

# **PLANNING STATEMENT**

**IN SUPPORT OF A FULL PLANNING APPLICATION  
FOR REDEVELOPMENT OF A SITE FOR A DWELLING**

**AT WHINNEY CLOSE FARM, 106 COCKLEY LANE,  
KIRKHEATON, HUDDERSFIELD, HD5 0PF**

**PREPARED ON BEHALF OF  
MR T CROMPTON**



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## **1.0 INTRODUCTION**

- 1.1 Directions Planning Consultancy Ltd has been instructed by Mr T Crompton to prepare a Planning Statement in support of a full planning application for the redevelopment of Whinney Close Farm, 106 Cockley Hill Lane, Kirkheaton to allow for the erection of a dwelling.
- 1.2 This Planning Statement deals with the planning policy framework and material considerations pertinent to the determination of the planning application. It has been prepared with reference to legislation, and national and local planning policy and guidance.

## **2.0 DESCRIPTION OF DEVELOPMENT**

- 2.1 The proposal involves the redevelopment of a previously developed site. The redevelopment involves the demolition of existing buildings at Whinney Close Farm and then the erection of a new dwelling and detached garage to provide a new family home for the applicant.
- 2.2 The proposed dwelling is to be located in a similar position to the existing dwelling where surrounding outbuildings, a tennis court and other works are to be removed to allow for landscaping of the domestic grounds to create an appropriate setting to the new dwelling.
- 2.3 The junction of the driveway with Cockley Hill Lane is to be widened to improve visibility and the route of the public right of way that crosses through the application site and follows the boundary is to be improved, including through the levelling of the surface.

## **3.0 THE PROPOSAL SITE AND SURROUNDINGS**

- 3.1 The application site is located on the south side of Cockley Hill Lane, which is a local road that extends eastwards from Kirkheaton towards Upper Hopton and Mirfield.
- 3.2 Kirkheaton is located to the north east of Huddersfield, and on the same south facing valley slope as the application site. Ox Field Beck to the south of the application site flows along the bottom of the valley where the slope rises to the top of Cockley Hill, which is on the opposite side of Cockley Hill Lane to the application site. The slope of the valley extends eastwards and westwards from the application site.
- 3.3 The proposal site consists of a detached dwelling located at the end of a private driveway. The driveway sweeps along the northern elevation of the dwelling where it ends in an area of tarmac in which a single-storey outbuilding is located. To the east of the dwelling is landscaped garden which extends along the southern side of the dwelling and wraps around the west side of the house. Set within the southeast corner of the garden is a tennis court. To the south west of the dwelling is a single-storey garage and outbuildings that are attached to the main house by a garden wall. The garage is served by a tarmac drive that connects into the main driveway and extends north westwards.
- 3.4 The driveway extends from Cockley Hill Lane in a south eastwardly direction towards the dwelling. On the north side of the driveway is a belt of woodland that also extends south eastwards from Cockley Hill Lane. The belt of trees separates Whinney Close Farm from Willow Court which is a substantial detached dwelling located to the north east. To the west of the entrance serving Whinney Close Farm and to the north west of the application site are several residential properties fronting onto Cockley Hill Lane which are traditional in appearance and

appear to have once formed a farmstead where the farm buildings have been extended and converted into dwellings.

- 3.5 There are bus stops within 400m to the east and 500m to the west of Whinney Close Farm that provide regular services to Huddersfield and Heckmondwike. Kirkheaton offers a range of facilities and services, including a school, shops, library, churches and public houses. The village also offers sports facilities, including for cricket, football and bowling.

#### 4.0 PLANNING HISTORY

- 4.1 The table below explains the planning history of the application site with information obtained from the Council's online records.

Application Reference	Decision Date	Description	Outcome
2024/92351	06/12/2024	Erection of detached dwelling and associated landscaping	Refusal
2024/90607	14/05/2024	Erection of Outbuilding	Certificate of lawful operations granted
2023/90643	07/02/2024	Demolition of existing dwelling and detached garage and erection of replacement dwelling, detached garage and associated landscaping	Withdrawn
2023/92292	08/09/2023	8m single storey rear extension	Prior approval not required
2023/92300	26/09/2023	Single storey side extensions	Certificate of lawful operations granted

#### 5.0 PLANNING POLICY CONSIDERATIONS

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 ('the 1990 Act') states that where an application is made to a local planning authority for planning permission, the authority shall have regard to the provisions of the development plan, so far as material to the application. The development plan in this instance is the Kirklees Local Plan (February 2019).

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The National Planning Policy Framework (December 2024, amended February 2025) and any adopted Neighbourhood Plans or Supplementary Planning Documents are therefore material considerations alongside the Kirklees Local Plan.

#### 5.3 National Planning Policy Framework

- 5.3.1 The latest version of the National Planning Policy Framework ('NPPF') was published on 12 December 2024 (amended February 2025) and sets out the government's planning policies for England and how these should be applied. The Framework makes clear under paragraph 2 that planning applications must be determined in accordance with the statutory development plan, unless material considerations indicate otherwise, and that the Framework is such a material consideration.

5.3.2 The NPPF promotes sustainable development, noting at paragraph 11 how there is to be a presumption in favour of sustainable development.

5.3.3 Further requirements of the Framework will be referred to as appropriate in this Statement, and particularly those policies in sections 2 (Achieving sustainable development); 5 (Delivering a sufficient supply of homes); 11 (Making effective use of land); 12 (Achieving well-designed places); 13 (Protecting Green Belt Land); and 15 (Conserving and enhancing the natural environment).

#### **5.4 Adopted Kirklees Local Plan**

5.4.1 The adopted Kirklees Local Plan Policies Map shows the application site to be located outside any defined settlement and washed over by Green Belt. The belt of woodland on the north side of the driveway is part of a designated wildlife habitat network. As such, the following policies are considered to be pertinent in the determination of the application:

- Policy LP30 Biodiversity and geodiversity
- Policy LP32 Landscape
- Policy LP33 Trees
- Policy LP35 Historic environment
- Policy LP47 Healthy, active and safe lifestyles
- Policy LP59 Brownfield sites in the Green Belt

#### **5.5 Kirkheaton Neighbourhood Plan**

5.5.1 It is understood that Kirkheaton Parish Council has applied to Kirklees Council for the designation of the Kirkheaton Neighbourhood Area. The Neighbourhood Plan is still in draft form and so, at this moment in time, the draft document carries limited material weight.

### **6.0 THE PLANNING CASE**

6.1 The introduction to this Statement makes clear that the application is for the redevelopment of a residential property that involves the demolition of existing buildings, structures and alterations to hardstanding and the erection of a new dwelling and garage, along with landscaping. On this basis, several key policy matters and material considerations are pertinent to the determination of this planning application. Each is addressed in turn below.

#### **6.2 Changes in Green Belt Policy**

6.2.1 The revised version of the NPPF has introduced fundamental alterations to Green Belt policy through subtle changes in wording and the introduction of new provisions. Whilst the overall policy aim defined under paragraph 142 is still to prevent urban sprawl by keeping land permanently open, and the five purposes of Green Belt outlined under paragraph 143 remain the same, the nature of what is deemed to be inappropriate development within Green Belt and the type of development considered to be an exception has changed.

6.2.2 One of the key changes can be found in paragraph 154(g), which outlines exceptions to Green Belt policy. The 2003 version of the NPPF allowed for limited infilling or redevelopment of previously developed land, but only where development would not have a greater impact on the openness of the Green Belt than the existing development, or would not cause substantial harm to the openness of the Green Belt where previously developed land were to be reused

and would provide for affordable housing. In contrast, the latest version of the NPPF still refers to limited infilling and the redevelopment of previously developed land, but there are now no exclusions on the purpose of the change of use of land, and residential development is now explicitly mentioned. Additionally, the policy test simply limits the extent of infilling or redevelopment to where it would not cause substantial harm. As such, development is no longer restricted to not having a greater impact on openness of the Green Belt than the existing development, as it is only necessary to not cause substantial harm to the openness of the Green Belt.

- 6.2.3 Consequently, it can be understood that paragraph 154(g) is now concerned with securing the redevelopment of previously developed land with a view to making efficient use of land and avoiding the need to extend development into greenfield land. This is with a view to protecting agricultural land and other undeveloped land, and preventing urban sprawl.
- 6.2.4 It should be noted that this change in national policy means the Kirklees Local Plan is no longer in conformity with the NPPF. This is because policy LP59 concerning brownfield sites in the Green Belt is more limiting than paragraph 154(g). Policy LP59 because it seeks to prevent impacting on openness by limiting development so it has no more impact on openness than the existing built form. This contrasts with the NPPF which now allows for redevelopment, as long as it does not cause substantial harm to the openness of the Green Belt. As such, policy LP59 now carries limited weight due to no longer being in conformity with the NPPF.

### **6.3 Definition of Previously Developed Land**

- 6.3.1 The definition of previously developed land is set out under Annex 2: Glossary to the NPPF. The definition makes clear that land that is lawfully developed or occupied by a permanent structure and any fixed surface infrastructure associated with it is to be considered previously developed. The definition explains how the whole curtilage is to be included within the extent of previously developed land, but it is not to be assumed that the whole curtilage should be developed. Certain exclusions to the definition include residential gardens, but this is only when they are located within built-up areas. On this basis, the gardens to residential properties within rural areas, that are away from built-up areas, fall under the definition of previously developed. In terms of the application site, it is, as a matter of principle, previously developed land. The extent of buildings, structures and hardstanding across the site can be considered for partial or complete redevelopment, but paragraph 154(g) makes clear that redevelopment should not cause substantial harm to openness of the Green Belt.
- 6.3.2 The application scheme involves the demolition of a dwelling, various outbuildings, removal of areas of hardstanding and a tennis court to allow for redevelopment of the site for the same use. Redevelopment involves the erection of one dwelling, a detached garage and landscaping works. As the existing development has been lawfully built and is located away from any settlement then the extent of the site satisfies the definition of previously developed land, and so NPPF paragraph 154(g) is engaged.
- 6.3.3 To constitute an exception to Green Belt policy, it is therefore only necessary to demonstrate that the proposal will not cause substantial harm to the openness of the Green Belt. The potential for harm to openness is understood to require an assessment of openness and the impacts of the proposal.

## **6.4 Fallback Position**

- 6.4.1 In determining the baseline from which to undertake the assessment of the potential impact of the proposal on the openness of the Green Belt, it is necessary to appreciate the extent of existing development. This is because the definition of previously developed land makes clear that not all the site is to be considered suitable for developed with reference to areas free of structures and hard standing. The existing site plan explains the extent of existing development that includes buildings, structures, hardstanding and extant planning permissions that are under construction. As such, the existing drawings provide the basis on which to determine the baseline impact on the openness of Green Belt.
- 6.4.2 In relation to the extant planning permissions, the construction works that have commenced relate to three permissions for a rear extension, side extension and garden room outbuilding as listed in the planning history above. The development that is the subject of the applications is extant because works have been undertaken that are deemed to be material operations by Section 56(4) of the Town and Country Planning Act 1990.
- 6.4.3 Various court cases have considered the concept of a fallback development as a material consideration, which is described in *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314 as “*familiar*”. Paragraph 27 of that judgment by the Court of Appeal confirms that there should be a “*real prospect*” of a fallback development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances.
- 6.4.4 In this instance, the Applicant has a team of construction workers on site who are undertaking the various works associated with implementing the fallback position. There is no doubt that in digging trenches for foundations, demolitions, construction, internal alterations and with the workers and machinery on site that there is a real prospect of the fallback position being completed given that the works are already underway.
- 6.4.5 On the basis that the permissions granted have clearly been implemented and can be documented then a fallback position has been established with a greater than theoretical possibility that the fallback could be completed since development has commenced and the permissions are now extant. Consequently, the fallback position determines the extent of existing development against which the proposal is to be compared in order to determine the level of harm to Green Belt.

## **6.5 Impact on Openness**

- 6.5.1 The National Planning Practice Guidance (NPPG) on Green Belt sets out factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt (Reference ID: 64-001-20190722). These include but are not limited to visual and spatial aspects, duration and remediability, and degree of activity. Any such assessment requires a judgment based on the circumstances of the case and the courts have identified a number of such matters.
- 6.5.2 The Court of Appeal in *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466 confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. The Supreme Court in *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others)*

(Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3 endorsed paragraph 14 of Turner to the effect that the word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case.

- 6.5.3 It should however be noted that the Turner judgment clarified that *“The visual dimension of the openness of the Green Belt does not exhaust all relevant planning factors relating to visual impact when a proposal for development in the Green Belt comes up for consideration”* (paragraph 16). This means that it is possible that a development which would harm openness could be acceptable visually and vice versa.
- 6.5.4 In this instance, the proposal involves retention of the current use of the site, as well as the same level of activity in that the site will still only offer accommodation for one household. As such, the proposal will maintain the same level of activity on site, which means the level and nature of use will preserve the current level of openness in terms of intensity.
- 6.5.5 In terms of spatial impacts, the extent of the proposal site relates to the domestic use of the application site where no change in use is proposed. As such, the boundaries are to remain unaltered and so the spatial impact of the planning unit is to remain the same. However, there is to be an overall reduction in the spatial impact of development across the site, and therefore an enhancement to the spatial impacts of development due to the extent of redevelopment proposed in relation to demolition and removal of hard standing.
- 6.5.6 The character of development on site is best explained by the existing site plan, which is drawing 007. The existing site plan shows how, at the moment, development sprawls across the site given the extent and spread of buildings, structures and hardstanding. Drawing 007 includes reference to a number of planning permissions that have been implemented and are currently in the process of being constructed. Additionally, the drawing outlines the footprint of the proposed dwelling to offer the ability to make a comparison between the existing and proposed spatial impacts.
- 6.5.7 The proposed dwelling can be seen on drawing 007 to have a much tighter footprint than the existing extent of development due to the absolute reduction in floor area, and as the extent of structures and hard surfacing across the site is to be reduced.
- 6.5.8 In relation to the potential for visual impacts, a Landscape Visual Impact Assessment (LVA) has been prepared which identifies public vantage points from where views might be gained of the application site. The LVA makes clear that the vantage points from which views might be gained of Whinney Close Farm are generally sensitive because of the visibility of the site on the side of a valley slope within the wider landscape. However, the development has been found to have potential to cause a negligible or minor impact on the landscape. This is largely understood to be due to the scale of buildings being indecipherable because of the sheer distance between the various vantage points and the site, or else due to the topography or presence of obstacles.
- 6.5.9 In terms of the scale of the proposed dwelling compared with the existing development, the proposed dwelling will be taller in height but less deep and less wide than the existing.

Consequently, the proposed dwelling is more compact and less sprawling than the existing. However, existing and proposed development is set on a valley slope where the landform rises above and falls below the site. The topography therefore provides a backdrop to views or else limits views of the site, which means that views cannot be gained through the site or of any open land beyond because of the presence of the valley slope. For this reason, the potential impacts mainly arise from the rear elevation of the dwelling being viewed from across the valley at a distance and beyond which the slope of the valley forms a backdrop. Within the same frame as this view are other buildings, as scattered development is a characteristic of the area in general.

- 6.5.10 The proposed change in proportions is, however, to be judged with reference to whether it will cause substantial harm to the openness of the Green Belt. Comparing the existing and proposed elevation drawings, it is possible to appreciate that the proposed dwelling is to be taller in height than the existing dwelling. The proposal has, however, been set lower within the slope so as to limit the amount by which the dwelling is raised upon the slope. Given the presence of grounds below the dwelling and the position of the boundary wall on lower ground then the difference in height has been visually reduced. The reality of the situation, given the current vista and availability of views towards Whinney Close Farm is that the proposed dwelling will be no more prominent than the existing development due to the scale of the dwelling within the landscape. As such, the proposal has been found to not cause substantial harm to openness of the Green Belt.
- 6.5.11 On the basis that the proposal is no more intensive than the current use; the extent of development across the site is to be rationalised; and given the lack identified visual harm associated with the proposal then the proposed dwelling cannot be considered to cause substantial harm on the openness of the Green Belt. Consequently, the proposal complies with paragraph 154(g) of the NPPF.

#### Curtilage

- 6.5.12 Policy LP58 of the Kirklees Local Plan sets out how the Council does not wish to allow the extension of domestic curtilage into Green Belt.
- 6.5.13 In this instance, the proposal does not include extended areas of hardstanding or alterations to the extent of curtilage or enclosure. Instead, new planting is proposed within the extent of the established areas of curtilage, which includes replacing an existing tennis court with a formally laid garden.
- 6.5.14 As such, the proposed landscaping does not intend to see the grounds serving the dwelling enlarged. Instead, the proposal will secure a lesser impact on the openness of the Green Belt than the existing external treatments, due to the removal of the existing tennis court and more tightly defined gardens, particularly to the west. The reduction in spatial impacts is considered to be a benefit of the proposal, as well as according with local planning policy.

## **6.6 Presumption in Favour of Sustainable Development**

- 6.6.1 It is understood that the Council is currently only able to demonstrate 3.96 year supply of housing land. Consequently, paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies, which requires planning applications to be considered

favourably unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 6.6.2 It should be noted that the wording of paragraph 11 has been amended in the latest version of the NPPF, which is of relevance to development within Green Belt. Previous versions of the NPPF excluded certain protected areas or assets of particular importance from the presumption in favour of sustainable development, which means that paragraph 11 did not apply to designations such as Green Belt. However, the latest version now sets out how the application of policy must provide a strong reason for refusal rather than requiring the policy to be disengaged. As such, where development is an exception to Green Belt policy or where substantial harm cannot be demonstrated then the presumption in favour of sustainable development applies and is to be given substantial weight.
- 6.6.3 Another change to the presumption in favour of sustainable development is that NPPF paragraph 11 criterion (d)(ii) now requires particular regard to be given to policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes. As particular regard is to be given then significant weight is expected to be offered where development satisfies these particular considerations. Where development does not promote these policy matters then the presumption still applies, but without the benefit of the addition of further weight that might otherwise be afforded if development secured advancement of the policy matters. In respect of the application scheme, the proposal makes effective use of land by securing appropriate redevelopment of a previously developed site. Additionally, the quality of the design of the scheme will make a positive contribution to securing well-designed places and, as such, further weighting is offered in support of the proposal.

## **6.7 Benefits of the Fallback Position**

- 6.7.1 Having established a fallback, one of the considerations (besides impacts on openness) that flows from the position is whether the application scheme would be more harmful than the fallback position. Clearly, the fallback position and the proposed development are significantly different in their design.
- 6.7.2 The original dwelling with the various later additions is of poor design and therefore does not make a positive contribution to the character of the locality. In contrast, the information in support of the application, including the drawings and Design and Access Statement make clear the quality of the design of the proposed dwelling, especially given that the design is sustainable and will also better reveal the historic significance of the area.
- 6.7.3 It is quite clear that the application scheme is preferable to the fallback position. The poor design of the fallback causes visual harm to the character of the area, whilst the replacement new dwelling is clearly of significantly greater design quality that will raise the standard of design in the area. The improvement offered by the proposed dwelling when compared with the fallback position is a material consideration and to be given significant weight in the determination of the application, as made clear by paragraph 139 of the NPPF.

## **6.8 Sustainable Design**

- 6.8.1 The original dwelling and later extensions date from periods in time where energy efficiency and reductions in carbon emissions were not planning policy matters and when building regulation standards did not call for the construction of houses to address climate change. As such, the existing dwelling is not energy efficient due to a general lack of insulation, large window apertures and the need for high levels of heat input and artificial lighting.
- 6.8.2 With the introduction of amendments to Building Regulations in June 2022, the proposed dwelling will now need to take account of the energy hierarchy in relation to fabric and performance, and incorporate passive design measures, as well as incorporate renewable energy. Consequently, the proposed dwelling will make a positive contribution to reducing carbon emissions and saving energy.
- 6.8.3 The Kirklees Local Plan does not appear to contain policies that aim to save energy or reduce carbon emissions through design. However, a policy thread running through the NPPF makes clear how there needs to be a shift towards mitigating and adapting to climate change, which includes reducing greenhouse gas emissions. Replacing an energy inefficient dwelling with one that is efficient and incorporates passive design and renewable energy is therefore supported by national planning policy in Section 14 of the NPPF.

## **6.9 Landscape**

- 6.9.1 Local Plan policy LP32 refers to how proposals should be designed to take account of and seek to enhance the landscape character of the area. In an area that is rich in local history and was once known for its historic country houses and parklands, the application scheme is considered to offer an opportunity to repair the historic significance of the landscape by allowing for the construction of a new dwelling that will uplift the quality of the area through the quality of its design. This is where the design of the proposal offers a real benefit with respect to a number of material planning considerations that arise from reading the Local Plan and NPPF as a whole, besides simply complying with criterion d of policy LP32.
- 6.9.2 The proposal intends to utilise local stone and, as explained in the Design and Access Statement, the design is intended to be that of a Georgian gentleman's residence. This is with reference to the history of the area and how there were once a number of classical country houses that have now been lost.

## **6.10 Local Distinctiveness**

- 6.10.1 The classical design of the replacement dwelling was born out of extensive research into the history of the wider area; beyond simply the extent of the red line. This is evident from the explanation within the Design and Access Statement and also the Landscape Visual Assessment, which both reveal how the site falls within an area rich in history. These reports explain in a comprehensive manner how the intention of the proposal is to better reveal the history of the area, repair harm and enhance the setting of various heritage assets. In turn the proposal will make a positive contribution to the historic significance of the area.
- 6.10.2 Such an opportunity cannot be dismissed or belittled as it is not often that an applicant or their architect have a real opportunity to deliver the quality of scheme that is currently being proposed. There has been a genuine attempt to understand not just the local context in terms

of the current landscape character, but also its history and how it might be repaired.

6.10.3 Paragraph 135 of the NPPF makes clear that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. This policy requirement summarises the achievements of the proposal in a nutshell given that the design of the house and the improvements to the landscaping through the proposed changes are sympathetic to the local character and history of the area. As such, the proposal accords with national policy and the proposed design offers a real benefit.

## **6.11 Outstanding Design**

6.11.1 Chapter 12 of the NPPF deals with achieving well-designed and beautiful places. The proposal intends to make a positive contribution to achieving this policy objective by securing the replacement of a dwelling of poor design with a high quality, beautiful and sustainable dwelling.

6.11.2 The extent of the quality of the proposal is explained in full within the supporting information, whereby the Design and Access Statement explains the background to the design principle for the proposal designing a fine Georgian country house based on fundamental principles in classical design. Given the heritage of classical architectural design in England and the clear abilities of Shaw and Jagger to execute the design of buildings using classical principles then there is no doubt that the proposed dwelling is well-designed and beautiful.

6.11.3 The peer reviews accompanying the application serve to confirm the quality of the proposal given they have been prepared by architects of note and authority. It is clear from the peer reviews that the design of the proposal, its orientation, scale, detail, proportions, relationship to its site, the wider context, size, scale, form and layout all represent the highest standards of architecture. Furthermore, these conclusions are consistent with the design rationale set out by the architect themselves within the Design and Access Statement.

6.11.4 On the basis of the quality of the design, the proposal is supported under paragraphs 135 and 139 of the NPPF. This is because significant weight is expected to be given to outstanding design that helps raise the standard of design in an area. In this instance, the proposal will add to the quality of the area, and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

## **6.12 Biodiversity Net Gain**

6.12.1 The metric calculations accompanying the application demonstrate the proposal more than delivers the legislative requirement of 10% net gain in biodiversity. This is on the basis that 12.88% in habitat units is to be delivered, alongside 259.63% of hedgerow units. As such, the benefit of delivering such substantial amounts of net gain in biodiversity weighs in favour of the proposal as a means of securing habitat and biodiversity enhancement in accordance with legislation and paragraph 187 of the NPPF.

## **6.13 Cumulative Benefits**

6.13.1 The individual benefits and their cumulative beneficial impacts outlined in this Statement cannot be ignored given they are material considerations pertinent to the determination of the application. Coupled with the lack of harm in respect of policy matters outlined above and the

technical considerations addressed below, there are no adverse impacts to outweigh the benefits of the development. The presumption in favour of sustainable development therefore applies and is to be given substantial weight.

#### **6.14 Residential Amenity**

6.14.1 The site is bounded to the north, east and west by residential properties. The character of the proposed use is therefore considered to be consistent with the neighbouring land uses and so it is expected that the proposed dwelling will not give rise to nuisance and should not be caused nuisance by neighbouring properties.

#### **6.15 Access**

6.15.1 The proposal is intended to utilise the existing driveway that already serves the site. The junction onto Cockley Hill Lane is to be widened within the landownership of the applicant, as shown in the drawings, to assist visibility. This will improve highways safety by making it easier to see oncoming vehicles, which is a benefit of the proposal and accords with policy LP21 which requires proposals, where needed, to provide for improvements to assist safe access.

6.15.2 Given that the proposal is for redevelopment of a previously developed site where the development will continue to provide accommodation for one household then traffic movements are unlikely to be altered by the resulting development.

#### **6.16 Public Rights of Way**

6.16.1 There is a public right of way from the entrance to Willow Court that bisects the tree belt to the north of the application site before crossing the driveway and following the western boundary of the application site.

6.16.2 The route of the public right of way is unaffected by the proposal. However, the views from the public right of way will be impacted due to the difference in the appearance and character of the replacement dwelling to the existing.

6.16.3 The proposal is seen to offer an opportunity to improve the views from the public right of way due to the quality of the design of the proposal, which involves constructing a dwelling of architectural merit.

6.16.4 Also, some of the gradients of the route of the public right of way are to be altered to make it easier for the route to be used. The improvement to the accessibility of the public right of way and the quality of the route is therefore a benefit of the proposal that accords with Local Plan policy LP47 which promotes healthy, active and safe lifestyles.

#### **6.17 Trees**

6.17.1 There is an existing belt of trees to the north of the site that bounds the existing driveway. As the proposal is confined to the redevelopment of areas of previous development then the proposal should not impact on the belt of trees. As the development scheme does not intend to remove any existing trees or encroach into the root protection zone of existing trees then the proposal complies with policy LP33 of the Local Plan.

## **6.18 Ecology**

- 6.18.1 Despite the application site consisting of domestic grounds serving a residential property, a preliminary ecological assessment has been undertaken for the application site. It found no evidence of any protected species. Care is, however, recommended to be taken in respect to hedgehogs, reptiles and birds during initial works.
- 6.18.2 Due to the presence of ponds within the wider area, but outside the application site, a Great Crested Newt Risk Assessment has been undertaken. The assessment found it is unlikely that any Great Crested Newts will be found on site and that a Natural England Licence will not be required. No further action is therefore necessary in respect of Great Crested Newts.
- 6.18.3 With the replacement of the existing buildings which are to be demolished, a bat survey accompanies the application. It makes clear that there are no signs of bats within the building, but that care should be taken in removing the existing roof.

## **6.19 Contamination**

- 6.19.1 The site is already in residential use and the history of the site suggests there is no reason to suspect contamination. As such, a condition requiring a remediation strategy to be submitted to the Council for approval in the event that unsuspected contamination is found is sufficient and reasonable.

## **6.20 Flood Risk and Drainage**

- 6.20.1 The site is within Flood Risk Zone 1 and so a Flood Risk Assessment is not required to accompany the planning application, especially as the size of the site falls below the thresholds set out in the NPPF for the preparation of an assessment.
- 6.20.2 It is expected that existing surface water and foul drainage will be maintained as existing.

## **7.0 CONCLUSION AND BALANCE OF THE DECISION**

- 7.1 In this instance, the proposed development is an exception to Green Belt policy with reference to paragraph 154(g) of the NPPF due to the application scheme constituting redevelopment of a previously developed site. Consequently, the only policy test is in relation to whether the proposal will cause substantial harm to the openness of the Green Belt. The supporting documents, including the LVA set out how the proposal will cause negligible harm to openness. As such, the proposal is policy compliant.
- 7.2 The proposal also complies with local and national policy considerations concerning landscape, local distinctiveness, trees and ecology. In considering technical matters, the proposal satisfies necessary standards. Given the proposal is policy compliant and as there is a lack of impacts, along with development securing a variety of benefits then the presumption in favour of sustainable development requires planning permission to be granted without delay.