

**Consultation Response from KC, Policy**

**2024/90711 The Wood Yard, Shepherds Thorn Lane, Brighouse, HD6 3TU**

**Removal of existing storage buildings, containers and poly tunnel and erection of steel framed portal storage building to be used for storage and distribution, light industrial and general industrial use**

**Date Responded:**

**Responding Officer: JPH**

This application is for the removal of existing storage buildings, containers, and poly tunnel, for the erection of a steel framed portal storage building to be used for storage, distribution, light industrial and general industrial use. The location of the proposed development is The Wood Yard, Shepherds Thorn Lane, Brighouse, HD6 3TU. The site is located in the Green Belt as designated in the Kirklees Local Plan which was adopted on 27<sup>th</sup> February 2019. The policies in the Kirklees Local Plan and National Planning Policy Framework (NPPF) should be fully considered; however, the following response relates to specific Local Plan and NPPF policies which are of particular relevance to the proposal. Other policies that are not mentioned here may also apply.

Being located in the Green Belt, the site is subject to Green Belt policies in the NPPF and the Kirklees Local Plan. Paragraph 154 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt except for a limited number of specified exceptions, including criteria:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

g) 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.

The existing use is a tree surgery business; however, we do not consider this to be a forestry use, and therefore, criteria a) of paragraph 154, “buildings for agriculture and forestry” would not apply. In order for this exemption to apply, the operations of the proposed building would need to be ancillary to any forestry use of the land or adjoining the land.

In regard to criteria d) there is no clear clarification if the existing structures are of permanent construction or if they are currently in the same use as the proposed storage building. However, in terms of footprint and height, the new building is considered materially larger than the existing structures. As such the proposal is unlikely to benefit from being considered as not inappropriate under criteria d) of paragraph 154 of the NPPF.

In order for criteria g) to apply, the land the proposed development is located on needs to be considered as previously developed land. If the land is considered as previously developed, the proposed development needs to not have a greater impact on the openness of the Green Belt than the existing structures. In this case, as previously mentioned, the new building is considered materially larger than the existing structures. As such the proposal is unlikely to benefit from being considered as not inappropriate under criteria g) of paragraph 154 of the NPPF as it would have a greater impact on the openness of the Green Belt than the existing development.

Furthermore, Local Plan Policy LP59 (Brownfield sites in the Green Belt) criteria b) and c) may apply. This states that; “in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for”.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.