18 December 2024

FRAN0001

Ms Louise Bearcroft

Senior Planning Officer

Planning and Development Service

Place Directorate

PO Box 1720

Huddersfield

HD1 9EL

Dear Louise,

2024/92553: Wappy Spring Inn, Lindley Moor Road, Huddersfield

Planning Application for Mixed Industrial Development

The applicant has asked me to write to you to update the position that was set out in the planning statement submitted alongside this application. You will be aware that NPPF was revised last week, and that the national policy position on Green Belt exceptions has changed considerably.

New paragraph 155 states that the development of new commercial space in the Green Belt is now appropriate development, provided that 4 criteria are satisfied. These criteria are:

a) The site is "grey belt" land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
b) There is a demonstrable unmet need for the type of development proposed.
c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
d) Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of NPPF.

If the Wappy Spring site meets these tests, that would fundamentally change the basis of your consideration of this application.

Our view is that this proposal can now be considered to be appropriate development in the Green Belt and, therefore, should be approved- provided that all other development management matters are satisfactorily resolved.

The Paragraph 155 tests are considered in more detail below.

Grey Belt

Grey Belt is defined in the new NPPF as follows:

*"**Grey belt**: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."*

The planning statement sets out some background information on the current state of the site. Paragraph 5.16 of that statement includes a table which shows the amount of previously developed land on the site. The site is, at least in part, previously developed land.

For those areas which are not previously developed, it is necessary to consider whether the site contributes strongly to Green Belt purposes a), b) or d). These are, arguably, the most important Green Belt purposes, as they relate to restricting the sprawl of large built-up areas, preventing towns from merging into each other, and preserving the setting and character of historic towns.

The applicant considers that this site does not perform those purposes to any meaningful degree. However, Officers will no doubt find the Council's own assessment of this section of Green Belt more convincing- as this represents the Council's view, rather than the applicant's.

Paragraph 5.31 of the planning statement sets out the findings of the Council's Green Belt boundary review for this section of the boundary in full. The Council's assessment of purposes a), b) and d) are set out in the table below:

Purpose	Assessment
a) Checks Sprawl	"Limited impact. M62 motorway presents potential new boundary and the strip of land is small and contained."
b) Prevents Merging	"M62 prevents merger with Calderdale. Development up to eastern Boundary would join Kirklees with the small isolated group of buildings in Calderdale between the motorway junction, Lindley Moor Road and Kew Hill."
d) Preserves Setting and Character	"No impact."

Clearly, the Council's analysis was that this section of the boundary is small, well contained, and is securely bounded by the M62. The reference to the isolated buildings in Calderdale are those on the southern side of the M62, at Ainley Top, which already adjoin parts of the built area of Birchencliffe in Kirklees. There would be no difference to this position if the application site were developed, indeed the application site is some 600m away from this location.

Given the obviously strong boundaries of the site, the lack of opportunity for further sprawl and the fact that the M62 is the main barrier to any merging of settlements- alongside the Council's previous assessment of it's performance against these purposes- it would be extremely difficult for the Council to sustain an argument that this site "strongly contributes" to any of these three purposes.

Development here would clearly not undermine the purposes of the Green Belt- either in the immediate vicinity of the site, or across the remainder of the Plan's area. This is not a strategically important location for any of these purposes, nor the Green Belt as a whole.

The Grey Belt definition also requires consideration of whether the site sits in any of the assets or designations listed in footnote 7. These are considered in the table below:

Asset	Relevance
Habitats sites (and those sites listed in paragraph 189- namely National Parks, the Broads and National Landscapes) and/or designated as Sites of Special Scientific Interest	Not relevant- the site is not within any of these designations.
Green Belt	Not relevant- this is specifically excluded by the Grey Belt definition
Local Green Space	Not relevant- the site is not within this local designation.
National Landscape	Not relevant- the site is not within this designation.
National Park (or within the Broads Authority) or defined as Heritage Coast	Not relevant- the site is not within this designation.
Irreplaceable habitats- This is defined in the NPPF Glossary as including ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen	Not relevant- the site is not within any of these designations or habitat types.
Designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)	The site is not a designated heritage asset and has been subject to modern disturbance- both from the construction of the M62 and the construction of the pub.
Areas at risk of flooding or coastal change	Not relevant- the site is not within any flood zone and is at some distance from the coast.

The site does not affect any of the listed designations.

It seems clear that the site can be considered to meet the definition of being Grey Belt and that it would not undermine the purposes of the Green Belt. The first definitional criteria has, therefore, been met.

Need

Need is well defined in footnote 56 for housing purposes (i.e no 5 year supply, under 75% on HDT), but for commercial uses there simply has to be a demonstrable need.

The applicant has made extensive submissions on need. They clearly consider that the need is great enough to warrant several attempts to secure permission for this proposal. However, the simplest way to address this point is to refer (again) to the Council's stated position on need for this development.

The Policy Officer's response to 2023/93031 concluded on Need as follows, with our emphasis emboldened:

To summarise, considering all the submitted evidence as a whole, ***there is evidence*** *produced by both the applicant and Leeds City Region* ***which indicate an undersupply of small to mid-size premises*** *and evidence from the applicant* ***which indicates a demand within the M62 corridor that could be met by the proposed development****. The balance that therefore has to be determined is whether the*

benefits arising from the proposed development set out above would outweigh the harm to the Green Belt in terms of inappropriateness and impact on openness, both of which carry substantial weight.

Clearly, the Council have accepted that there is a need for this proposal. Again, it would be difficult to sustain a contrary position now, given that the supply of land and sites will certainly have worsened since the last application on this site.

It seems clear that there is a demonstrable need for this proposed development.

Sustainable Location

A "sustainable location" is not defined in NPPF, but cross references to paragraphs 110 and 115 of the new Framework suggest that this should focus on "limiting the need to travel and offering a genuine choice of transport modes" (NPPF 110) and general highways safety, access and capacity (NPPF 115).

The Transport Assessment sets out:

- The accessibility of the site to bus stops- It notes that these are slightly beyond desirable walking distances, but that the stops have a high frequency of services to main centres.
- Acceptable cycling distances- These are up to 5km, but could extend to 8km for those who are commuting to employment uses. Clearly, a large proportion of Huddersfield's population is within 8 km of this site. This is indicated by the isochrone provided at Appendix 1, which shows that there is a population of 232,144 people within an 8km cycle distance of the site.
- Within acceptable walking distances of the site, there are bus stops, residential areas, local shops and takeaways.

The Highways response to this application[1] only discusses detailed highway design standards and does not criticise the application site for being in a location which is not sustainable. Given the analysis presented in the transport assessment, it seems clear that this lack of criticism supports the applicant's contention that this is a "sustainable location".

The site is on the main road, close to a motorway junction and, is opposite sites which have recently been allocated, approved and developed for commercial purposes at Lindley Moor- allocation MXS3, opposite the site.

Clearly, the Council will not have allocated land for employment that they consider to be in an unsustainable location. Indeed, adopting a position that this location is unsustainable now would be untenable- a recent employment allocation is literally opposite the application site, so arguing that this is not a sustainable location would not be a reasonable conclusion to draw.

The applicant, therefore, concludes that this site is in a sustainable location.

"Golden Rules"

The "Golden Rules" only apply to housing development. This is directly stated in Paragraph 156 and Paragraph 157 is solely about affordable housing- which is clearly not a requirement for this form of development.

[1] e-mail from Ryan Kinder on 7 November 2024.

The criterion is not relevant to this application.

Conclusions

To conclude, the applicant is very firmly of the opinion that this site meets the definition of being "grey belt" land.

It is partly previously developed and certainly does not perform any of the relevant Green Belt Purposes to any meaningful degree- This is a conclusion that has previously been put forward by both the Council and the applicant.

There is also a demonstrable need for the proposed development. The applicant has put forward considerable information on this matter and that has been accepted in the policy officer's response to the previous application on this site.

The site is also considered to be in a sustainable location- as evidenced by the large allocation of housing and employment uses opposite the application site. The accessibility of the site is set out in detail in the applicant's transport statement, and the highways responses to this application does not query the locational aspects of the proposal- They solely focus on highways development management issues, which it is expected can be resolved in due course.

For all three of the above considerations, the Council has expressly stated in writing, or indirectly inferred though allocating land and failing to raise sustainability concerns, that the necessary components of meeting those tests has been met: It has already been accepted that the site performs limited Green Belt purposes, that there is a need, and that the site is a sustainable location.

To adopt a contrary view at this stage would be both unreasonable, and difficult to sustain during any formal review of this application process- For example, at a planning appeal. There is a paper trail and evidence available which shows that that Council has conceded these points. The only rational outcome now would be to support the applicant's position on these matters.

This site is a "grey belt" development, which meets the relevant tests and, therefore, is no longer inappropriate development in the Green Belt.

The new NPPF has made this proposal an exception to the normal Green Belt rules. As such, Green Belt is no longer a factor which should be weighed against this development proposal: There is no longer a requirement to demonstrate very special circumstances and the main barrier to recommending approval of this proposal has now been removed.

That being the case, and given the current position of the Kirklees Local Plan which is acknowledged by all parties to be "out of date", there is no clear reason for refusal that could be put forward in relation to Green Belt policy under NPPF 11(d) (i).

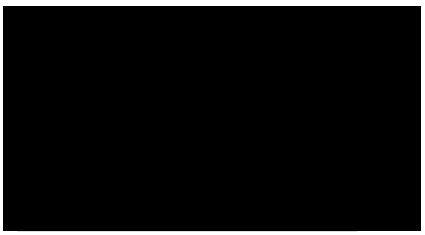
As such, the principle of development here should be accepted and planning permission should be granted.

There still remain other technical matters to resolve as part of this planning application process. The applicant would welcome the opportunity to complete the ongoing consideration of these matters. However, they would also welcome early confirmation of your view on the principle of development, as a result of this major change in policy direction.

This policy change materially affects the approach you should now be taking to this proposal, and the applicant would be pleased to work with you towards a positive recommendation.

If there's anything further you would like to discuss on this matter, please do not hesitate to contact me or Matthew Hall at KPP Architects, who is the agent for this application.

Yours sincerely

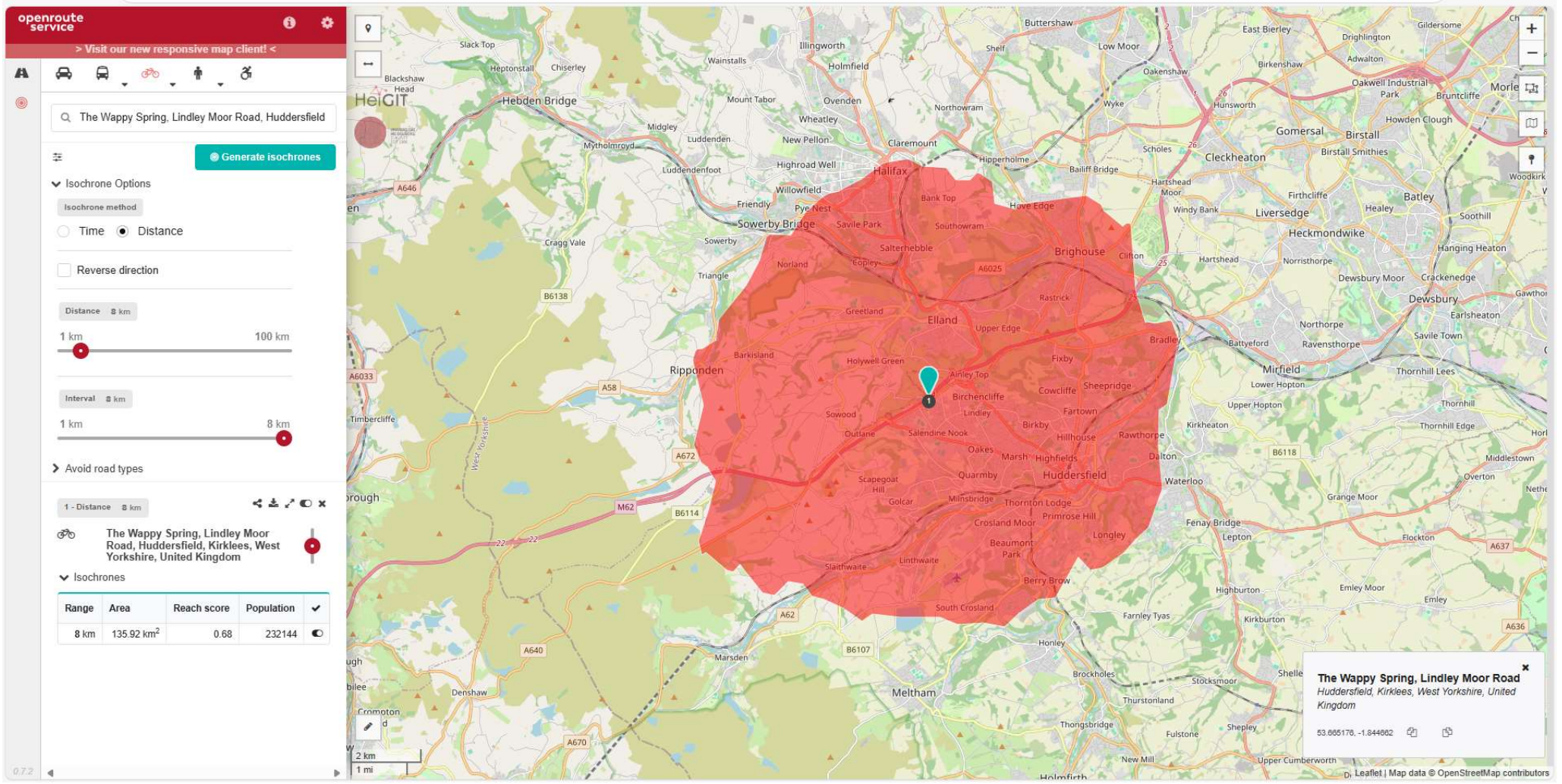


Matthew Sheppard

Director

Sheppard Planning Ltd

Appendix 1: Cycle Isochrone



Sheppard Planning