policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The Highways Design Guide SPD advises that new development should have sufficient off street parking spaces to meet need and to ensure on street parking impact is limited.

For a 4 plus bedroom dwelling, it should have three off street parking spaces to achieve this aim. The quadruple garage is 11.9m wide and 6.2m deep. A standard garage space is 3m wide by 6m deep as set out by the Highways Design Guide SPD. The proposal would largely conform to this expectation with a 'de minimis' undersupply of 10cm in width and could be considered to have adequate space for garaging four modern vehicles in accordance with the SPD.

There is also a turning circle and space for a car to exit the site in forward gear. While the rotating mechanism is not known, should it break down, there would still be sufficient driveway space to position the car into forward gear away from the highway safely.

There are two passing places either side of the access which supports the variable and restricted width of the highway so the highway would not be unacceptably affected by the development's expected frequency of traffic once occupied. Given the narrow width of the highway in close proximity, Officers would recommend a condition to have a construction traffic management plan be submitted prior to development taking place to ensure that the highway would not be obstructed or unduly affected.

Further, to ensure the safe functioning of the highway if the proposal was otherwise acceptable, Officers would recommend conditions on ensuring visibility sightlines to be cleared of all obstructions for highway intervisibility and thereafter retained free of obstructions, and drained surfaces for the vehicle passing routes to comply with the relevant policies.

The proposal would require changes to the access within the adopted highway fronting the property which would need to be constructed under a

section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges); in the event of approval, a footnote would have been attached to the permission with regard to obtaining approval of the construction specification for the safe functioning of the highway. Interference with the highway without such permission is an offence which could lead to prosecution.

Waste Management

The Waste Management Officer was formally consulted and raised no objections. The provision of bin storage and presentation point is noted, whilst the placement of the bins from the dwelling would be potentially inconvenient to future occupiers, this would not be unacceptable in principle. It would be more appropriate to have a storage area that can accommodate 3 x 240ltrs bins. (1x240ltr Residual, 1x240ltr Recycling and as the property has a garden, the space to accommodate a third bin for garden waste) so should the proposal be otherwise acceptable, Officers would either recommend the alteration of the site plan to demonstrate enough capacity for bin storage prior to determination or have the details conditioned.

Subject to the recommended conditions, the proposed development would not cause additional harm to highway safety and would provide adequate access for waste management. This would comply with Policies LP21, LP22 and LP43 of the Kirklees Local Plan, Principle 12 and 19 of the Housebuilders Design Guide SPD, Policy 11 of the Holme Valley Neighbourhood Development Plan, the KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

Climate Change

When determining planning applications, the Council will use the relevant Local Plan policies, Principle 18 of the Housebuilders Design Guide SPD, Policy 12 of the Holme Valley Neighbourhood Development Plan, the National Planning Policy Framework and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. A Climate Change Statement has been supplied. The proposal seeks to include sources of renewable energy generation, passive solar gain and rooflights to minimise its impact on carbon emissions. Those are noted to specifically supported by LP24d)iv) and LP26 of the Kirklees Local Plan and Policy 12 of the HVNDP. It is also noted that the proposed development would lead to a car dependent dwellinghouse by reason of its distance away from public transport networks, poor provision for pedestrian footway/travel along the highway and isolated siting. There is potential for this to be mitigated by Electric Vehicle Charging Points as required by Building Regulation Approved Document S and should permission be granted, an informative would be included to this effect reminding the developer to fulfil this obligation. Due to the proposed limited nature of the development and its design incorporating renewable energy, it is not considered that further specific mitigation measures are required to facilitate this development.

Drainage

The site is within a low probability Flood Risk Zone and therefore if Officers are so minded to approve the application, a condition would be placed to ensure that the additional parking spaces would be drained sufficiently and/or made permeable in accordance with Policy LP28 of the Kirklees Local Plan and the Highways Design Guide SPD.

Given the isolated nature of the site, it is proposed to dispose of foul sewage via a non-mains drainage package treatment plant. (application form). No details have been submitted and, if the application had been recommended for approval, a pre-commencement condition requiring details of the plant would have been necessary in accordance with Policies LP28 and LP34 of the Local Plan. It is recognised that given the isolated nature of the site, a package treatment plant would likely be the most sustainable method to dispose of foul sewage.

Biodiversity

Whilst considering Biodiversity, Principle 9 of the Housebuilders Design Guide SPD, Policy 13 of the Holme Valley Neighbourhood Development Plan, LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Policy 13 of the Holme Valley Neighbourhood Development Plan indicates that all development proposals should demonstrate how habitats will be protected and enhanced.

The site is located within an identified bat alert area and likely roosting areas given the significant tracts of woodland nearby. It is also within the Kirklees Wildlife Habitat Network and adjacent to ancient woodland/group TPOs.

Policy LP33 states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodland of significant amenity.

The Ecology Officer was formally consulted and required further details to be submitted as per the recommendations of the submitted Preliminary Ecological Assessment. The Trees Officer was consulted and required additional information to avoid harm to the protected trees.

At present it is considered that insufficient information has been provided to inform how the proposal would impact on the particular ecological and arboricultural sensitivities of the site.

The proposal would introduce large sections of reflective glazing causing light pollution and a hazard to birds and bats through window strikes. In addition, it would have the potential for significant ground engineering works affecting wildlife, the root protection zones of nearby TPOs and to remove future recolonisation and spread of this valuable habitat. As demonstrated by the current naturalised state of the quarry, this area is colonised by pioneer species and seedlings which then replace older trees as they senesce, creating a dynamic mosaic over the area, over a long period of time.

Removing such areas available for recolonisation, without a greater buffer area, will have an adverse effect on regeneration and long-term amenity for ancient woodland.

It is considered that the private benefit of the change of land use to residential could harm the public interest in the long-term sustainability of this woodland supporting protected species by removing any further expansion of this woodland/habitat through domestic garden use and the built development.

Whilst a landscaping plan could be conditioned to secure some native biodiversity enhancements, the proposed extent of the development, including

its associated hard surface and paraphernalia would restrict the rooting potential of any woodland expansion.

Any impacts on those trees, either direct or indirect which result in a loss of its long-term viability could not be supported. In addition, the Council has declared a climate emergency and has a policy to preserve the significant value of the woodland for biodiversity, reductions in carbon emissions and visual amenity within policy LP24h) and i) and LP33 of the Kirklees Local Plan and Policy 13 of the Holme Valley Neighbourhood Development Plan to retain trees and habitats of value.

It is therefore considered that, in the absence of the necessary information, this application is refused on the basis that a full and proper assessment of the impact upon the protected woodland, wildlife and enhancement of habitats cannot be determined. For the reasons given above, the proposals are not considered to meet policies LP24h) and (i), LP30 and LP33 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported.

Contaminated and unstable land

The Local Planning Authority's policies and decisions are required to consider land stability under the Planning Practice Guidance 'Land Stability' and under paragraph 189 of the NPPF to ensure that:

- “a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

The application concerns the erection of a dwelling house on a site identified on Kirklees Council's mapping system as a former quarry and landfill site (site ref: 95/16). Kirklees Council Environmental Health were formally consulted. Given the sensitive end use and the location being situated on what is highly likely to be potentially contaminated land, the proposal without contaminated land reports submitted prior to determination cannot be fully assessed in the interest of public safety and its proposed use. Should the proposal be found acceptable, Officers would recommend conditions to supply adequate site investigation contaminated land reports by a competent person to the Local Planning Authority to fully assess the proposal to be compliant with paragraphs 189 (a) and (c) of the NPPF and LP53 of the Kirklees Local Plan before the application is determined.

In addition, there is a retaining highway wall along Hall Ing Road. The Highway Structures Officer was formally consulted and recommended a condition to ensure that the works would not unduly impact on the safe functioning of the highway. Officers concur that should permission be granted, this would be attached to the Decision.

It is therefore considered that, in the absence of the necessary information, this application is refused on the basis that a full and proper assessment of

the impact upon contaminated quarry land cannot be determined for public safety and the proposed sensitive end use of the land. The proposal is not considered to meet policies LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework therefore the proposals are not supported.

6 – Representations:

No representations had been received.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the application of Policies in the NPPF that protect areas or assets of particular importance (Green Belt) provides a clear reason for refusing the development proposed.

The proposed new dwellinghouse, by virtue of its footprint, size and scale, does not meet any of the exceptions within paragraphs 154-155 of the National Planning Policy Framework and as such, by definition, constitutes inappropriate development in the Green Belt. In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt by developing land that is currently open and of a naturalised state with uncharacteristic, urbanising features in hardstanding and energy generation paraphernalia. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt, such as achieving truly exceptional and outstanding design of the highest standards in architecture, have not been demonstrated, therefore the development is contrary to Chapters 5 and 13 of the National Planning Policy Framework.

In addition, insufficient information has been submitted to fully assess the impacts of the development, should it be otherwise supported, with regard to biodiversity, ancient woodland/Tree Preservation Orders (ref: HO2/51/w13) and land contamination in accordance with the requirements of the policies within the Kirklees Local Plan, Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework.

Recommendation

Refuse

Decision Authorisation - Delegated

Application Number: 2024/90416

Officer Recommendation: Refuse

Reasons

1. The proposed dwellinghouse constitutes inappropriate development in the Green Belt by definition, as it does not meet any of the exceptions set out within paragraphs 154-155 of the National Planning Policy Framework (NPPF). In addition, the proposed development would have a detrimental impact upon the spatial and visual openness of the Green Belt by developing land that is currently open within a naturalised state. In addition to the dwelling itself this involves hardstanding, domestic paraphernalia and renewable energy generating plant and equipment. Very special circumstances to clearly outweigh the identified substantial harm to the Green Belt, such as achieving truly exceptional and outstanding design of the highest standards in architecture as set out in paragraph 84e of the NPPF, have not been demonstrated, therefore the development is contrary to Chapters 5 and 13 of the National Planning Policy Framework.
2. The development is within and well connected to significant wildlife habitats identified within the Kirklees Wildlife Habitat Network and within an area where bats roost and forage. The development has the potential to affect protected habitats and species. In the absence of the ecological reports as recommended within the submitted 'Preliminary Ecological Appraisal Report by JCA Arboricultural & Ecological Consultants Ltd. JCA ref: 21789/EIC. Date: 29/02/2024.', it has not been demonstrated that the development would of protection, support, contribution or enhance biodiversity as required by Principle 9 of the Housebuilders Design Guide SPD, Policies LP24h) and LP30 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan and Chapter 15 of the National Planning Policy Framework. Therefore, the proposals are not supported.
3. The development site is proximate to large, mature and significant amenity trees protected under Trees Preservation Order (ref: HO2/51/w13) within irreplaceable ancient woodland (Great Plain Wood) contributing significantly to the character and appearance of the area. In the absence of the submission of an Arboricultural Impact Assessment it has not been demonstrated that the proposal would avoid direct or indirect impact on these trees. The development would be contrary to Policies LP24h) and (i), LP30 and LP33 of the Kirklees Local Plan, Policy 13 of the Holme Valley Neighbourhood Development Plan, Principle 9 of the Housebuilders Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

4. The proposal is on a site identified on Kirklees Council's mapping system as a former quarry and landfill site (site ref: 95/16) which is highly likely to be contaminated land. In the absence of Phase 1 and Phase 2 contamination reports, it has not been demonstrated that the site is suitable for its new use or to prevent unacceptable risk from pollution to the wider environment. The proposal is therefore not in the interests of public safety and contrary to Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing no. (0-) 03.	Unamended	14/02/2024
Existing Site Plan with Contours.	Drawing no. (0-) 01.	Unamended	14/02/2024
Existing Sections and 3D Views.	Drawing no. (0-) 02.	Unamended	14/02/2024
Proposed Site Plan.	Drawing no. (0-) 06.	Unamended	14/02/2024
Proposed West and South Elevation Plans.	Drawing no. (0-) 05.	Unamended	14/02/2024
Proposed Floor Plans.	Drawing no. (0-) 04.	Unamended	14/02/2024
Preliminary Ecological Appraisal Report	Preliminary Ecological Appraisal Report by JCA Arboricultural & Ecological Consultants Ltd. JCA ref: 21789/EIC. Date: 29/02/2024.	Version 001.	18/03/2024
Supporting Planning Statement	Supporting Planning Statement by AK Planning. Dated: 03/01/2024.	Unamended	14/02/2024
Supp Info – General	3D Photo montage	Unamended	16/02/2024
Climate Change Statement	-	-	18/03/2024

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 pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the

applicant in dealing with the application. The pre-application enquiry service was not used. The case officer considered the application on review and sought no amendments as the proposal did not meet the requirements of paragraph 84e) homes (NPPF) and constituted inappropriate development in the Green Belt by definition. Further additional and necessary information was not requested with regard to biodiversity, trees and land contamination to fully assess the proposal's impact, given that the development could not be supported in principle and this information would have not overcome the harm to the Green Belt. Officers moved to determination to reach a timely Decision in accordance with the initial target date.

Report Dated: 03/05/2024