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Planning Development

Planning Statement: Land off Law Slack Road, Hade Edge, Holmfirth, HD9 2RY

Site Description

The application site, which measures approx. 0.15 ha comprises of previously developed land and buildings in association with Pennine Fabrication, a steel fabrication business with ancillary storage.¹ The buildings are constructed of a mix of materials including concrete block, brick and corrugated sheet metal. The yard area is located to the north and west of the buildings. Access to the site, which is slightly sloping, is from Law Slack Road. The site is situated in a rural location, largely surrounded by open fields and countryside. There are however, two dwellings located directly west of the application site on the opposite side of Law Slack Road.



Application Site

¹ As confirmed through the recently approved Certificate of Lawfulness ref: 2023/93375

Planning History

2023/93375: Certificate of lawfulness for existing use as steel fabrication business with ancillary store
- Granted

Policy Designation

The application site is a previously developed (brownfield) located within the Green Belt in accordance with the Kirklees Local Plan Policies Map. The site is also within the Holme Valley Neighbourhood Development Plan area.

The Proposals

This application seeks planning permission for the demolition of existing buildings and the erection of four dwellings with associated parking and landscaping.

The proposed development would comprise two pairs of two-storey semi-detached dwellings. The row of dwellings would be constructed at a right angle to Law Slack Road. A shared driveway with areas for parking and soft landscaping is proposed at the front of the dwellings on the northern side of the site, with private outdoor amenity space proposed at the rear of the dwellings on the southern side of the site.

Plots 1 and 2 are proposed to be three-bed properties. The front and rear of these dwellings would include single storey lean-to additions. Plots 3 and 4 are proposed to be four-bed dwellings. The front elevations of these dwellings would include a cat slide roof, with the rear elevations incorporating a two-storey projecting gable element.

Window and door openings are proposed on all elevations. Materials proposed are natural stone walls with artificial stone slate roof tiles.

Assessment of the Proposals

Green Belt Policy and Principle of Development

Paragraph 154 in the NPPF states:

'Development in the Green Belt is inappropriate unless one of the following exceptions applies:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.'

Local Plan Policy LP59 also states:

'Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and

c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

In all cases regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.'

The applicant previously sought a Lawful Development Certificate for the existing use of the building as a steel fabrication business with ancillary store (ref: 2023/93375). The certificate was subsequently granted by the Council and as a result the application site is now deemed as brownfield (previously developed) land.

Referring to Local Plan Policy LP59 b. the existing footprint of the buildings on site is 477 sq.m compared with the proposed footprint of the dwellings which totals 371 sq.m. This is a reduction of 106 sq.m or 22%.

Referring to Local Plan Policy LP59 c. the application site currently comprises buildings in association with a steel fabrication business and service yard area. The only vegetation on site concerns small areas of low lying vegetation / grass. There are no trees, hedgerows or priority habitats on the site. As such, the proposals would not result in the loss of land of high environmental value.

The design of the proposed development, including the materials (natural stone walls and artificial stone slate roofs), is considered to be sympathetic in nature to its Green Belt setting and local surroundings. Specific matters concerning design and visual amenity are addressed in the relevant section of this report.

Regarding the impact on Green Belt openness referred to in paragraph 154 in the NPPF, it is firstly worth noting that the wording in the NPPF has recently changed.

The previous version of paragraph 154 g) stated that development should, '*not have a greater impact on the openness of the Green Belt than the existing development,*' whereas the new wording states that development should, '*not cause substantial harm to the openness of the Green Belt.*'

The new wording therefore suggests that minor to moderate impacts on openness are now permitted by paragraph 154 g) whereas previously new developments had to achieve no greater impact.

The proposals would result in a reduction in volume of built development on the site (2318 cu.m existing vs 2222 cu.m proposed). Although the proposed development would result in a relatively modest increase in height compared with the height of the existing development, this increase should be balanced against:

- a) A reduction in overall volume and footprint of built development.
- b) With reference to the plans and photo overleaf, the existing buildings currently form one largely homogenous mass that creates a large and prominent built form in the landscape. The proposed development would break up this massing, helping to soften impact on Green Belt openness.
- c) Hardstanding areas would be reduced when compared with the existing situation and would consist of better quality materials in the form of stone setts and gravel.

- d) The proposals would increase the quality and quantity of soft landscaped areas including tree planting, where currently only poor quality scrub/ grass exists. This would help soften the appearance of the built form on this site in the longer term.

As stated in paragraph 154 g) new development is now considered to be acceptable where it would not cause *substantial* harm to the openness of the Green Belt. Given the above, the overall design, layout, scale, massing and height of the proposed development would not be considered to cause *substantial* harm to the openness of the Green Belt.

The proposals are therefore considered to be acceptable in terms of Green Belt impact and accord with local and national planning policy in this respect.



Massing of the current buildings when viewed from Law Slack Lane

Housing Supply and Delivery

Paragraph 61 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.'*

Nationally, the new Government ² 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.

Paragraph 73 in the NPPF goes on to state that, *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly.'*

² Government News Story "Chancellor unveils a new era for economic growth 8th July 2024"

Paragraph 79 in the NPPF also states that, *'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply: c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.'*

The Local Plan now exceeds five years old and the confirmed position for Kirklees Council ³ is that there is no longer a five year supply of specific deliverable sites. As such, the presumption in favour of sustainable development (the tilted balance) applies in accordance with NPPF Paragraph 11d.

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 54%. Again, at this low level of delivery, the tilted balance applies as per NPPF Paragraph 11d.

As a result, the Council is obliged grant planning permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. ⁴

The proposed development would provide four dwellings for the local area on a brownfield site. It is currently available (as per the sole landowner [the applicant] wishes to develop the site), and as the following sections of this report will demonstrate, it is considered highly suitable for residential development.

Given the above, the proposed development in terms of housing supply and delivery is considered to be strongly supported and in accordance with the aims of aims of Chapters 2 and 5 in the NPPF.

Efficient and Effective Use of Land

The application site is brownfield previously developed land. Paragraph 124 in the NPPF states:

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.'

Local Plan Policy LP7 also states that:

'Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.

c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.'

The application site measures 0.15 ha which equates to 5 dwellings in accordance with Local Plan Policy LP7 (35 per hectare net density). The proposed development is for four dwellings. It is

³ Kirklees Housing Position Statement to Boost Supply February 2024

⁴ Underlining our emphasis.

considered that this slight reduction in net density is acceptable given the small site size and a certain proportion of the site being required for reasonable sized gardens, access, parking, turning and additional landscaping.

The proposed development is therefore considered to be acceptable in relation to the efficient and effective use of (brownfield) land in accordance with paragraph 124 in the NPPF and Local Plan Policy LP7.

Design and Visual 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.'

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 visual amenity are as follows:

Principle 2 – Context

Principle 4 - Density

Principle 12 – Parking

Principle 13 – Materials and detailing

Principle 14 – Windows and doors

Principle 15 – Rooflines

Policies 1, 2 and 6 in the Holme Valley Neighbourhood Development Plan (HVNDP) also set out various design objectives to achieve suitable residential development in the Holme Valley in terms of boundary treatments, landscaping, local character, built form and materials and amenity.

The design of the proposed development has been carefully considered to take account of the local context. Design features, including the cat slide roof, the single storey lean-to elements and the projecting rear gables are all inspired by other dwellings in the vicinity of the application site (see photographs below).

As mentioned previously, the net density of the site equates to five dwellings, however the four dwellings that are proposed are considered to be acceptable given the small size of the site and the space required for gardens, parking, turning and landscaping. The proposed development would be orientated at a right angle to Law Slack Road. This layout has been proposed to reflect the current layout on site and to take advantage of having south facing rear gardens.

The proposed materials (natural stone and high-quality artificial stone slates) and the boundary treatments (dry stone walls) would harmonise with the character of the local rural area. Likewise, the gravel and stone setts proposed in the access and parking areas are in keeping with the local landscape and soften the overall appearance of these areas.

The windows proposed are small mullion type windows with the exception of the rear patio style doors. The style and positioning of the windows and doors is considered to relate well to the neighbouring properties and local built fabric. Likewise, the proposed roofline and style (pitched) would be in keeping with other properties found in the local area as demonstrated on the photographs below.

Although accepted to be relatively utilitarian buildings currently, not necessarily out of place in this rural context, the proposals nevertheless present a good opportunity to remove a rather unsightly assortment of poor quality and disharmonious materials (see photo below), and replace them instead with better quality, in keeping, and more visually pleasing materials and design.



Existing buildings with variety of unsightly materials and miscellaneous items within the yard

The parking area is to be provided in front of the proposed dwellings (two spaces each for plots 1 and 2, three spaces each for plots 3 and 4 plus one visitor space). Due to the orientation of the dwellings, the parking would not dominate the street frontage, and this area is interspersed with soft landscaping which provides a visual break. The mix of materials (stone setts for the parking bays and gravel for the access and turning area) provides a more attractive and less dominant alternative to tarmac or concrete.



Example of a local cat slide roof



Example of neighbouring lean-to front extensions



Example of a local projecting gable

The proposals are therefore considered to be acceptable with regard to visual amenity and comply with Local Plan Policy LP24, Principles 2, 4, 12, 13, 14 and 15 in the Kirklees Housebuilders Design Guide SPD and Policies 1, 2 and 6 in the HVNDP.

Residential Amenity

Local Plan Policy LP24 states that, *'Proposals should promote good design by ensuring:*

b. they provide a high standard of amenity for future and neighbouring occupiers.'

This is echoed in paragraph 135 f) in the NPPF. 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 residential amenity are as follows:

Principle 6 – Maintaining high standards of residential amenity

Principle 16 – Internal space standards

Principle 17 – Outdoor space

Two existing dwellings are located on the opposite side of Law Slack Road from the application site. The distance between the closest point of the dwellings and the application site is 17 metres. Due to the orientation of the proposed dwellings, only the side elevation of Plot 1 would face the existing cottages. Two non-habitable first floor windows are proposed on this elevation. It is therefore considered that due to the separation distance, scale, layout and window positioning, the proposed development would not cause undue harm to the residential amenity of the existing occupants of the cottages by way of privacy, outlook or daylight.

In terms of residential amenity for future occupants, all of the dwellings comply with the requirements concerning internal space standards as demonstrated in the table below.

	No. Bedrooms	Number of Bed Spaces	Internal Space sq.m (2-storey dwelling)	Built-In storage sq.m
Plots 1 & 2	3	4	84 recommended 116 proposed	2.5 recommended 4.4 proposed
Plots 3 & 4	4	6	106 recommended 194 proposed	3 recommended 7.4 proposed

Each plot also includes a good degree of outdoor amenity space proportionate to the size of the dwelling, and appropriate parking provision that accords with the guidance in the Kirklees Highways Design Guide SPD. The proposed layout, scale and design of the proposed development would also allow all future occupants to have a high level of privacy, outlook and access to natural daylight due to the openness of the site, the orientation of the dwellings, the positioning of windows and the boundary treatments.

The proposed development is therefore considered to be acceptable in relation to residential amenity and complies with Local Plan Policy LP24, paragraph 135 in the NPPF and principles 6, 16 and 17 in the Housebuilders Design Guide SPD.

Highway Matters

Local Plan Policy LP21 states,

'New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.'

The existing access into the site is proposed to be closed off and a new access would be created slightly further north. The access would measure 5.5 metres wide at the site entrance. It is also proposed that no walls or planting higher than 900mm above the road level would be located within the 2.4m x 65.0m visibility splay.

In terms of traffic impact, it is considered that the addition of four dwellings on the site would not result in any discernible impact on traffic generation in the local area. Law Slack Road is an extremely quiet rural road only serving a small handful of properties and is not a common cut through route for other drivers.

Two / three parking spaces are proposed for each dwelling, plus one visitor space. This amount of parking provision is considered to be acceptable and complies with Key Design Driver 20 in the Kirklees Highways Design Guide (two parking spaces for 3-bed dwellings, three parking spaces for 4-bed dwellings plus one visitor space for every four dwellings). There is also adequate turning available within the site which would allow cars to enter and exit the application site in a forward gear.

Bin storage areas are proposed at the front of each dwelling and a bin collection point is proposed adjacent to the site entrance for suitable refuse collection.

The proposals are therefore considered to be acceptable with regard to highway matters and are in accordance with Local Plan Policies LP21 and LP22, the aims of Chapter 9 in the NPPF and the Kirklees Highways Design Guide SPD.

Ecology

A Preliminary Ecological Appraisal has been produced by Knight Sky Ecology and accompanies the application. Key points of note are as follows:

- The building is considered suitable to support nesting birds. The demolition of the building should therefore occur outside of the bird nesting season (March to August inclusive). The installation of bird boxes within the new development is recommended and would enhance biodiversity.
- The building is likely to form one of several roosting sites for barn owls in the area. The loss of the roost is considered to be significant at no more than site level. The Barn Owl Trust does not recommend fixing a barn owl box on a pole or outside wall of a building and therefore such enhancements are not advised.
- The building was found to have no suitability to support bat roosts. No further surveys are required. Bat boxes are not recommended as they are not likely to be used.

The proposed development is therefore considered to be acceptable in relation to ecology and accords with Local Plan Policy LP30 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.

In terms of addressing the issue of biodiversity net gain, the pre-development biodiversity value of the site is 0.14 habitat units which comprises areas of modified grasslands only which are in a poor condition.

Habitats with a measurable value within the curtilage of each property will be restricted to vegetated gardens. A vegetated margin with tree planting along the northern boundary is also proposed. The combined value of the created habitats post-development would be 0.25 habitat units. This would result in a biodiversity net gain of 0.11 habitat units or 80.12%.

As such, the information provided with this application is considered to address relevant statutory requirements and complies with Local Plan Policy LP30, the aims of Chapter 15 in the NPPF and principle 9 in the Housebuilders Design Guide SPD.

Accessibility and Sustainable Modes of Travel

Paragraph 83 in the NPPF states:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'

Paragraph 110 in the NPPF also states:

'Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'

The application site is located 0.9 miles south-east of Hade Edge. Hade Edge includes a Primary School and a couple of shops (Flowery Field Farm shop and J Brindon Addy Butchers and Food Hall) a couple of hairdressers (The Hair Barn and Holly Rose Hair) and The Boshaw Trout pub and restaurant. It is considered that the proposed development would help maintain the vitality and viability of Hade Edge in accordance with paragraph 83.

Public transport options are quite restricted in the local area. The nearest bus stops are located on Dunford Road, 0.8 miles away. Buses from these stops travel to Holmfirth and Penistone with about four or five buses running every day (routes 25a and 29). The use of the private car for future residents to get around is therefore a strong possibility. However, in accordance with paragraph 110, *'transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.'*

Drainage

A new sewage treatment tank to serve the development is proposed to be located in the adjacent field north of the application site. It is considered that suitably worded condition could be attached to this application concerning the details of the treatment tank should the application being approved.

The proposed development is therefore considered to be acceptable and complies with Local Plan Policy LP28.

Coal Mining Legacy

A Coal Mining Risk Assessment has been produced by Rogers Geotechnical Services Ltd and accompanies the application. The report concludes that there is potential for shallow mine workings to be present beneath the site, although the risk of instability posed by these features is considered to be low. However, shallow mine workings represent a potential source of ground gas. The report therefore recommends further investigation, prior to development, to assess the gas situation on site. It is considered that a suitably worded condition can be attached to the planning permission regarding this, should the application be approved.

The proposals are considered to accord with Local Plan Policy LP53 and paragraph 196 in the NPPF.

Climate Change

A Climate Change Statement is submitted as part of the application. The following climate change mitigation measures form part of the development proposals:

- Energy efficient building materials and lighting
- High-quality insulation
- Smart metering
- Water efficient fixtures and fittings
- Locally sourced materials
- Areas of soft landscaping to help absorb surface water drainage.

The proposals would therefore have a positive impact on climate change and accord with Local Plan Policy LP24 and Principle 18 in the Kirklees Housebuilders Design Guide SPD.

Summary and the Planning Balance

This application seeks full planning permission for the demolition of existing buildings and the erection of four dwellings with associated parking and landscaping.

As discussed in the preceding paragraphs of this report, the proposed development is considered to be appropriate with regard to national and local Green Belt policy in that the redevelopment of the site would not have a substantial impact on the openness of the Green Belt than the existing development.

The proposals are also considered to be acceptable in relation to visual amenity, residential amenity, highways, biodiversity and climate change.

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 states there is a key objective of "significantly boosting" the supply of homes. 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, as per NPPF paragraph 11(d)

It is therefore respectfully requested that planning permission is granted.

Robert Halstead Chartered Surveyors & Town Planners

January 2025