

PLANNING STATEMENT

ERECTION OF REPLACEMENT DWELLING

OLD BIGGIN FARM

COLD HILL LANE

NEW MILL

HOLMFIRTH

HD9 7DN

SEPTEMBER 2025

Introduction

Old Biggin Farm is located at the top of Cold Hill Lane within New Mill on the north-east side of the valley with far reaching views across the Holmfirth Valley. Cold Hill Lane serves a number of detached cottages and connects New Mill with Thurstonland and Stocksmoor. Cold Hill Lane feeds into the A635 at New Mill, which connects with the A629, and also feeds into the A616.

The existing dwelling is accessed from Cold Hill Lane via a private road, which leads down to a large parking area in front.

Old Biggin Farm is a detached property set within generous grounds. The site is generally a steep sloping site from north to south, with an area of level ground immediately to the north of the existing property. Surrounding the dwelling is a mixture of open grassland and woodland.

The property is not visible from any public highway except when directly opposite the main driveway entrance to the grounds.

To the north, east, and west of the site is predominantly open countryside, with a small number of properties within the immediate locality (all being large private dwellings). A higher density of housing can be found further down Cold Hill Lane to the south where a mix of detached properties present themselves either side of the public highway.

There are existing trees with a skyline presence on the southern and eastern boundary when viewed from the south, which will be retained.

The site is situated within designated the green belt in the Kirklees Local Plan. The property is not listed. It is not situated in an area of high landscape value, nor is it in a conservation area.

The total area of the site, known as Old Biggin Farm, is 2.14 acres (0.87 ha).

This Planning Statement should be read in conjunction with the submitted Design and Access Statement from Stephenson Architects.

Proposed development

The proposed development consists of the demolition of the existing dwelling and the erection of a replacement dwelling with associated works and additional hard and soft landscaping.

Planning history

An application for the demolition of the existing dwelling and the erection of a detached dwelling including new landscaping and tennis court (2022/62/91154/W) was refused by the LPA in October 2022. The decision was appealed, and the appeal was dismissed in October 2023.

Within the appeal, when assessing whether the proposed development represented inappropriate development within the green belt, the Inspector concluded at paragraph 24 that –

The proposal would result in a materially larger development than currently exists, which would reduce the openness of the Green Belt in both spatial and visual terms and would therefore fail to preserve its

openness. This would result in encroachment of development into the countryside, in conflict with this Green Belt purpose.

However, in terms of the potential impact of the proposed development on the character and appearance of the area, and despite finding that the proposed dwelling was materially larger than the existing dwelling, the Inspector continued at paragraph 30 –

I therefore conclude that the proposal would not cause harm to the character or appearance of the area.

Planning policies

The **development plan** for the area is the **Kirklees Local Plan (2019)**.

The following policies are held to be the most relevant in the assessment of the proposed development –

Kirklees Local Plan (2019)

LP1 – Achieving Sustainable Development

LP3 – Location of New Development

LP7 – Efficient and effective use of land and buildings

LP21 – Highways and Access

LP22 – Parking

LP24 – Design

LP30 – Biodiversity & Geodiversity

LP33 – Trees

LP59 – Brownfield Sites in the Green Belt

Holme Valley Neighbourhood Development Plan (2020-2031)

This Plan forms part of the Kirklees Local Plan.

Policy 1: Protecting and Enhancing the Landscape Character of Holme Valley

Policy 2: Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design

Policy 11: Improving Transport, Accessibility and Local Infrastructure

Policy 12: Promoting Sustainability

Policy 13: Protecting Wildlife and Securing Biodiversity Net Gain

Supplementary Planning Guidance / Documents

Kirklees Highways Design Guide (2019)

Housebuilders Design Guide SPD (2021)

Nationally Described Space Standards

Waste Management Design Guide for New Developments (Version 5, October 2020)

Kirklees Climate Change Guidance for Planning Applications (2021)

National planning policy / guidance is primarily contained within the **National Planning Policy Framework 2025** (the NPPF).

Section 13: Protecting Green Belt land, paragraph 153 of the states that inappropriate development is, by definition, harmful to the Green Belt. The NPPF states that openness and permanence are the essential

characteristics of the Green Belt. Openness has both spatial and visual aspects.

Paragraph 154 of the NPPF states that the redevelopment of previously developed land in the green belt is not inappropriate, provided it would not cause substantial harm to the openness of the green belt and would not conflict with the purposes of including land within it. Further guidance was published on 27 February 2025 in the updated National Planning Practice Guidance (NPPG), which clarified how to assess and identify “grey belt” land.

Other relevant Sections of the NPPF include –

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 11: Making effective use of land

Section 12: Achieving well-designed places

ASSESSMENT

The applicants have duly noted the conclusions of the Inspector within the dismissed appeal noted above. Of particular note are the Inspector's comments at paragraph 11 of the decision letter which state –

The proposal can also be considered in relation to exception g) of paragraph 149 of the Framework, and Policy LP59 of the Local Plan, which allow for the redevelopment of previously developed land and brownfield sites respectively. These exceptions require consideration of whether the proposal would have a greater impact on the openness of the Green Belt than the existing development in terms of paragraph 149 g), and in the case of Policy LP59 whether the existing footprint is exceeded.

NB Paragraph 149 has been replaced by paragraph 156.

Recent changes to the NPPF have introduced the notion of “grey belt” land in the context of national green belt policy and of particular relevance here is that previously developed land, which the Inspector opines is the position here, is held to qualify as grey belt under Annex 2 of the NPPF. The land is previously developed; it does not strongly contribute to Green Belt purposes (a), (b), or (d) as defined in paragraph 143 of the NPPF; and it is not subject to environmental or heritage designations as listed in footnote 7.

The proposed development would be contained within the existing boundaries of an existing dwelling and would not result in the unrestricted sprawl of large built-up areas, the merging of towns, nor

affect the setting and special character of historic towns. Therefore, the site does not strongly contribute to purposes (a), (b) and (d) of paragraph 143 of the Framework. The land is not subject to any environmental or heritage designations. As such, the proposed scheme is held to be grey belt land.

This being the case, the proposed scheme cannot be considered to be inappropriate development in the green belt nor must the replacement dwelling not be materially larger than the one it replaces. However, on grey belt sites, replacement dwellings must not increase bulk or visibility to an unacceptable degree.

As set out by the Inspector in the appeal above, any assessment of the potential adverse impact of, or harm caused by, the proposed development on the green belt has both quantitative spatial and qualitative visual dimensions. Whilst these two matters can be assessed separately, any overall conclusion on openness must combine the two assessments.

Spatial analysis

Any analysis of the spatial dimension of the proposed scheme should compare the existing dwelling with the proposed dwelling across various factors including volume, gross internal floor area, footprint, and height.

As part of the previous application, the LPA provided figures for various factors for the existing dwelling. Whilst the applicants do not necessarily agree with some of these calculations, they have determined to use the LPA's figures in producing an amended scheme in order to expedite the determination of this application.

Therefore, the LPA's calculations for the existing dwelling are –

Volume – 1886 cubic metres

Gross internal floor area – 512 square metres

Footprint – 394 square metres

The applicants' calculations for the proposed dwelling are –

Volume – 1800 cubic metres

Gross internal floor area – 517 square metres

Footprint – 331 square metres

Therefore, it can be seen that the proposed dwelling will have a significantly reduced overall volume and footprint, whilst having a marginal increase in gross internal floor area.

Whilst there may be some marginal increases in height across the scheme, predicated on an existing dwelling that has one and two storey elevations being replaced by a dwelling that primarily has two storeys, it is considered that a slight increase in overall height should be acceptable in this location due to significantly reduced volumes and footprint.

Therefore, in terms of a quantitative spatial comparison, the proposed dwelling is held not to be significantly larger than the dwelling it is to replace and indeed, on two main factors, is actually considerably smaller. As the footprint of the proposed dwelling does not exceed that of the existing dwelling, then it is also held that the proposed scheme meets part b) of Policy LP59 of the Kirklees Local Plan and it does not materially detract from its Green Belt setting.

Visual analysis

The applicant has also noted the Inspector's appeal decision comments with regards to the previous scheme presenting as a "substantial two-storey dwelling on its west, north and east elevations". The southern elevation of the previous scheme included garage doors and glazing, and presented as a "three-storey dwelling", primarily due to the lower ground floor garage element.

The current scheme has been reworked so that the elevations of the garage element are offset from the two-storey element, which seeks to mimic the relationship between the garage and two-storey gables of the existing dwelling. As such, on its southern elevation, the proposed dwelling now presents itself as a two-storey dwelling with a single storey element to its east, rather than a three-storey dwelling as noted by the Inspector on the previous scheme.

The proposed development would be visible from the main driveway entrance and in views from the Public Right of Way (PRoW) that runs to the south, and the proposed scheme will appear as a two-storey dwelling with a single storey element.

Whilst the proposed scheme may result in a slight visual reduction in openness, the site is well-screened by existing, mature boundary vegetation, and would not be visually prominent within wider views of the landscape. Significant landscaping is proposed to further mitigate the visual impact of the proposed scheme. Views of the development would principally be experienced only by users of the adjacent PRoW. The site contains existing residential development, and there are other nearby

dwelling, and therefore the magnitude of visual change is held to be small.

Therefore, the spatial and visual impacts of the proposed development would result in a slight loss of green belt openness due to the small visual change on the site but the proposed dwelling will not materially increase bulk or visibility and will have additional landscaping mitigation. In addition, the development will utilise grey belt land and will not fundamentally undermine the purposes, taken together, of the remaining green belt across the district. Therefore, the proposal is held to comply with criterion (a) of the NPPF paragraph 155 as well as Policy LP59 of the Local Plan.

The proposed scheme is held to be a well-designed replacement dwelling that respects the scale and character of the existing dwelling but has been designed so as to be far more environmentally sustainable than the existing dwelling. As set out in the DAS that accompanies this application, the constraints and problems of the existing dwelling are many and some are of a serious nature. Solutions to the constraints and problems of the existing dwelling are considered to be fundamentally unachievable.

The proposal to build a replacement, energy efficient dwelling with a sympathetic rural architectural design language is held to be the most appropriate solution in this instance. The environmental sustainability of the proposed scheme is evidenced fully within the DAS.

The site lies less than 1km from the services and facilities in the centre of New Mill in a not remote location. The locale has a rural character but, due to the presence of existing dwellings in the vicinity of the site, the

proposed development is not in an isolated location. There are no footpaths along the highway to New Mill, and so future occupants will likely be dependent on the use of a private car to meet their day-to-day needs. However, paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and it should be noted that the site is already in a residential use.

Finally, whilst the proposed scheme is a one-for-one replacement, the Council has accepted that it is currently unable to demonstrate a five-year supply of housing. Consequently, for the purposes of criterion (b) of Framework paragraph 155, there is a demonstrable unmet need for residential development in the district.

To summarise, the proposed development is considered to meet all criteria for grey belt development. It replaces an existing dwelling without materially harming openness and aligns with national and local planning objectives.

Other material planning matters

Ecology and protected species – a Preliminary Ecological Assessment (PEA) has been prepared and given that the habitats present on the Site are common and widespread in the local landscape, it is anticipated that the loss of habitat at the Site is of importance to nature conservation at no greater than the site level. A Biodiversity Net Gain Assessment (BNGA) has been commissioned to formally assess the impacts the proposals have on habitats on the Site and this identifies opportunities to increase the habitat value on the Site post development and recommends measures necessary to achieve a 10% gain in-line with government policy. Finally, a number of measures are recommended with regards to protected or notable species.

Bats – a Bat Survey Report has recommended the inclusion of four integrated bat boxes, and two bird boxes within the scheme. The Report also recommends the use of a safer roofing membrane for bats, and suitable lighting. Because there are four bat roosts present, the project will need a bat mitigation licence, but this can only be applied for once planning permission is granted and any wildlife related planning conditions discharged.

Biodiversity Net Gain - the current proposals result in a biodiversity value of 2.80 HU, representing a net change of +0.76 HU equating to a +37.42% gain, achieving and exceeding the 10% net gain requirement for HU. The production of a Habitat Management and Monitoring Plan (HMMP) is recommended to ensure that the Site habitats deliver the habitat scores listed within the final design stage BNGA, to be agreed with the LPA, which will also serve to support protected and notable

species. This includes management of post-development habitats to the condition required to deliver the BNG score specifies in accordance with the condition assessment methodology.

Coal Mining Risk Assessment - BGS, historical and Coal Authority mapping indicate that the site is in a coal mining area. The site is recorded to be within a Development High Risk Area, with known shallow coal workings in one seam below the site, potential influence from at least one extracted coal seam local to the site, and also potentially from unrecorded workings in seams at shallower depths than those recorded. Before any ground improvement such as grouting can be discounted, any resulting mine voids or broken ground will require to be interpreted with respect to their rock cover and extraction thicknesses. This will require rotary drilling at the site. There is also considered to be a low potential for unrecorded mine entries on the site. Due to the unknown depth and thickness of near surface mining and the thickness of competent rock cover over potential shallow workings on the site, a Medium to High Risk of surface instability from past mining has been estimated. It is therefore recommended that a minimum of three rotary open-hole boreholes be formed close to the proposed building, in order to further investigate the presence of coal and/or workings beneath.

Conclusion

Given the information set out above and the information contained in the supporting Design and Access Statement, it is considered that the proposed scheme meets relevant national and local planning policies and guidance and is therefore capable of approval, subject to any reasonable and necessary conditions.