Planning Statement

REDEVELOPMENT OF COMMERCIAL NURSERY TO PROVIDE FIVE DWELLINGS

LUMB LANE NURSERIES, ALMONDBURY, HD4 6SZ

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1.0 INTRODUCTION

This statement has been prepared to support a full planning application for the redevelopment of a vacant former commercial nursery site to provide five much needed new houses.

The site comprises 'grey belt' land within the Green Belt, and the LPA does not have a five-year supply of housing land. As such, there is a demonstrable unmet need for the proposed development. It is demonstrated below that the development would not undermine the purposes of the remaining Green Belt, and the site is in a sustainable location for the scale of development proposed. As such, the proposal is a type of development that is not inappropriate within the Green Belt and accords with both the NPPF and Local Plan policy.

Furthermore, the new dwellings have been sensitively designed in order to respect and reflect the built environment and natural landscape setting of the site.

A Heritage Assessment has been undertaken and concludes that the proposed development would have no adverse impact on the setting and significance of the nearby designated and non-designated heritage assets.

This statement should be read in conjunction with the supporting plans supplied by Heneghan Architecture which demonstrate the credentials of the scheme in more detail. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal would result in a sustainable form of development, would not harm highway safety or efficiency, would not harm the character of the area and would sufficiently protect neighbouring living conditions. Furthermore, the proposal would not result in an

unacceptable impact on heritage or ecological assets. Significantly, the proposed development is of a type that is suitable in the Green Belt. Finally, the conclusion is reached that planning permission should be granted for the proposed development.

2.0 THE SITE

The application site is a former commercial plant nursery that is now disused. The site comprises of several buildings, including greenhouses, polytunnels and a former office building. The site lies immediately to the north of Lumb Lane. Access to the site is taken directly from Lumb Lane.

The site lies a short distance from the built-up area of Almondbury, in a transitional location between the built settlement and the open countryside to the south and west.

Existing residential properties lies to the east, west and south. All of the neighbouring properties are of some heritage significance, with the cottages to the east of the site being Grade II listed.

The site lies within the Green Belt.

3.0 THE PROPOSAL

Full planning permission is sought for the redevelopment of the site to provide five new houses. The key elements of the proposal are as follows:

- All of the existing buildings are to be removed.
- The proposed dwellings comprise of three detached houses and a pair of semi-detached houses, all arranged in a loose linear formation fronting Lumb Lane.
- The proposed houses have been architect designed to reflect and respect the surrounding built and natural environment.
- The scale, position and appearance of the houses would respect the setting and significance of the neighbouring heritage assets. Indeed, there would be a positive impact on setting achieved by the removal of the existing buildings.
- The site is well-contained by the existing neighbouring building group, and there would be no harm to the function of the wider Green Belt area.
- As such, the site comprises ‘grey belt’ land and redevelopment is an appropriate form of Green Belt development.
- The proposed houses would provide a high standard of housing amenity for future occupiers, with no adverse impacts on neighbouring residents.

4.0 PLANNING HISTORY

The planning history for the site comprises of:

2024/62/90625/W - Erection of one detached dwelling, demolition of existing greenhouses and retention of flat roofed timber clad building. This application was refused on 14 May 2024 for the following reasons:

1. *The proposed development, by virtue of the overly large scale, size, contemporary design and parking dominated frontage would be overly dominant, introduce unsympathetic and incongruous development into a semi-rural location causing detrimental harm to the visual amenities of the locality and would fail to preserve or enhance the open character of the locality and would fail to harmonise with the setting and significance of adjacent Listed Buildings, causing less than substantial harm to their significance for which no public benefits have been demonstrated. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP1, LP2, LP11, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and Principles 2, 12, 13 and 14 of the Housebuilders Design Guide SPD.*

2. *The proposed development, by virtue of the overly large scale, size, contemporary design and parking dominated frontage would be overly dominant, introduce unsympathetic and incongruous development into a semi-rural location causing detrimental harm to the visual amenities of the locality and would fail to preserve or enhance the open character of the locality and would fail to harmonise with the setting and significance of adjacent Listed Buildings, causing less than substantial harm to their significance for which no public benefits have been demonstrated. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP1, LP2, LP11, LP24 and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning*

Policy Framework and Principles 2, 12, 13 and 14 of the Housebuilders Design Guide SPD.

This decision pre-dates the December 2024 revisions to the NPPF and the introduction of 'grey belt' development being appropriate in the Green Belt. As such, the proposal now needs to be fully reconsidered in light of this significant change in national policy.

5.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Kirklees Local Plan

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in July 2021 and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site lies within the Green Belt as identified under the development plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Kirklees Local Plan

The following policies are considered of relevance:

LP1 – Presumption in favour of sustainable development
LP9 – Location of new development
LP20 – Sustainable travel
LP21 – Highways and access
LP24 – Design
LP30 – Biodiversity & Geodiversity
LP32 – Landscape

6.0 ASSESSMENT

Principle of Development / Green Belt

The revised NPPF is a crucial part of the Government's overarching agenda of delivering 1.5m new homes during this parliament. This is a central pillar of the 2024 election pledge and is a response to the well-publicised UK housing crisis. The NPPF places great importance on housing delivery across the UK and is accompanied by recent press releases ("back the builder's, not the blocker's") and written ministerial statements. All of these place heavy emphasis on the need to reform the planning system so that developments, most notably housing developments, can be delivered as quickly as possible.

The proposed level of housing that is expected to be delivered is extremely ambitious. To put it into context, the UK has not got close to delivering the amount of housing now proposed for over 45 years.

Applications for housing developments need to be viewed in this context and supported wherever possible.

One of the most significant changes in the revised NPPF in respect of Green Belt policy is the introduction of 'grey belt' land and its potential for redevelopment under paragraph 155 of the NPPF.

It is our opinion that the site comprises previously developed land and, as such, redevelopment proposals could fall to be considered under paragraph 154 g). However, we fully acknowledge that the LPA took a different opinion on the previously developed status of the land when considering the 2024 application. Following the December 2024 revisions and the introduction of 'grey belt' development under paragraph 155, the difference of opinion regarding the previously developed status of the land is no longer a determinative factor.

Paragraph 155 sets out that the development of homes should not be regarded as inappropriate where all of the following apply:

a. The development would utilise 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 proposed56;
c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework57; and
d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

The NPPF defines 'grey belt' and 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."

Kirklees cannot currently demonstrate a five-year housing supply, and have also reported an under-delivery of new housing in recent years. As such, there is currently an unmet need for new housing development and criterion a) is currently engaged.

As such, consideration should be given to whether the site strongly contributes to Green Belt purposes a), b) or d) as set out in Paragraph 143 of the NPPF.

Green Belt purposes a), b) and d) are as follows:

a) – to check the unrestricted sprawl of large built-up areas.

The site lies outside of the built-up area of the Almondbury settlement. Furthermore, it already contains built form that covers the majority of the site footprint, and is also surrounded to three sides by neighbouring buildings. As such, the site does not play any important role in checking the sprawl of large built up areas, and does not strongly contribute to purpose a).

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b) - to prevent neighbouring towns from merging into one another. As the site does not lie between any neighbouring towns, contains existing buildings and is surrounded by neighbouring built form, the site does not strongly contribute to purpose b).

d)– to preserve the setting and special character of historic towns. The site does not form the setting of a historic town, and does not strongly contribute to purpose c).

As such, it is clear that the site comprises 'grey belt' land as defined by the NPPF. The site is well contained by the existing neighbouring buildings redevelopment of the site would not fundamentally undermine the purpose of the remaining Green Belt taken across the plan area.

In terms of the sustainability of the location for development, despite being within the Green Belt the site is in no way isolated or inaccessible. It is surrounded to three sides by existing houses, and only a stone's throw from the Almondbury settlement. Lumb Lane and Sharp Lane have a footway for the full route between the site and the centre of Almondbury, providing easy pedestrian access to the wide range of community facilities and services. The site is a wholly sustainable location for five new houses.

The size of the site is below the threshold at which the 'Golden Rules' apply.

For the reasons set out above, the proposal comprises the acceptable use of 'grey belt' land and is not inappropriate development in the Green Belt as defined by paragraph 155 of the NPPF.

Following the significant changes to Green Belt policy as a result of the December 2024 revisions to the NPPF, the development is now acceptable in principle in the Green Belt. The previous conflict with Green Belt policy that led to the refusal of the May 2024 application no longer applies.

Design, Heritage and Landscape

The former commercial nursery use of the site has ceased, leaving the site vacant. Without an alternative use, the site will inevitably fall into disrepair. The vacant condition of the site is already a detracting feature, and this will worsen without redevelopment of the site. The existing buildings are of a type that do not lend themselves well to possible conversion, so the replacement of the existing buildings with appropriately designed new ones is the best possible outcome for the quality of the built and natural environment.

As discussed in more detail in the accompanying Design & Access Statement by Heneghan Architecture, the proposed houses are laid out to respect the informal linear grain of development along Lumb Lane. The houses are designed in natural coursed stone with slate roofs. As shown in the street elevation image below, the topography allows the houses to step, reflecting the existing arrangement within the street scene:

The arrangement of the house types also reflects the existing pattern of development. The three detached units are positioned closer to the attractive detached farmhouse at Clough Ings, with the simpler pair of demi-detached houses closest to the historic terraced cottages at 40-50 Lumb Lane.

A Heritage Assessment has been undertaken and is submitted separately. This sets out the historic status of the site, from open land to allotment gardens and then into its current use as a commercial plant nursery. The assessment also considers the impact that the development within the site has on the setting and significance of the neighbouring designated and undesignated heritage assets. It is found that the existing buildings detract from the setting and significance of the heritage assets, and that there would be a marked benefit through the considerable reduction in built from and clutter in the immediate setting of them as a result of the proposed development.

As set out in the Assessment *"The design builds in key measures to ensure heritage sensitivity. Materials are locally appropriate, with coursed natural stone walls and stone-slate roofs. Massing steps with the contours, with the lowest and most recessive elements nearest to Bottoms Cottages. Native planting and stone boundary walls reflect traditional enclosures. A restrained approach to lighting and a commitment to careful construction methods will protect historic boundary walls and avoid unnecessary intrusion into settings."*

Overall, through the replacement of the existing detracting buildings and their replacement with new buildings that are far more sensitive in terms of massing, design, materials and spacing, it is concluded that the development would have a "neutral to beneficial" impact on the setting and significance of the affected heritage assets.

The proposed buildings would form appropriate architecture that would relate well to both their natural and built surroundings and would preserve the nearby heritage assets. The proposal is fully complaint with policies LP24 and LP32 of the Local Plan and sections 12 and 16 of the NPPF.

Transport and Accessibility

A Highways Statement has been prepared by Paragon Highways and is submitted separately. This confirms that the proposed new dwellings would be provided with safe and

suitable access and that the traffic generated by the development would have no material impact on the local highway network.

It is concluded that there are no highway safety or efficiency reasons why planning consent for the proposed development should not be granted. The proposal is fully policy compliant in this regard.

Residential Amenity

The position of the proposed dwellings would ensure no overbearing impacts to or overshadowing or overlooking of any of the existing neighbouring dwellings.

The proposed dwelling would deliver a very high standard of housing amenity for future occupiers, with no harmful impacts to residents of any existing dwellings. The proposal is fully policy compliant in this regard.

Ecology

A BNG report and metric are provided separately. These documents demonstrate that the development will deliver an 53% gain in area habitats, and a 13% gain in linear habitats. The scheme, therefore, delivers a significant betterment over and above the statutory minimum net gain requirement.

A PEA was undertaken as part of the 2024 application. This found no evidence of nesting birds or roosting bats. There is no reason to believe the situation will have changed in the intervening period, and the development will not adversely impact protected species.

The proposal is fully policy complaint in this respect.

Ground Conditions

A Phase 1 Site Investigation has been undertaken and is submitted separately. This sets out the potential risks and appropriate further investigation works and potential remediation measures to ensure the site is developed safely. Subject to the recommendations being followed as a condition of planning permission, the site can be safely developed, and the proposal is fully policy compliant in this regard.

Climate Change and Sustainability

A Climate Change and Sustainability Statement has been prepared by Prof. Peter Roberts OBE and is submitted separately. This demonstrates that the development is clearly compliant with local and national planning policy in this regard.

7.0 CONCLUSION

The proposed scheme represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above.

The proposal would deliver five much needed and good quality new homes, in a manner that is fully compliant with Green Belt policy. The proposal would have no adverse impact in respect of heritage, visual, amenity, highways and environmental considerations.

The proposal is fully policy compliant.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.