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Planning Development

Planning Statement: Land off Leak Hall Lane, Denby Dale, Huddersfield

Introduction

This application seeks outline planning permission for residential development comprising 13 no. dwellings on land off Leak Hall Lane, Denby Dale, Huddersfield. Approval of the access forms part of the application, with all other matters reserved.

The application site comprises of an area of land measuring 0.39ha, forming the northern part of a site allocated for residential development in the Kirklees Local Plan (Ref: HS144).



Aerial Image of Application Site

Leak Hall Lane exists to the north of the site, with a public right of way bordering the site to the west (ref: DEN/61/10) and a permissive path along the eastern boundary. The site is located on the edge of

a residential area with dwellings situated to the north-west, north and east of the site, with undeveloped land situated to the south and south-west of the site. The A636 Wakefield Road, which is the main road running through the centre of Denby Dale, is located 300 metres south-east of the site.

Planning History

It is understood that outline planning permission for residential development was previously granted under application reference 79/60/05717/C2.

Residential development has been applied for on the larger part of the housing allocation to the south. That application was recently refused against the officers' recommendation. The reasons for refusal in raise material planning considerations that are not considered relevant to the determination of this particular application.

A smaller area of the allocation towards the southern side was granted outline permission for 10 dwellings under Kirklees Ref: 2019/93906. A reserved matters application is currently pending a decision.

Policy Designation

The application site forms part of the HS144 housing allocation in the Kirklees Local Plan. The site is also located within the Strategic Green Infrastructure Network, Wildlife Habitat Network, and also forms part of a very wide area of 'mineral safeguarding' (SCR with Sandstone and/or Clay and Shale).

The Proposals

Outline planning permission is sought for residential development for 13 dwellings. Access is included within the application, however layout, scale, appearance and landscaping are reserved for subsequent consideration.

Access to the site is proposed off Leak Hall Lane at the north-eastern end of the application site. The site entrance would achieve 2.4m x 25 m visibility splays. The proposed access would comprise of a shared surfacing arrangement beyond the end of the footway link, and a turning head large enough to accommodate a 11.85m refuse vehicle would be located at the end of the access road. A private drive serving plots 9,10, 11 and 12 is proposed at the southern end of the turning head.

Although layout, scale, appearance and landscaping are reserved matters, an indicative site layout plan has been included as part of the application to demonstrate how the site could be developed. The plan includes five detached dwellings and four pairs of semi-detached dwellings. It is anticipated that the site could provide four 2-bed dwellings, six 3-bed dwellings and three 4-bed dwellings. Each dwelling would have a rear garden, a garage and off-street parking provision in accordance with the Council's Highways Design Guide SPD. Four additional visitor car parking spaces are also shown within the site.

The application is accompanied by the following plans and reports:

- 1) Location and Indicative Layout Plans – Jim Granger Architect
- 2) Planning Statement – Robert Halstead Chartered Surveyors & Town Planners
- 3) Design and Access Statement – Jim Granger Architect
- 4) Transport Statement – Paragon Highways
- 5) Ecological Impact Assessment – Knight Sky Ecology

- 6) Statutory Biodiversity Metric Calculation – Knight Sky Ecology
- 7) Emergence Bat Survey - Knight Sky Ecology
- 8) Tree Survey – James Royston Arboricultural Consultant
- 9) Drainage Assessment – EWE Associates Ltd
- 10) Drainage Strategy – EWE Associates Ltd
- 11) Phase I Desk Study & Coal Mining Risk Assessment Rogers Geotechnical Services Ltd



Indicative Layout Plan courtesy of Jim Granger Architect

Assessment of the Proposals

Principle of Development

There is a presumption in favour of sustainable development as outlined in Local Plan Policy LP1 and paragraphs 7-14 in the NPPF. Paragraph 8 in the NPPF states that sustainable development is achieved through economic, social and environmental objectives that include,

‘ensuring that sufficient land of the right types is available in the right places at the right time to support growth; ensuring that a sufficient number and range of homes can be provided to meet the

needs of present and future generations; and protecting and enhancing our natural, built and historic environment including making effective use of land.'

With regard to the wider housing allocation HS144, the Local Plan Inspector stated in her report dated 20th January 2019:

'The site is contained by dwellings on three sides and is well related to the core of the village. At the hearing the Council indicated that access may be facilitated via Leak Hall Lane, and this should be clarified. No fundamental constraints relating to heritage and other matters have been identified and, subject to the above modification, the allocation is soundly based.'

In support of the use of sites characteristic of the application site, Paragraph 124 in the NPPF states: *'Planning policies and decisions should: d) promote and support the development of under-utilised land and buildings.'*

With regard to smaller settlements like Denby Dale, Local Plan Policy LP3 (Location of development) also states: *'2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way; d. ensuring delivery of housing and jobs in smaller settlements to meet local housing and employment needs.'*

The application site forms part of the wider housing allocation HS144 in the Kirklees Local Plan. The site is currently vacant and consists of low lying scrubland. The site is located on the edge of the urban settlement of Denby Dale, Huddersfield, close to existing local shops, services and amenities. Buses travel regularly along the A636 Wakefield Road, to and from Huddersfield and the surrounding areas, and Denby Dale railway station is located approximately 550 metres south-west of the application site. The site therefore provides an excellent opportunity for sustainable residential development.

Masterplanning – Housing allocation HS144

Through the appeal in connection with application ref: 2018/93309 (outline planning for the smaller site to the south of the wider allocation), the issue of whether or not the different site parcels in different ownerships should be masterplanned was raised.

The Planning Inspector stated at paragraphs 9 and 10 of the appeal decision:

'Since the site HS144 is in multiple ownership one would assume that a masterplan is required. However, in contrast to the wording of the section headed 'other site specific requirements' for housing allocations HS2, HS3, HS11, HS22, HS23, HS47 and HS61 there is no mention within the corresponding section for HS144 of any need for a masterplan. Notably, these other sites are all considerably larger than the appeal site with indicative capacities ranging from 280 no. units (HS47) to 4,000 no. units (HS61).

'Given that the Council was probably aware of the multiple ownership issue when it allocated the appeal site in its local plan for development it is not unreasonable to assume that it omitted any reference to the need for a masterplan because it considered that one was not necessary. The Council cannot simply interpret its own policy in a way convenient to its own position. Consequently, I do not think that it is correct to hold that the appellant's failure to have collaboratively engaged in drawing up a masterplan constituted a breach of LP5.'

The Inspector's comments are considered to be material considerations in connection with this case and are thus relied upon by the applicant in this case, in support of the strategy to develop part of the

wider allocated site in isolation without a specific masterplan. The applicant submits that in relation to key matters such as housing density, layout and access etc, the development of the site in isolation is of no material disbenefit as opposed to the option of masterplanning the site as a whole.

Housing Supply & Delivery

Paragraph 60 in the NPPF states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.'*

Paragraph 69 also states that, *'Planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.'*

As detailed above, the site is allocated for housing.

However, the Local Plan now exceeds five years old and the confirmed position for Kirklees Council ¹ is that there is no longer a five year supply of specific deliverables site.

In addition to the confirmed inadequate housing supply position, housing *delivery* in Kirklees has also fallen below 95% of the Local Authority's housing requirement over the previous three years and is at 67% - again triggering the presumption in favour of sustainable development.

In these circumstances, the Council is obliged to afford substantial weight to the presumption in favour of sustainable development (i.e. applying the 'tilted balance') unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. ²

The 'tilted balance' will be re-visited later in this assessment.

Paragraph 70 goes on to state that, *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: e) work with developers to encourage the sub-division of large sites where this could help speed up the delivery of homes.'*

The same NPPF paragraph requires the decision-maker to give great weight to the benefits of using suitable sites within existing settlements for homes.

The proposed development on part of this wider housing allocation would provide 13 homes for the local community. It is currently available, and as the following paragraphs will demonstrate, it is considered highly suitable for residential development.

Nationally at the time of writing, the new Government ³ has acknowledged the housing crisis with the immediate decision to re-introduce compulsory house targets and the "urgent steps" pledge to build 1.5 million homes within this parliamentary term. It is likely that changes to the NPPF are likely to be forthcoming during the determination period for this application, and the applicant reserves the right to provide further submissions in this regard.

¹ Kirklees Housing Position Statement to Boost Supply February 2024

² Underlining our emphasis.

³ Government News Story "Chancellor unveils a new era for economic growth 8th July 2024"

Given the above, the principle of development in terms of sustainable development and housing supply & delivery is considered to be strongly supported in accordance with Local Plan Policies LP1 and LP3, the aims of Chapter 5 in the NPPF, and paragraphs 7 to 14 in the NPPF.

Housing Density

Local Plan Policy LP7 states that, *'developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.'* This is echoed in Principle 4 in the Kirklees Housebuilders Design Guide SPD.

The application site measures 0.39ha which equates to a gross density figure of 13.65 dwellings in connection with the 35 per hectare policy (i.e. 0.39 x 35). Although density is measured in terms of *net* density, the proposed development nevertheless comprises 13 dwellings as a gross target and therefore meets (and is likely to exceed) the Council's net density target.

Housing Mix and Affordable Housing

Local Plan Policy LP11 states that, *'All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.'*

The indicative layout plan shows 13 dwellings comprising of four 2-bed dwellings, six 3-bed dwellings and three 4-bed dwellings. The dwellings would consist of two-storey semi-detached and detached properties. It is therefore considered the proposed development would provide a good housing mix which helps contribute to local housing needs and requirements.

In relation to affordable housing, it is expected the application will offer a level of affordable housing as part of this development in line with Local Plan Policy LP11.

Design, Layout and Residential Amenity

Local Plan Policy 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, heritage assets and landscape;*
- b. they provide a high standard of amenity for future and neighbouring occupiers.'*

Paragraph 135 in the NPPF sets out various design objectives, including the need to ensure that developments: function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character; establish or maintain a strong sense of place; and create places with a high standard of amenity.

The Kirklees Housebuilders Design Guide SPD also sets out what the Council considers to be good, high-quality residential design through a number of principles. The relevant principles in relation to this outline proposal in terms of visual and residential amenity are as follows:

- Principle 2 – Context
- Principle 5 – Built form and the building line
- Principle 6 – Maintaining high standards of residential amenity
- Principle 8 – Landscaping and edges
- Principle 12 – Parking

Principle 16 – Internal space standards

Principle 17 – Outdoor space

The proposed development is in outline form with only access being considered. As such, detailed design proposals (reserved matters) in relation to layout, scale, appearance and landscaping are not included within this application. However, an indicative layout plan showing the anticipated siting of the proposed dwellings is submitted as part of the application. Further details can also be found in the accompanying Design and Access Statement.

The indicative layout plan demonstrates an efficient and effective use of the site in terms of balancing the siting and positioning of the access road and turning head, housing density, house types, and the availability of private amenity space and parking.

The site is located on the edge of a residential area comprising of semi-detached and detached properties, varying in design and materials of construction. All the existing properties have off-street parking and a proportionate degree of outdoor amenity space. The proposed development therefore respects the existing urban form. The indicative layout plan also includes a coherent building line with an active street frontage within and the arrangement of the access road and dwellings would complement the existing, adjacent properties and streets.

The indicative layout plan also demonstrates that residential amenity for both existing and future occupants is capable of being protected. Suitable separation distances can be achieved between each of the proposed dwellings on the site, and between the proposed dwelling and neighbouring properties located adjacent to the site. In addition, it is envisaged that each of the dwellings would exceed the minimum internal space standards and each dwelling would also have access to private outdoor amenity space which is proportionate to the size of each property.

It is therefore considered that subsequent details of layout, scale, appearance and landscaping are capable of addressing relevant local plan and NPPF policies at the reserved matters stage for the number of dwellings indicated.

The proposed development is therefore considered to be acceptable in principle with regard to design and residential amenity, and complies with Local Plan Policy LP24, paragraph 135 in the NPPF and the relevant principles in the Housebuilders Design Guide SPD.

Highways and Access

A Transport Statement has been prepared by Paragon Highways and accompanies the application. The key points to note from the Transport Statement are as follows:

Access

- Vehicular access to the site will be created as part of the development proposals with a 2.4m x 25m visibility splay achievable along Leak Hall Lane. This is considered appropriate given the likely speed of vehicles in the area, in particular the fact that the adopted road extent ends and transitions into an unmade track near to the proposed entrance. Furthermore, Leak Hall Lane west of the site is not a through road and only serves a small handful of properties to the north-west. Both traffic levels and speeds are therefore very low.
- It is envisaged that the adopted part of Leak Hall Lane may be extended to accommodate the proposed access and visibility splays.

- The proposed access will be a shared surfacing arrangement beyond the end of the footway link.

Parking

- The 2-bed and 3-bed properties are proposed to have two off-street parking spaces and the 4-bed properties are proposed to have three off-street parking spaces. This level of parking provision meets Key Design Driver 20 in the Kirklees Highways Design Guide SPD.
- Four visitor parking spaces are also proposed and are located strategically within the site. This level of parking provision also meets the guidance within Key Design Driver 20 in the SPD.

Servicing

- Servicing of the site will be undertaken via the proposed access off Leak Hall Lane. The proposals include a turning head large enough to accommodate a 11.85m refuse vehicle. The turning head will allow a refuse vehicle to enter and egress the development in a forward gear.

Traffic Impact

- The proposed residential development is likely to generate up to seven vehicle movements during the AM peak and up to seven during the PM peak.
- The site is located in an area with zero recorded injury accidents.
- It is considered that the level of traffic generated by the proposed development will have no material impact on the safe operation of the local highway network.

Accessibility and sustainable modes of travel

Officers stated in the committee report concerning the recent application for the wider site (ref: 2023/92191) at Paragraph 11.28:

'The application site is considered to be a sustainable location for residential development, as it is on the edge of an existing, established settlement that is served by public transport and other (albeit limited) facilities.'

In this case:

- The local centre of Denby Dale is accessible within a 12 minute walking distance from the application site by road, or 7 minutes via the footpath to Cumberworth Lane.
- Local areas for employment and leisure such as Shelley, Skelmanthorpe, Clayton West, Upper Denby, Upper Cumberworth and Shepley, are within a 20 minute cycle ride.
- The site is located within easy reach of public transport with buses running along the A636 Wakefield Road and Denby Dale railway station within a 15 minute walk.
- It is anticipated that each of the dwellings would accommodate secure cycle parking facilities.

The proposals are therefore considered to be acceptable on highway grounds and accord with Local Plan Policies LP20, LP21 and LP22, the aims of Chapter 9 in the NPPF and the guidance in the Kirklees Highways Design Guide SPD.

Public rights of way and other paths

Two footpaths are located adjacent to the application site. DEN/61/10 is located adjacent to the western boundary of the application site with a second permissive footpath located along eastern boundary, part of which is within the land ownership of the applicant. The western public footpath lies outside the application site and would be unaffected by the proposed development.

The eastern path is a permissive path (not a public right of way / definitive footpath). The landowner's permission for this path has recently expired, however the path is shown to be retained and unaffected by the development proposals.

The proposals therefore comply with Local Plan Policy LP23 in this regard.

Trees

A Tree Survey has been produced by James Royston Arboricultural Consultant and accompanies the application. Below are the key observations:

- The Tree Survey identified three trees and three small groups of trees, all of low to medium amenity value and either young or semi-mature in age.
- Of the *single* trees identified, one tree was identified as a category B tree, and two trees were identified as category C trees.
- Of the three *groups* of trees, one group was identified as category B, and two groups were identified as category C.
- It is envisaged trees G2, T3, T5 and G6 would require removal in order to facilitate the proposed development, while T1 and G4 (off-site) would remain.

As shown on the Indicative Layout Plan, it is envisaged that new tree planting would form part of the proposals at the reserved matters stage. As the plan demonstrates, there is ample space within the application site to accommodate new native tree and shrub planting, which would enhance both visual amenity and biodiversity without impeding residential amenity.

Given the above, it is considered that the trees on-site do not represent a significant constraint. The proposed development therefore accords with Local Plan Policies LP24 (i) and LP33 and paragraph 136 in the NPPF.

Ecology

An Ecological Impact Assessment, Biodiversity Metric Calculations and Dusk Emergence Bat Survey have been produced by Knight Sky Ecology and accompany the application. The key points of note and recommendations are summarised below:

- The application site is located within the Kirklees Wildlife Habitat Network.
- The site contains a small, single storey, dilapidated stone outbuilding in the north-west corner. No evidence of a bat roost was observed. However, in order to provide further information on the presence or absence of a bat roost, one further survey was recommended.
- A single Dusk Emergence Bat Survey was subsequently undertaken. The survey recorded a low but regular level of bat activity which included three species: Common Pipistrelle, Soprano Pipistrelle and a Myotis species. Most activity comprised foraging and commuting passes along

Leak Hall Lane. No evidence of a bat roost in the building was recorded. Bats do not therefore present a potential ecological constraint to the demolition of this small structure.

- Any lighting proposed for the development should also follow current best practice guidelines in relation to bats.
- Several trees within the site and possibly the bramble scrub provide suitable nesting features for birds. It is therefore recommended that any site clearance takes place outside of the bird breeding season (March to August inclusive).
- In order to allow hedgehogs to forage within the application site, a hedgehog highway is recommended via the strategic placement of 13cm square holes through fences.
- Bird and bat boxes are recommended within the application site as a biodiversity enhancement.

The proposed development is therefore deemed to be acceptable with regard to ecology and accords with Local Plan Policy LP30, Principle 9 in the Housebuilders Design Guide SPD, and the aims of Chapter 15 in the NPPF.

Biodiversity Net Gain

Government Guidance on Biodiversity Net Gain states at Paragraph 002:

“The statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, unless exempt, a Biodiversity Gain Plan must be submitted and approved prior to the commencement of that development.”

As the Guidance also confirms (Para 024), “the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England.”

In accordance with Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the minimum information needed to accompany the application is contained within the application form accompanying this application.

For outline applications such as this, Paragraph 019 of the Guidance states:

“For some planning applications (for instance, applications for outline planning permission where landscaping and layout are reserved matters), the implications for existing onsite habitats and the contribution to onsite gains may be uncertain at the time of the determination of the application. In these cases, decision makers may want to consider what subsequent approvals will be necessary to ensure significant onsite habitat enhancements are appropriately secured.”

In terms of addressing the issue of biodiversity net gain, the existing biodiversity value of the site is 2.3 habitat units. The *indicative* post-development biodiversity value of the site would be 0.30 habitat units, however this is not set currently because layout and landscaping are reserved matters. As such, the applicant is content to discuss these matters further during the course of the outline application,

and it should be noted that the final details of BNG (proportions of on-site, off-site and / or purchase of BNG credits) will only be determined at the reserved matters stage.

As such, the information provided with this outline application is considered to address relevant statutory requirements and further discussions during the course of the application are expected to take place with regard to potential BNG parameters for a reserved matters application.

Drainage

A Drainage Assessment and Drainage Strategy has been produced by EWE Associates Ltd and accompanies the application.

The assessment confirms that in terms of surface water drainage, soakaways are not a practical solution due to limited infiltration. As such it is proposed that the area below the access roads will be constructed with oversized twin pipes for attenuation. Private driveways will be constructed using under-drained permeable paving to provide treatment. It is proposed that foul sewage will discharge to the existing combined sewer on Leak Hall Crescent. Further details concerning discharge rates, run-off and storage calculations can be found within the assessment.

It is therefore considered that suitably worded conditions can be attached to any permission to ensure that adequate drainage is constructed on site, in accordance with Local Plan Policy LP28.

Contaminated Land and historic coal mining

A Phase I Environmental Desk Study and a Coal Mining Risk Assessment (CMRA) have been prepared by Rogers Geotechnical Services Ltd and accompanies the application.

The Phase I Desk Study shows that there are limited possible sources of contamination on the site and in the surrounding area. It is not therefore considered necessary to undertake an intrusive *Geo-Environmental* investigation.

However, it is recommended that a *Geo-Technical* ground investigation be completed in order to facilitate the safe design of the foundations for the proposed development.

In terms of the CMRA, the site is not within a high risk area for previous coal mine workings. The risks attributed to all aspects of potential coal mining including shallow and deep coal workings, mine gas, and mine shafts are all considered to be within the low risk category, and further investigations are not therefore considered necessary in this regard.

It is considered that any subsequent investigations and reports are capable of being conditioned. The proposals therefore accord with Local Plan Policy LP53 and paragraph 189 in the NPPF.

Public Open Space

Local Plan Policy LP63 states that, '*New housing developments will be required to provide or contribute towards new open space, or the improvement of existing provision in the area.*'

Given the relatively small size of the application site, and the fact the Council no longer adopts open space areas due to budgetary constraints, the indicative layout does not include on-site public open space provision. Nevertheless, this may change in a subsequent reserved matters application and

discussions are therefore anticipated with regard to how to appropriately secure POS provision (on-site vs off-site) at the reserved matters stage.

The proposed development therefore accords in principle with Local Plan Policy LP63, the aims of Chapter 8 in the NPPF and the guidance within the Kirklees Open Space SPD.

Climate Change

A Climate Change Statement is submitted as part of the application. Although the application is in outline form only, it is envisaged that the some or all of the following climate change mitigation measures will be incorporated into the development:

- Smart energy metering.
- LED lighting.
- Wall and roof insulation.
- Solar panels.
- Air source heat pumps.
- Bat and bird boxes.
- Native planting.
- Locally sourced materials.
- Electric vehicle charging points.

The proposed development would therefore have a positive impact in terms of mitigating against the effects of climate change, in accordance with Local Plan Policies LP24 and LP26.

Minerals Safeguarding

Whilst the application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale, it has been accepted in the adjacent case for the development of the larger portion of the HS144 allocation that Policy LP38(c) applies. This policy allows for the approval of development where there is an overriding need - i.e. housing needs in this case, having regard to Local Plan delivery and supply matters outlined in this report.

Other planning matters

Heritage - There are no designated heritage assets within the vicinity of the site according to Historic England records and the Kirklees Local Plan.

Flood risk – The site is within Flood Zone 1 (no risk) for river flooding, and is not within a surface water flood risk area according to Environment Agency data.

Crime Prevention – Although the layout is currently indicative and not formally applied for as part of this outline application, the topic is addressed within the Design & Access Statement accompanying this application, thereby complying Local Plan Policy LP24(e) subject to any suitable conditions the LPA may wish to impose in liaison with the West Yorkshire Police Designing Out Crime Unit.

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Summary and the Planning Balance

This application seeks outline planning permission, with the matter of *access* to be considered.

The application site forms part of the wider housing allocation HS144 in the adopted Kirklees Local Plan and has therefore been previously assessed as being acceptable for housing development in principle, with the Planning Inspector at the time stating: “the allocation is soundly based.”

The site is located on the edge of the urban settlement of Denby Dale, Huddersfield, close to existing local shops, services, amenities and good public transport links. The site therefore provides an excellent opportunity for sustainable residential development.

In the light of the identified housing supply and delivery issues in Kirklees at present, the Council is obliged to afford substantial weight to the presumption in favour of sustainable development (i.e. applying the ‘tilted balance’) unless there are any adverse impacts that would *significantly and demonstrably* outweigh the benefits.

The NPPF in force at the time of writing ⁴ states there is a key objective of “significantly boosting” the supply of homes ⁵, and this policy objective is considered likely to be strengthened further when the new Government revises the NPPF shortly. Indeed, the housing crisis has been acknowledged within the first week of the new Government, with the immediate decision to re-introduce compulsory house targets and the “urgent steps” pledge to build 1.5 million homes within this parliamentary term.

As discussed in the preceding paragraphs of this report in connection with the ‘tilted balance’, it is considered there are no identified *adverse impacts* with regard to material planning considerations in this case, in particular there would be no adverse impacts that would outweigh the scheme *benefits* in a *significant and demonstrable* manner.

In summary therefore, the appellant respectfully considers that the planning balance is tilted heavily in favour of granting planning permission in this case. The presumption in favour of development now applies within Kirklees in connection with inadequate housing supply and delivery, and the appellant considers that the adverse impacts of the proposals do not in any reasonably objective measure outweigh the benefits of the scheme in a *significant and demonstrable* manner, as per NPPF paragraph 11(d)

As such, it is respectfully requested that outline planning permission is granted.

Robert Halstead Surveyors & Town Planners

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⁴ December 2023

⁵ NPPF Paragraph 60