

14 March 2025

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 in response to your point about Lindley Moor, site MXS3 and its relationship to the Grey Belt test of “demonstrable unmet need”. It is worth reminding ourselves what wording the NPPF actually uses. Paragraph 155 b. says:

There is a demonstrable unmet need for the type of development proposed

This only expects a demonstration of a need, which is not currently satisfied, for the type of development proposed.

It doesn't expect a demonstration that the proposal can't be accommodated on other sites, nor a demonstration that there is no capacity on any other sites elsewhere in the District.

Whilst the applicant considers that those two points are addressed in their previous submissions, the actual policy test to be satisfied now is much more generic. You will recall that I covered this in my letter of 18 December 2024. That letter stated:

“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:

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*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.”

I had hoped that the policy team’s acceptance that there is a need would be adequate. That is what the policy expects, and the necessary point has been accepted.

However, if that is not the case, I would also highlight the following additional points that were not raised in my previous letter:

General Considerations

The Council is reviewing the Local Plan. The papers¹ which justified preparing a new Local Plan found the following key points relating to employment land [with our emphasis]:

- *the assessment has identified **issues relating to the achievement of sufficient jobs across the district** to meet the 23,000 jobs target set out in the Local Plan including concerns about achieving sufficient jobs from remaining 4 employment allocations and **issues around the spatial distribution of employment opportunities**.*
- *the council’s **employment delivery and land supply is borderline** and there are concerns that the delivery of potential 1,782 jobs that may be delivered from employment/mixed-use allocations are yet to enter the planning process.*
- *key site allocations are unlikely to deliver housing/employment targets within the Plan period which will impact on the delivery of the Kirklees spatial strategy*

Clearly, there are not enough jobs being delivered, in the right places. This is a further openly acknowledged acceptance that there is a delivery and land supply concern for employment land.

To add to this position, the applicant’s Need Report (October 2023) found the following key points:

- Take up analysis shows a requirement for 0.6Ha / 2,291sqm of small business space every year. That is the equivalent of this project being needed every year to maintain a “business as usual” position on small unit delivery.

Frank Marshall Estates / The Nano Park Company have been trying to secure permission on this site since 2021, or 4 years. In that time, the latent market demand far outstrips the provision on this site, several times over.

¹ [2023-10-17 Local Plan Review-Update Cabinet Report and App1 finaldocx.pdf \(kirklees.gov.uk\)](#)

- Market and economic forces have resulted in larger buildings being delivered on the available employment sites in Kirklees, rather than smaller buildings- as proposed by this application.
- At the time of writing that report, in 2023, there were 38 companies looking for space of this nature. The developer is regularly fielding queries from interested tenants for this site.

Clearly, a wider need exists- for smaller employment units- which is not being met by the current supply. In our view, that is further independent evidence that addresses the necessary policy test.

In summary, we have:

- a) The Policy Officer response to the last application on this site
- b) The Council's position on updating the Local Plan
- c) Take up data analysis over a relevant catchment and unit size range
- d) Occupier demand data.

All of which suggests that there is an unmet need.

However, it is also clear that the existence of a site with employment potential nearby has concerned the Council throughout the application history on this site.

I would suggest that this concern strays some way beyond what is expected by the now current policy test. However, the applicant is very keen to reach a local solution to this application- They are keen to avoid committing both the Council and developer teams to the time and cost associated with seeking an Inspector's view on this proposal.

MXS3

We appreciate that having an approved and undeveloped site opposite the application site, presents an obvious opportunity to provide a similar form of development.

MXS3 was analysed in detail in our Alternative Sites Report- which is extracted at Appendix 1- and we clearly acknowledged that this site has the potential to provide some smaller unit supply. Permission for Lindley Moor was granted in September 2024, following a resolution to grant in June 2024. The small units are in outline, with 5 years to submit and implement.

There are two key points:

1. The identified need is greater than the space provided on that now consented proposal, and
2. There is no guarantee that the eventual developer of this site will deliver those small units. They are not approved in detail, and general development economics works against this type of unit being provided- with the current applicant being one of the few developers that look to exploit this niche.

The need increases as time passes. The reserved matters and implementation stage may actually deliver small units- but for every year that passes, the need grows by 2,291sqm². If it takes the allowed 5 years, there is potential for a further 5 nano park equivalent sites to be needed by the time that site is delivered. Whilst it may come forward in a suitable format sooner than that, there is no delivery guarantee in granting planning permission.

² See applicant's Need report.

Officers will recall the delivery concerns which drove the decision to review the Local Plan, as noted above. It is also unlikely that the most costly element of the site (ie the smaller units) will come forward first- again for simple economic reasons.

It is also clear that the scale of need for smaller units far exceeds that which is going to be provided at Lindley Moor: The current Lindley Moor permission includes 4 units totalling 525 square metres (unit A) which are the equivalent of the application proposal. That is less than ¼ of a year's worth of supply, based on the sub-sector take up rates as analysed above.

Your email to Mr Hall mentions 11 small B2 / B8 units. It is assumed that these are:

- Unit A: 4 units totalling 525sqm- considered above
- Units D and Da: 2 units of 260sqm and 330sqm respectively
- Unit E: 525sqm
- Units H-L: 5 units of 471sqm each.

This is a total of **12,508sqm**.

There is an issue of comparability here. The Nano Park units are much smaller- Only Unit A is the equivalent to the application site. However, setting that aside, we have identified a need of 2,291sqm per annum, which means that (if delivered as illustrated) MXS3 would provide a c.5 year supply of small units (12,508sqm at 2,291sqm a year).

In that context, paragraph 8.14 of the Need Report offers the following analysis:

The identified quantitative need is as follows:

- For the entire Plan Period: 10.8Ha or **41,238sqm** (443,882 sqft).
- For the remainder of the Plan Period (8 years): 4.8Ha or **18,328 sqm** (197,288 sqft)

Each of those measures of need over time exceed the amount of relevant space provided at MXS3.

The Plan was adopted on 27 February 2019. That is almost exactly 6 years ago. The annual need for that period would be **13,746sqm**. This also exceeds that provided at MXS3.

The Nano Park application proposes 2,336sqm. Combined with the total supply at MXS3 this gives 14,844sqm. This is broadly equivalent, albeit slightly more, that the small unit need that has arisen since the Plan was adopted. However, by the time either of these sites deliver, at least another year will have passed³. This would produce a need of 16,037sqm (for 7 years), which is considerably more than the combined small unit provision on these two sites (14,844sqm).

Clearly, a new Plan is being prepared. The March 2024 LDS is expected to be submitted in March 2027. That is 2 years away, and it would be reasonable to expect a further 2 years (at least) until adoption. In that 4 year period, need for a further 9,164sqm of small unit space will have arisen. That would take the total need, by that (optimistic) Local Plan adoption date, to **22,910sqm**. Again this is considerably more than the combined provision at MXS3 and the application site.

Each of these periods is clearly more than the combined MXS3 and Nano Park capacity- even ignoring the fact that that majority of the floorspace at MXS3 is much bigger: a Nano unit is 170sqm,

³ Taking into account the need to secure permission and implement on the Nano Park; and the need for the current site owner at MXS3 (not a developer) to find a development partner, prepare and secure reserved matters and discharge relevant conditions.

the units are MXS3 are 3 times that size, and will not necessarily have equivalent flexible terms. This is not “comparing apples with apples”- but even so, the need exceeds the supply in this area.

Clearly, the adoption of the new Local Plan will not be quick enough to deal with the ongoing acute shortage of small unit space by allocating new sites to meet this need.

This means that:

- a. The current proposal will not harm the delivery of those units at Lindley Moor.
- b. Both sites are required- as are other similar proposals over time- which are directly aimed at meeting the needs of small businesses in Kirklees. You will recall from the applicant’s previous submissions that small businesses are a fundamental building block of the local economy, and that these tend to include occupiers which are prioritised in the Council's economic strategy.
- c. The Local Plan will not address this need in a reasonable time frame- the situation is getting worse with every year that passes.

The question is not whether Lindley Moor could meet the need to be addressed by this application. the need is much greater than that. The fundamental question is whether the need exists to support both- which it very clearly does, based on our analysis above.

Also, for the record, there is no release sequence policy which requires sites to be released in a certain order- the basic policy question is whether the need is met by other sites, or not. It is not. Therefore, further sites are required to address the identified need.

The scale of the need is such that both sites (and more) are required.

Conclusions

The applicant is keen to help you prepare a suitable report for this application which recommends approval. The key points that we think address your concern about Linley Moor are:

- 1) The policy test does not require anything more than demonstration of an unmet need.
- 2) That need is accepted by the Policy team and the wider Council (through the Local Plan Review papers, which were ratified)
- 3) That need is also explored in detail in the applicant’s need report, which found a requirement for the equivalent of this project being needed every year.
- 4) MXS3 is in a similar location and has an element of small unit supply. That may (or may not) be delivered in that form- but the need is such that both sites are required. There is a demonstrable unmet need for both sites.
- 5) The current application would not undermine the delivery of MXS3, as there is a need for both (and more)
- 6) If MXS3 is delivered, there would still be a demonstrable unmet need for the application proposal, before the Local Plan can realistically allocate more sites to meet that need.
- 7) The Local Plan will not deliver more space for at least 4 years- harm is growing during that extended period of local businesses not being able to meet their needs.
- 8) This is not an “either / or” scenario. Both are required to satisfy the unmet need.

I trust that this assists with your report writing, but as always, I’d be happy to discuss this further if you still have concerns on this point.

If there's anything further on the principle of development, 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

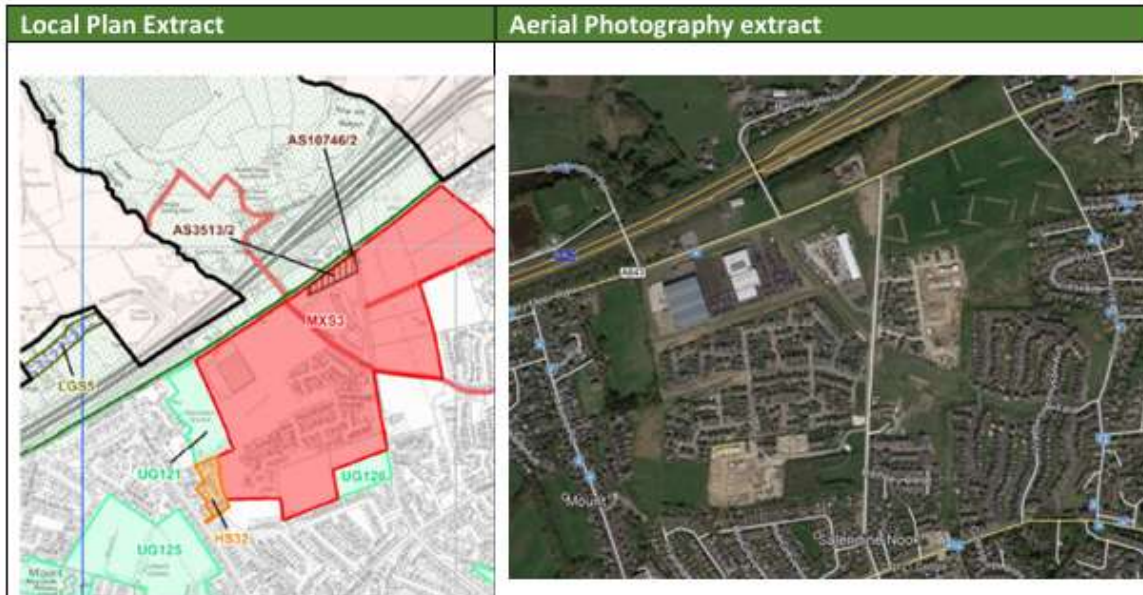
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Appendix 1: Site Assessment for Lindley Moor

Site Name	Lindley Moor Road
Site Reference: Adopted Local Plan	MXS3
Site Size (Ha)	32.16



Location	Accessed off Lindley Moor Road, opposite the application site.
Description	Partially developed site, with a mix of housing and employment uses. Entire site is consented apart from the north eastern corner, which has an expired outline for employment in 2014 and a current application (2022/91477) for industrial uses, lodged in May 2022.
Nearest Motorway Junction	Approx. 250m (straight line distances) to Ainley Top (J24); Approx 1km to J24.
Environmental Issues	Flood Zone 1. No major environmental constraints but site partially within SPZ- similar to application site.
Land available	One terrace of units proposed in current application, totalling 525 sqm over 4 units. No guarantee of delivery, but potential provision could count against need identified.
Conclusions	The site could contribute 4 units to supply. not capable of accommodating the application proposal.
Outcome	Potential for small unit provision.