

Grey Belt Assessment for Residential Development at Land at Eastfield, Shepley, Huddersfield, Kirklees.

On behalf of Banks Property.

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1. Introduction and Background

- 1.1. Pegasus Group has been instructed on behalf of our client, Banks Property, to prepare an assessment of whether land at Eastfield, Shepley, Huddersfield, Kirklees, constitutes Grey Belt land.
- 1.2. This Grey Belt assessment considers the updated NPPF, first published in December 2024 and later revised in 2025 and the updated Planning Practice Guidance (PPG) in respect of Green Belt, published in February 2025.
- 1.3. The report below sets out the site's location, description, the sites proximity to nearby services and facilities, an analysis of the general planning constraints, a review of existing Green Belt evidence for Kirklees which supported the extant Kirklees Local Plan and an assessment against the Grey Belt definition as defined by the NPPF (2024).

2. Site Location

- 2.1. The site (as shown in Figure 1) is located on the south-east fringe of the village of Shepley, where the road of Eastfield terminates at 3no. agricultural storage buildings and 4 storage silos. Part of the site is occupied by this existing agricultural built development and service yard area between the portal frame buildings.
- 2.2. The rest of the site is arable land on either side of Eastfield. The field boundary pattern creates 4 quadrants to the site area which are arable parcels of land surrounding the portal frame storage buildings.
- 2.3. The north-west boundary of the site is adjoined by housing on Stonecroft Gardens and Knowle Park Avenue.
- 2.4. The north-east boundary is adjoined by an industrial use warehouse and storage yard, utilised by Shepley Spring Ltd. The southern boundary of the site is encased by a dense plantation which acts as a natural buffer to the site from the surrounding countryside beyond, all of which, including the site area itself, is situated within the Green Belt.
- 2.5. The site area has a slight undulation where the site slopes downwards from the southern boundary towards the northern boundary adjoining existing housing.

Figure 1 – Red line location plan and boundary of the site in Shepley, which is accessed from Eastfield



Settlement Hierarchy

- 2.6. In the existing Kirklees Local Plan (February 2019), Shepley is considered as a sustainable settlement that can support some housing growth. It is designated as a rural village/sub-area within the Local Plan (2019). Housing sites were allocated in Shepley in the current Local Plan, and Shepley village benefits from a number of services and public transport facilities, including a primary school, train station, pharmacy, co-op convenience store, two public houses and bus services.
- 2.7. As shown on the policies map extract below for the current Local Plan, the site is outside of Shepley’s development limits entirely in the Green Belt. There are no other Local Plan designations affecting the site area.

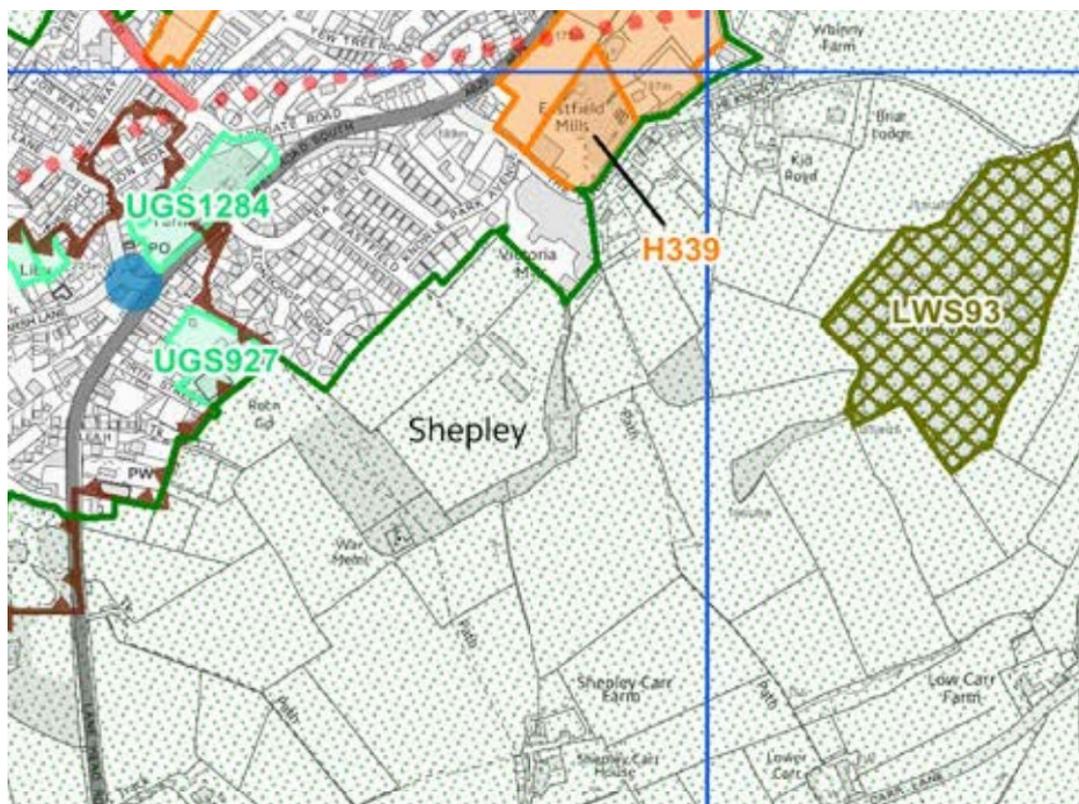


Figure 2 – extract taken from the currently adopted Kirklees Local Plan Policies Map (February 2019).

Planning History

- 2.8. A review of the site’s planning history has identified no relevant planning history within the immediate vicinity of the site.

Flood Risk and Drainage

- 2.9. All of the site area is within Flood Zone 1 and is not at risk from fluvial flood risk sources.
- 2.10. Some parts of the site are in low-risk surface water flood areas, with a small pocket in the western part of the site being of medium risk. This could be easily mitigated through siting and drainage design in any future development proposals for this land. The surface water risk overall is none to low, as can be seen in Figure 2 below taken from the EA's surface water flood mapping.
- 2.11. There is no risk of flooding from reservoirs.

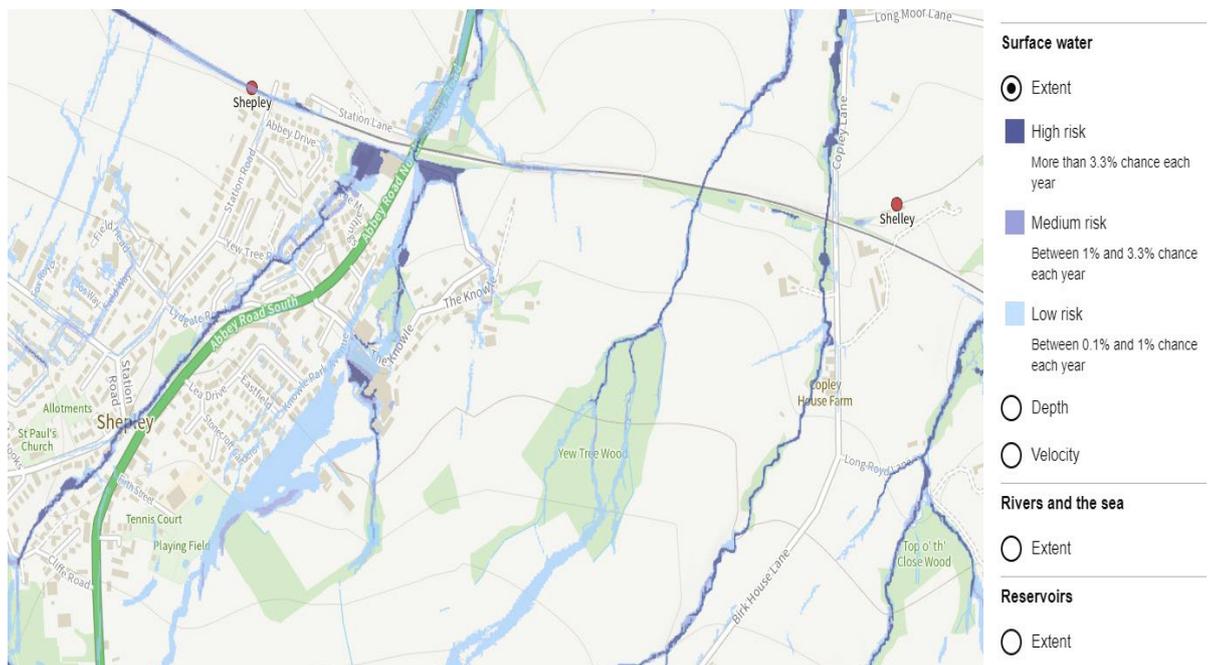


Figure 3 – Environment Agency mapping for surface water flood risk in Shepley.

Ecology/environmental

- 2.12. The site is not affected by any statutory habitat designations. The nearest SSSI to the site is Honley Station Cutting SSSI, approximately 5.8km to the north-west.
- 2.13. A northern portion of the site is within a Source Protection Zone 1 area, as shown on the Magic Map extract below. Current Housing allocation HS203 in the Kirklees Local Plan is also partially within the SPZ1 area, and the allocation allows for hydrogeological management of the SPZ, which could also be achieved at our client's Eastfield site.

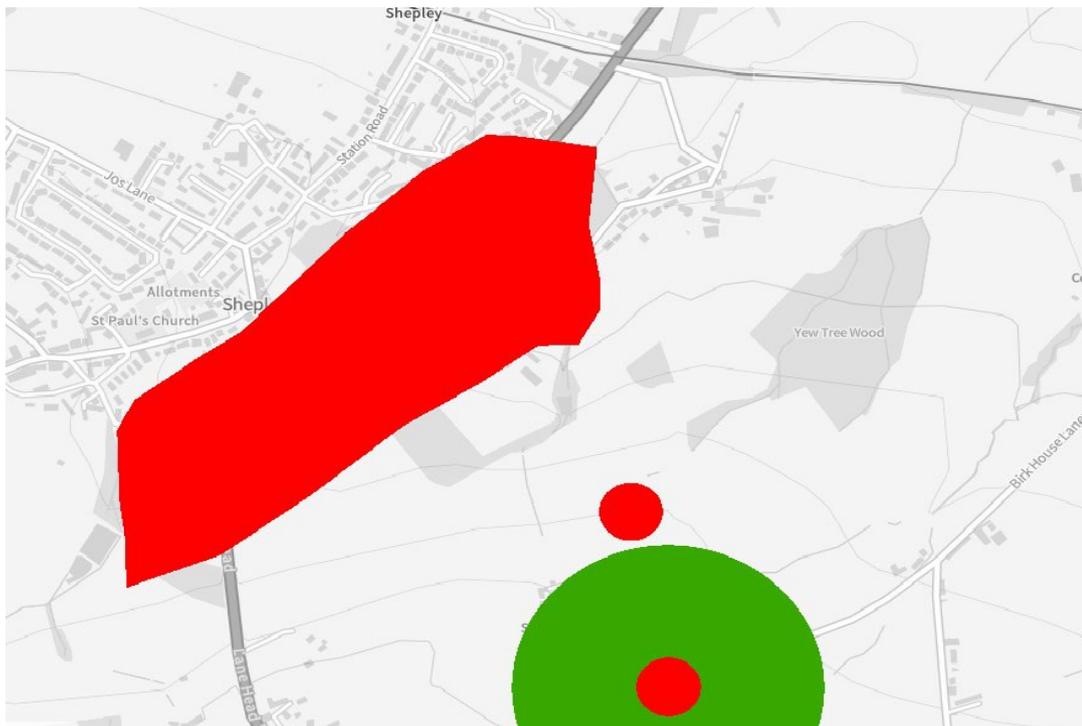


Figure 4 – DEFRA magic map showing Source Protection Zones around Shepley. A small part of the northern end of the site is within Source Protection Zone 1.

Historic context

- 2.14. The site is not within or immediately next to a designated Conservation Area. The eastern boundary of the Shepley Conservation Area is approximately 118m from the north-western boundary of the site.
- 2.15. The Grade II Listed Shepley War Memorial is the closest Listed Building to the site, approximately 57m southwest of the southern boundary of the site, set in a cutting at the southern side of the buffer plantation.
- 2.16. The nearest Scheduled Ancient Monuments to the site are situated approximately 3km away.

Landscape and Visual Aspects

- 2.17. Pegasus Group undertook a Landscape and Visual Site Appraisal in July 2024 for the Eastfield site. The report identified that:
 - The existing landscape framework provides a strong degree of separation from the wider rural landscape.
 - The site is visually well contained.
 - The site could be developed for housing with limited effects upon the wider landscape character.

- The actual perceivable extent of any harm to the Green Belt is limited, especially in future years as the mitigation develops.

2.18. The following plans from the Landscape and Visual Site Appraisal are included in the figures below:

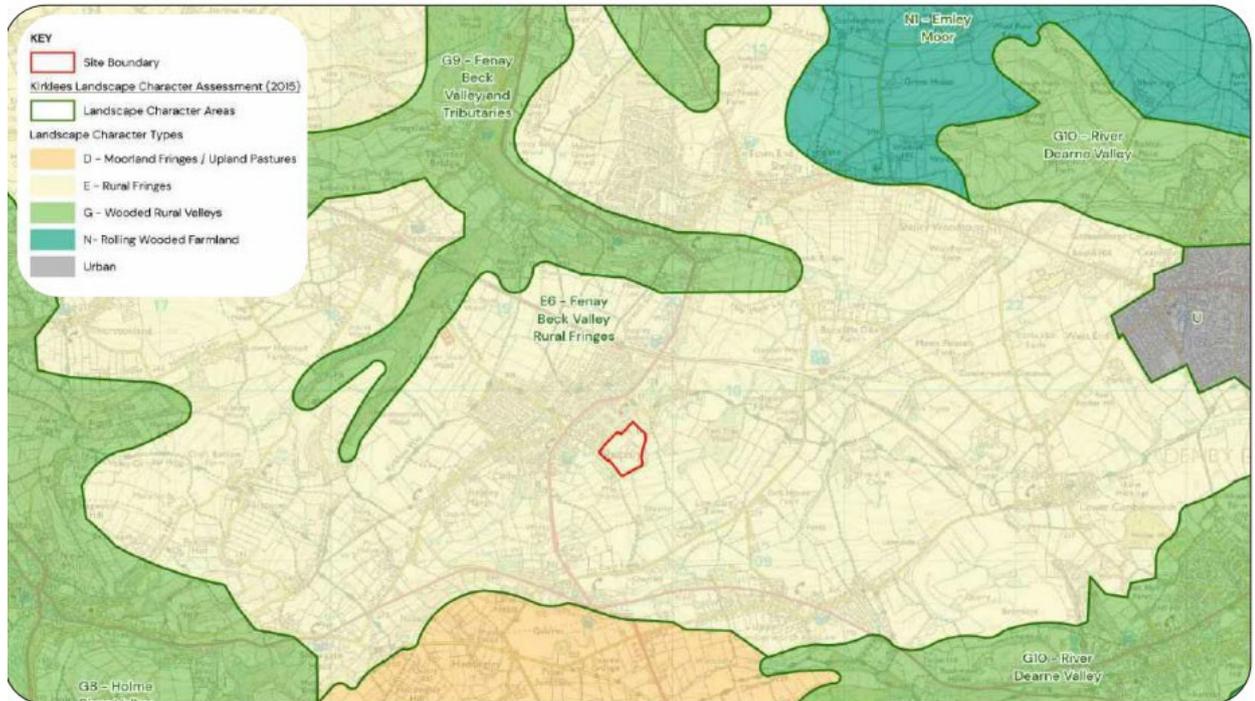


Figure 5- Landscape Character Plan

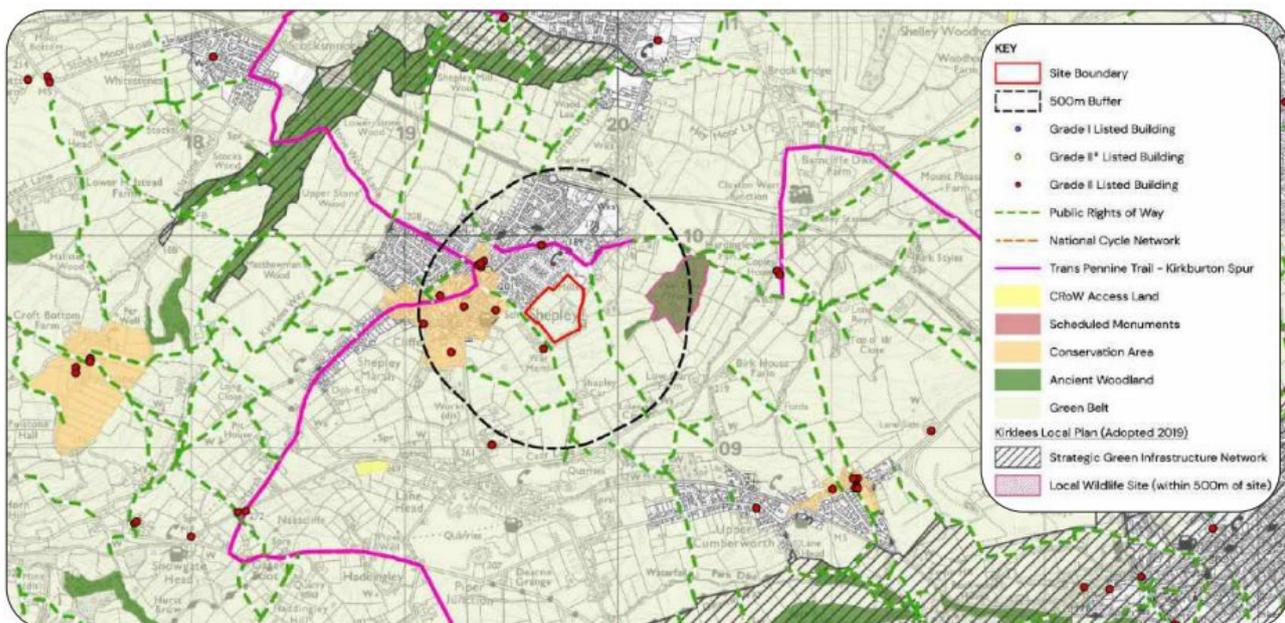


Figure 6- Environmental Designations Plan

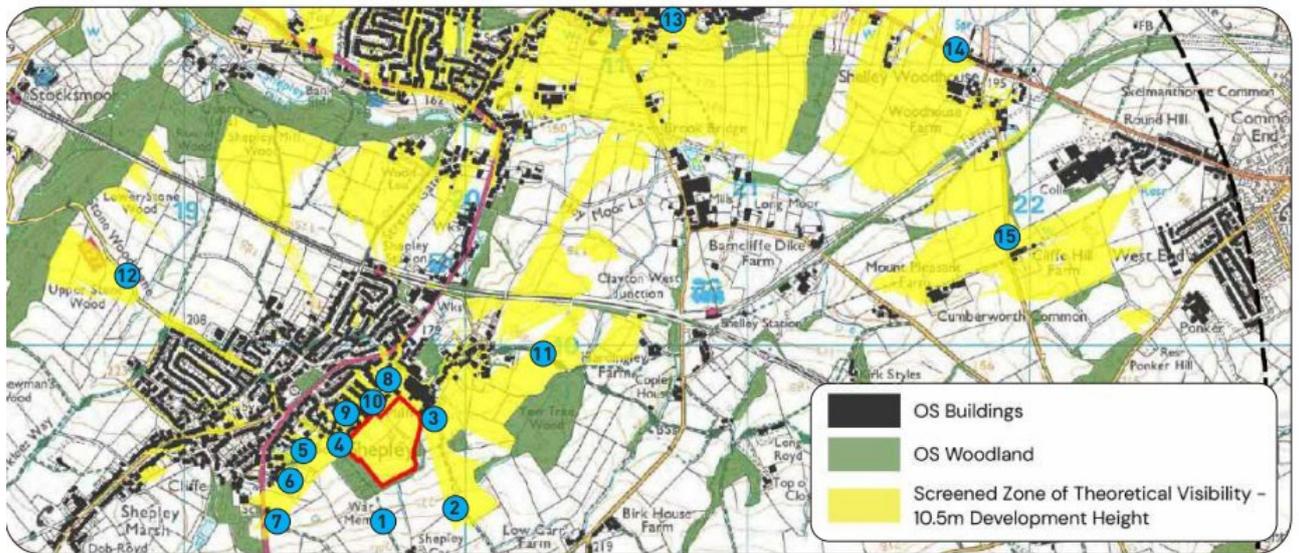


Figure 7- SZTV Plan

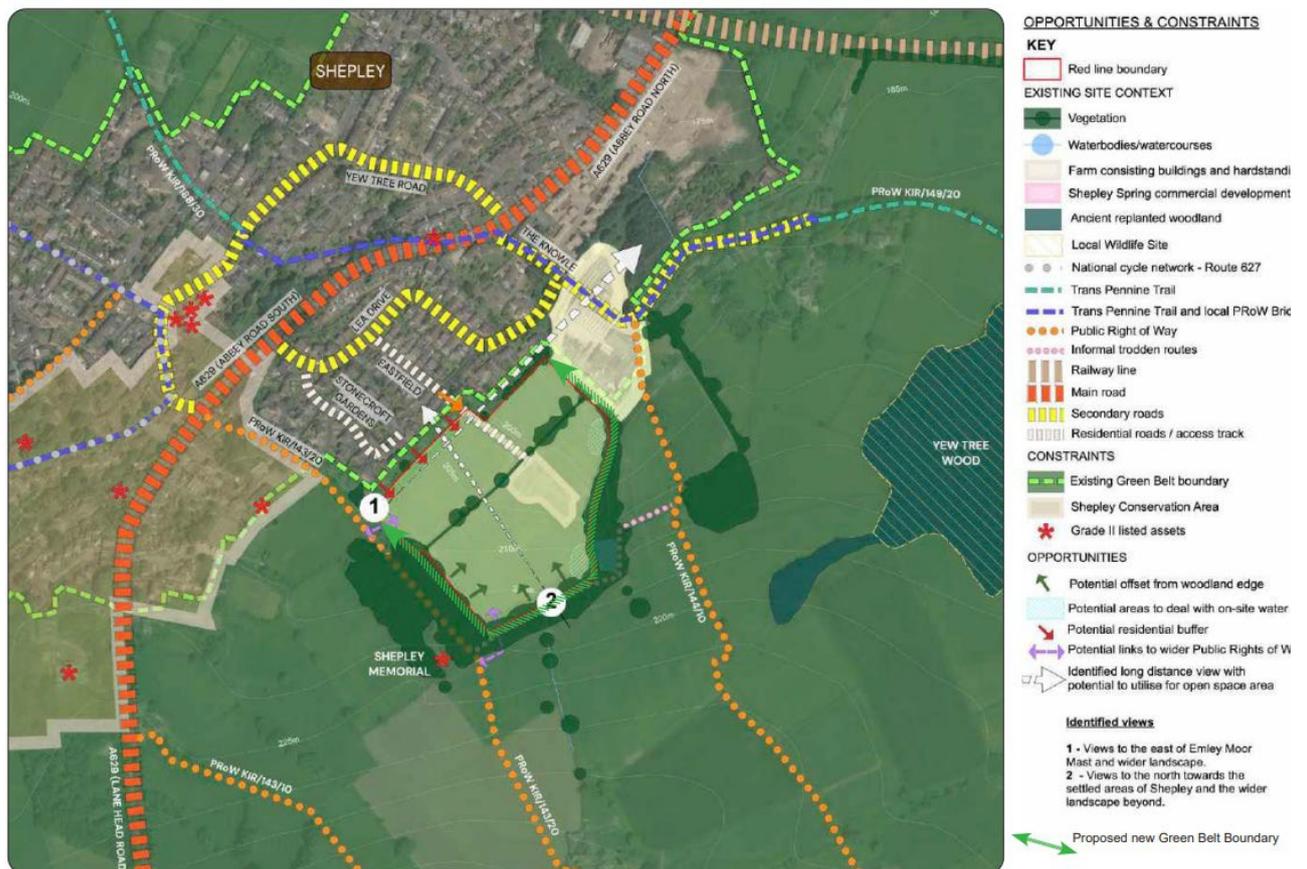


Figure 8- Opportunities and Constraints Plan



Figure 9- Landscape Framework

2.19. All of these findings echo the Council's own Green Belt evidence that will be discussed in further detail in the sections below.

3. Access to Services & Facilities

- 3.1. The site itself is in close proximity to a number of key local services and facilities, due to the site being on the settlement edge of the nearby village of Shepley.
- 3.2. For example, key local facilities within walking distance include Shepley Primary school, tennis & bowling clubs, the nearby church and co-op supermarket. The Shepley Pharmacy is also relatively close by to the site.
- 3.3. There are also a number of local pubs, cafes and restaurants also within close walking distance from the site including a Chinese Takeaway, Black Bull pub & Chamberlains coffee.
- 3.4. The site also has a great access to local transport, the Abbey Road bus stop is an 8-minute walk north of the site as well as the Shepley Train Station 11 minutes away.
- 3.5. The table below puts together a rough estimate of the amount/number all nearby facilities within a roughly 15–20-minute walking distance from the site:

Community Centre	Food /Drink	Places of worship	Sports/ Greenspace	Supermarket	GP/PH	Bus Stop/Railway station	School	Total:
0	5	2	3	1	1	2	1	15

- 3.6. We can therefore conclude on sustainability of the site and this will be useful for later assessing the site against NPPF para 155 section c.

4. Housing Need

- 4.1. The NPPF paragraph 155 identifies that a pre-requisite of any assessment of Grey Belt is identifying a demonstrable unmet need for the type of development proposed. In this case housing.
- 4.2. In terms of identifying a demonstrable unmet need for housing three key issues should be considered, these are:
- Five-year housing land supply (5YHLS),
 - Housing Delivery Test (HDT),
 - Other forms of accommodation, such as affordable housing need and older persons accommodation.
- 4.3. The following recent appeal decisions have clearly identified that a lack of a 5YHLS and a HDT result below 75% provides clear evidence of unmet need:
- Land at former Court Lane Nurseries, Court Lane, Hadlow (APP/H2265/W/24/3346228) – lack of 5YHLS and below 60% HDT result,
 - Land east of Woodcock Hill, Felbridge (APP/M3645/W/24/3343193 & APP/M3645/W/24/3343194) – lack of 5YHLS,
 - Field between 84 and 90 Rook Lane, Chaldon (APP/M3645/W/24/3347815) – lack of 5YHLS and less than 75% HDT result,
- 4.4. In addition, a conjoined appeal at Land adjacent to Cidermill Hatch, Partridge Lane, Newdigate, Dorking (PP/C3620/C/24/3347934) which included a two-pitch settled gypsy accommodation was also determined on meeting unmet needs for this form of accommodation. Whilst there are no known decisions relating to unmet need for affordable housing and only limited appeals for other forms of accommodation it is considered that a strict reading of the NPPF would suggest that ‘unmet need’ in relation to housing does not just relate to housing land supply or failure against the HDT. It is, therefore, considered that failure against any of the above issues would constitute sufficient evidence to identify unmet need.

Five-Year Housing Land Supply

- 4.5. The Council’s most recent assessment of its 5YHLS was published in May 2024 as part of the Kirklees Housing Delivery Test Action Plan. This report suggested that the Council could only demonstrate a **3.96-year supply**.

Housing Delivery Test

- 4.6. The NPPF, paragraph 79, identifies that where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies. This is in addition to requirements for an action plan and 20% buffer. The most recent HDT measurement identifies that Kirklees delivered just 54% of its requirement over the preceding three years. The presumption in favour of sustainable development therefore applies.

Conclusions

- 4.7. The 3.96-year supply was calculated in December 2023, AMR was calculated on the basis of the local plan housing requirement (1,730) and a 5% buffer. The Kirklees Local Plan is now over 5 years old and a HDT of 54% so HLS has to be calculated on the basis of the standard method figure of 1,840 dpa and a 20% buffer that will further strain Kirklees Council Housing Land Supply.
- 4.8. The foregoing analysis identifies a clear unmet need for housing within Kirklees. This is demonstrated by both the 5YHLS and HDT results. It is therefore considered that the pre-requisite of unmet need identified within paragraph 155 can be met.

5. Council's Green Belt Evidence

5.1. Kirklees current Green Belt evidence base was produced for the November 2019 Kirklees Local Plan. The most recent Green Belt Review conducted was published in April 2017.

5.2. The Green Belt Review sets out the following points of how the Review process was conducted:

3.2 The green belt boundary was scrutinised to determine the degree of constraint along the edge and its immediate relationship to the green belt land it adjoins. Each length of edge was then subject to a number of tests to determine both the physical ability of the land immediately beyond it to accommodate development, as well as the degree to which that land performed a green belt role. The chosen boundary lengths are defined by reference to points where the nature of the boundary changes significantly. The extent of adjoining land taken into consideration depends on the features it contains and whether and how such features could form a new boundary. The tests do not attempt to establish specifically where new boundaries could be established.

3.3 The first stage of the process ("test 1") identifies those lengths of green belt boundary which are constrained to the extent that there is no reasonable prospect of development taking place in the green belt adjoining the current boundary, or where there are features or land uses which are clearly best preserved or protected by their green belt designation. Test 1 consists of three assessments; topographical, physical and environmental.

3.11 The second stage of the process ("test 2") evaluates areas in terms of their contribution to the first four of the five purposes of green belt set out in NPPF paragraph 143. The fifth purpose, to assist in urban regeneration by encouraging the recycling of derelict and other urban land, is considered separately and the methodology used is set out in test 3.

3.12 Test 2a considers an area's importance in preventing neighbouring towns from merging into one another. This assessment considers:

- The strategic significance of the wider green belt.*
- The width of the current green belt gap and the risk that development would compromise that gap;*
- Whether development would appear to result in the merging of built-up areas.*

Summary of colours and numbers for tests 1 to 2d:

Black	Test 1 indicates that there may be a significant constraint to development, caused by an absolute barrier to development along the edge (railway line for example) or that the land immediately adjacent to the edge is significantly constrained (severe slope, ancient woodland for example)	
Red	Test 2a indicates that the green belt is performing a strategic role such that development may result in the merging of settlements.	
Importance of green belt role based on combination of tests 2b to 2d where the site 'passes' tests 1 and 2a;		
1	Less important	(dark green)
2		(light green)
3		(light yellow)
4		(dark yellow)
5	More important	(pink)

Figure 10– Scoring summary for Green Belt boundaries test 1 and 2a, taken from the Green Belt Review evidence base document (April 2017).

- 5.3. As set out in the quoted text above, all Green Belt boundaries in Kirklees along settlement edges were broken into small sections for assessment in terms of how they fulfil the each one of the tests set out within the methodology section of the Green Belt Review, testing the boundary in terms of how well the boundary is needed for fulfilling the five purposes of the Green Belt.
- 5.4. The extracted table below from the Green Belt Review shows all of the scoring scenarios for Green Belt boundaries, in terms of how important they are to assisting with fulfilling the five purposes of Green Belt designation. A score of 1 being 'less important', up to a score of 5 being – 'an important role.'

GREEN BELT ASSESSMENT MATRIX

Degree of importance of green belt role				
Less important role		Moderately important role		Important role
1	2	3	4	5

Green Belt Purpose			Assessment conclusion: green belt role points
Checking unrestricted sprawl of built up areas (test 2b)	Safeguarding countryside from encroachment (test 2c)	Preserving setting & special character of historic assets (test 2d)	
Less important	Less important	Less important	1
Less important	Less important	Moderate	2
Less important	Less important	Important	3
Less important	Moderate	Less important	2
Less important	Moderate	Moderate	3
Less important	Moderate	Important	3
Less important	Important	Less important	3
Less important	Important	Moderate	3
Less important	Important	Important	4
Moderate	Less important	Less important	2
Moderate	Less important	Moderate	3
Moderate	Less important	Important	3
Moderate	Moderate	Moderate	3
Moderate	Moderate	Less important	3
Moderate	Moderate	Important	3
Moderate	Important	Important	4
Moderate	Important	Less important	3
Moderate	Important	Moderate	3
Important	Less important	Less important	4
Important	Less important	Moderate	4
Important	Less important	Important	5
Important	Moderate	Less important	4
Important	Moderate	Moderate	4
Important	Moderate	Important	5
Important	Important	Important	5
Important	Important	Less important	5
Important	Important	Moderate	5

Figure 11- Green belt boundary assessment scoring matrix, in terms of boundary relating to the five purposes of Green Belt designation, all scoring outcomes. Note that there are only 4 scenarios out of a possible 27, that score between 1 to 2, 1 being least important/negligible contribution towards Green Belt purposes.

- 5.5. The plan below shows how the Green Belt boundaries for Shepley were divided into sections and identified by each SHP reference. The boundary for the proposed site at Eastfield is SHP3. Each boundary was coloured coded against the scoring, in terms of how important that boundary is to fulfilling the purposes of Green Belt designation.

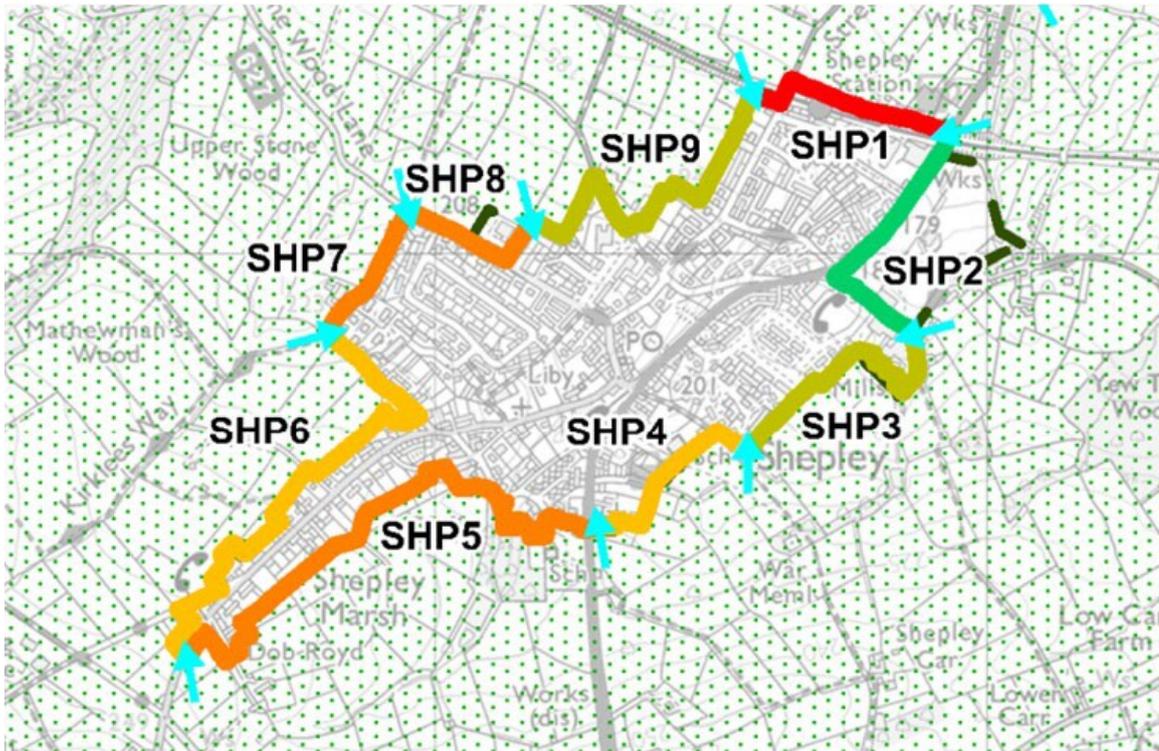


Figure 12- Green Belt boundaries map, indicating the level of importance of each section of the Green Belt/Development limit around Shepley. SHP3 being the boundary with the proposed site at Eastfield.

5.6. The extract below shows how boundary reference SHP3 was scored against each test in the Green Belt Review (April 2017). Overall, this came out with a score of 2, which is of low importance being set between ‘less important’ and ‘moderate’. Therefore, based on this evidence, it is fair to say that boundary SHP3 has a less than ‘moderate’ contribution to fulfilling the five purposes of green belt designation, and isn’t important to the protection of the areas of the Green Belt that are serving the five purposes.

Ref.	1a Topographical	1b Physical	1c Environmental	Existing use	2a Prevents merging	2b Checks Sprawl	2c Safeguards from encroachment	2d Preserves setting & character	Conclusion	Test 2 score
SHP3	None	None	None	Farm buildings, grazing land	Extensive gap	Field boundaries, woodland provide containment	Limited visual relationship with wider countryside, strong urban edge	No impact	Development would have little impact on the openness of the green belt. More impact south east of 4 The Knowle and the industrial complex.	2

Figure 13- The scoring for boundary SHP3, which as per the plan below, is the relevant development/limits/Green Belt boundary with the site area at Eastfield. This scored 2 (low importance score, less than moderate), and note the comments that it has a strong urban edge and only has a limited relationship with the wider countryside.

Inspector's comments on the evidence base and Local Plan Examination

- 5.7. As part of the Inspectors Report (issued January 2019) of the Kirklees Local Plan Examination in Public, the Inspector did not question or raise any modification issues with the Green Belt boundary and review for Shepley, nor the Green Belt release of the two allocation housing sites.
- 5.8. At paragraph 356 of the Inspector's main report of the Kirklees Local Plan Examination in Public, the two appointed Inspectors stated the following:
- 5.9. *356.H339 and H652, Abbey Road North, Shepley – Site H339 is occupied by industrial buildings. The woodland area to the rear is excluded from the developable area, and therefore development on this site would have little impact on openness. Adjoining site H652 mainly comprises a series of open fields, but is contained by development on three sides, and by a railway line and strong field boundaries to the north. **As such its relationship with the open countryside is limited. In this context and having regard to the sustainability of the location and identified housing needs, I conclude that exceptional circumstances exist to justify the release of these sites from the Green Belt.***
- 5.10. This was also before the new NPPF was released in December 2024 and Green Belt PPG in February 2025, with lighter green belt restrictions and the formal introduction of Grey Belt, therefore, it should be deemed acceptable that the site would also be regarded as grey belt and subsequently released and be granted permission for housing.

6. Grey Belt Policy

- 6.1. The Council's Green Belt Review evidence was developed in 2017 and there have been revisions to both the NPPF and the PPG which are material for updating the assessment of this site.
- 6.2. The December 2024 National Planning Policy Framework (NPPF) introduces the concept of 'Grey Belt' to differentiate certain areas within the Green Belt. 'Grey Belt' refers specifically to previously developed or other land within the Green Belt that does not significantly serve three of the five core Green Belt purposes—namely, preventing urban sprawl, avoiding towns merging, and preserving the character of historic towns.
- 6.3. Although the identification of Grey Belt land signals a potential for development, it does not guarantee approval or removal from Green Belt designation. Instead, any proposed development must meet broader NPPF policies, including demonstrating unmet need, ensuring sustainable location, and complying with specific guidelines known as the 'Golden Rules.'
- 6.4. Importantly, the Planning Practice Guidance (PPG), updated in February 2025, provides further detail on how to interpret these specific purposes (a), (b), and (d). It also clarifies that the identification of Grey Belt land does not automatically justify its release for development. Decisions must take into account the overall contribution of the land to Green Belt purposes alongside the full suite of NPPF policies.
- 6.5. The PPG states that:
- "Where grey belt is identified, it does not automatically follow that it should be allocated for development, released from the Green Belt or for development proposals to be approved in all circumstances. The contribution Green Belt land makes to Green Belt purposes is one consideration in making decisions about Green Belt land. Such decisions should also be informed by an overall application of the relevant policies in the National Planning Policy Framework (NPPF)."*
- 6.6. 'The Glossary contained at Annex 2 of the NPPF contains the definition of Grey Belt as:
- "**Grey belt:** For the purposes of plan-making and decision-making, 'grey belt' is defined 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."*
- 6.7. The five purposes of the Green Belt are set out at paragraph 143 of the NPPF, but this has not changed since the Council's Green Belt selective review was undertaken. The three purposes (a), (b) and (d) referenced within the Grey Belt definition are:
- a) *to check the unrestricted sprawl of large built-up areas;*
 - b) *to prevent neighbouring towns merging into one another;*
 - d) *to preserve the setting and special character of historic towns.*

- 6.8. Paragraph 155 states the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- 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 proposed;*
 - c) *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - d) *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156–157 below.*
- 6.9. Footnote 7 of the NPPF lists designations such as Sites of Special Scientific Interest; and designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.
- 6.10. In the context of Footnote 7 of the NPPF, the site is not within a SSSI or any statutory European Level Habitat designation, it's not an AONB or National Park Area, it's not heritage coast, irreplaceable habitat, is not affected directly by any heritage designations, and it's not at risk of flooding from rivers and the sea (coastal change). Therefore, footnote 7 would not apply to the land at Eastfield in Shepley.
- 6.11. In regard to section a) of paragraph 155, removing the site as grey belt will not undermine the purpose of the remaining wider grey belt of the area, as the site itself will not strongly contribute to the merging of towns, countryside encroachment or the de-valuing of historic towns. As this was supported within the councils Green Belt Review and Inspectors comments that de-valued the importance of the piece of green belt the site is currently situated upon.
- 6.12. Finally, section d) relates to the golden rules regarding the proposed development of housing within the green belt and for the definition of grey belt to be accepted. Paragraph 156 of the NPPF regards these golden rules as:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67–68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;
 - b) necessary improvements to local or national infrastructure;
 - c) The provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.
- 6.13. Therefore, the housing development on the site will have to abide by these rules above if the grey belt definition and thus planning permission is to be accepted. NPPF Paragraph 157 also puts a higher emphasis on affordable housing provision:

Before development plan policies for affordable housing are updated in line with paragraphs 67–68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%60. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.

- 6.14. In terms of the site itself, there are very few constraints, and it provides a logical extension to Shepley as a whole, and is surrounded by local facilities, services and accessible transport, and easily falls into the accepted definition of grey belt.

7. Grey Belt Assessment

- 7.1. The following section provides an assessment of the site against the Grey Belt definition contained at Annex 2 of the NPPF.

Previously Developed Land

- 7.2. Included with the definition of Grey Belt is 'land in the Green Belt comprising previously developed land'. This subsection therefore assesses whether the site meets the definition of previously developed land contained within the NPPF Glossary at Annex 2.
- 7.3. The site is identified as being in agricultural use.
- 7.4. Agricultural land use is excluded from the definition of previously developed land. Therefore, there is no realistic case for the site to be classified as previously developed land as per the NPPF Glossary definition.

Contribution to Green Belt Purposes

- 7.5. The Grey Belt definition includes land that does not **strongly** contribute to any of purposes (a), (b), or (d) in NPPF, paragraph 143. The below section includes an updated assessment by Pegasus Group of the site against the three relevant Green Belt purposes. This assessment takes account of the updated PPG published February 2025.

a) To check the unrestricted sprawl of large built-up areas

- 7.6. In terms of part a)- Shepley is a village located approximately 8.46km to the south of Huddersfield, as the nearest major urban settlement, which the Green Belt is there to restrict the growth of. Shepley is well away and well devolved of the urban fringe of Huddersfield. The Green Belt boundary around Shepley has no relationship with checking the unrestricted sprawl of the nearest large built-up urban area.
- 7.7. The Pegasus Group Landscape and Visual Site Appraisal clearly demonstrates that the site is well-contained, and development would have limited impacts upon the wider Green Belt. This evidence concludes that the site boundaries would provide a more defensible new Green Belt edge than that which is presently the case. It's development for housing could be sensitively incorporated within the village and appear as a natural and logical extension of the settlement
- 7.8. The February 2025 update to the PPG also provides some helpful guidance. In relation to purpose A: To check the unrestricted sprawl of large built-up areas, it identifies:

Contribution	Illustrative features
Strong	<p>Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development.</p> <p>They are also likely to include all of the following features:</p> <ul style="list-style-type: none"> - be adjacent or near to a large built up area - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
Moderate	<p>Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to):</p> <ul style="list-style-type: none"> - having physical feature(s) in reasonable proximity that could restrict and contain development - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development - contain existing development - being subject to other urbanising influences
Weak or None	<p>Assessment areas that make only a weak or no contribution are likely to include those that:</p> <ul style="list-style-type: none"> - are not adjacent to or near to a large built up area - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development

- 7.9. The site displays characteristics more aligned with the rounding off of the existing urban area, rather than contributing to unchecked urban sprawl. It adjoins the built-up area of Shepley along its northern boundary. This high degree of connectivity to the urban fabric supports the view that any development would represent a logical and consolidated extension of the settlement pattern.
- 7.10. The site’s linear configuration, bounded by existing development and significant landscape features, mirrors forms commonly associated with well-planned, sustainable growth, as opposed to sporadic or piecemeal sprawl.
- 7.11. Accordingly, there is a sound and sustainable planning rationale to redefine the role and function of the Green Belt in this location. This would align with the objectives of the National Planning Policy Framework (NPPF), by reinforcing long-term containment and supporting the creation of a clear and defensible urban edge—rather than continuing to rely on an inherently weaker inner Green Belt boundary to the south. These factors support our view that the site’s contribution to Green Belt Purpose A as weak, along with the other green belt purposes. As stated previously, the Landscape and Visual Appraisal also stated

that the site was visually well contained and would therefore not lead to unrestricted urban sprawl.

7.12. *b) To prevent neighbouring towns merging into one another*

7.13. In relation to part b)– the Green Belt boundary at Shepley does not stop two towns merging with each other. The nearest neighbouring settlement is the village of Shelley, which is set approximately 650m north of Shepley, as measured between the closest fringes of both settlements. The Green belt boundary labelled as SHP3 to Eastfield, if developed within the red line of Figure 1 of this report, would not lead to any form of settlement coalescence. Thus, fulfilling feature ii of the Government’s proposed definition of limited contribution.

Contribution Illustrative Features

Strong	<p>Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features:</p> <ul style="list-style-type: none"> - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns
Moderate	<p>Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to):</p> <ul style="list-style-type: none"> - forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation
Weak or None	<p>Assessment areas that contribute weakly are likely to include those that:</p> <ul style="list-style-type: none"> - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation

7.14. Neither Shepley, nor the neighbouring settlement of Shelley are considered to be towns within the existing Kirklees Settlement Hierarchy. This supports our conclusion that the site does not contribute to the merging of neighbouring towns. However, even if a contrary view were taken as to the role of the settlements, the nearest neighbouring settlement is Shelley, which is set approximately 650m north of Shepley, as measured between the closest fringes of both settlements. The Green belt boundary labelled as SHP3 to Eastfield, if developed within the red line of Figure 1 of this report, would not lead to any form of settlement coalescence. We are therefore of the opinion that the Green Belt contributions

to purpose B can also be regarded as weak, as the site contains built development, it is visually well-contained and has a limited impact upon the gap with neighbouring Shelley.

d) To preserve the setting and special character of historic towns

7.15. Part d)– Shepley does have a designated Conservation Area and several listed buildings and is a historic settlement. The historic setting of Shepley is confined to its designated conservation Area, being allocated as a special area of historic and architectural significance, the desirability of which should be to preserve and/or enhance. The Conservation Area and its setting is not affected by land at Eastfield. There are no through roads from the site or public rights of way that would mean that housing development on the land would not preserve or enhance the historic setting of the Conservation Area. Thus, fulfilling feature iv of the Government’s proposed definition of limited contribution.

7.16. The PPG provides the following guidance on purpose D: To preserve the setting and special character of historic towns

Contribution	Illustrative Features
Strong	<p>Assessment areas that contribute strongly are likely be free of existing development and to include all of the following features:</p> <ul style="list-style-type: none"> - form part of the setting of the historic town - make a considerable contribution to the special character of a historic town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town
Moderate	<p>Assessment areas that perform moderately are likely to form part of the setting and/or contribute to the special character of a historic town but include one or more features that weaken their contribution to this purpose, such as (but not limited to):</p> <ul style="list-style-type: none"> - being separated to some extent from historic aspects of the town by existing development or topography - containing existing development - not having an important visual, physical, or experiential relationship to historic aspects of the town
Weak or None	<p>Assessment areas that make no or only a weak contribution are likely to include those that:</p> <ul style="list-style-type: none"> - do not form part of the setting of a historic town - have no visual, physical, or experiential connection to the historic aspects of the town



- 7.17. It can be determined that the site provides no contribution to green belt purpose D, because as outlined above, the Conservation Area and its setting is not affected by land at Eastfield. There are no through roads from the site or public rights of way that would mean that housing development on the land would not preserve or enhance the historic setting of the Conservation Area. Thus, fulfilling feature iv of the Government's proposed definition of limited contribution.
- 7.18. In conclusion, the site scores weakly in relation to Green Belt purpose (a) and makes no contribution to purposes (b) or (d), in accordance with the updated 2025 NPPF and the associated guidance in the PPG. It does not play a significant role in preventing sprawl, merging of towns, or preserving the setting and special character of historic towns.

8. Footnote 7 Considerations

- 8.1. The Grey Belt definition at Annex 2 of the NPPF 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.
- 8.2. Footnote 7 of the NPPF refers to a range of assets of particular importance. The following table considers the site and proposed development against footnote 7 areas and assets.

Footnote 7 Consideration	Designated Site?	Explanation (where required)
Habitat Sites	No	The site is located outside of any designated habitat sites, including Special Protection Areas, Special Areas of Conservation and Ramsar sites.
Sites of Special Scientific Interest (SSSI)	No	There site does not form part of an SSSI.
Local Green Space	No	The site is not a designated Local Green Space.
National Park (or within the Broads Authority)	No	The site is not located within a National Park/Broads Authority.
Heritage Coast	No	N/A
Irreplaceable Habitats	No	There are no irreplaceable habitats on the site, the landscaping mitigation measures outlined in the Landscape and Visual Appraisal will further prevent any damage to nearby habitats, however.
Designated Heritage Assets	No	There are no designated heritage assets within the site boundary.

(and other heritage assets of archaeological interest)		
Areas at Risk of Flooding or Coastal Change	No	<p>The Site falls within Flood Zone 1 and is not at risk from fluvial flood risk sources.</p> <p>Some parts of the site are in low-risk surface water flood areas, with a small pocket in the western part of the site being of medium risk. This could be easily mitigated through siting and drainage design in any future development proposals for this land. The surface water risk overall is none to low, as can be seen in Figure 2 below taken from the EA's surface water flood mapping.</p>

8.3. In light of the site not contributing strongly to any of purposes (a), (b) or (d) in paragraph 143 of the NPPF and the factors in footnote 7 not providing a strong reason for refusal, it is concluded that the site falls within the accepted definition of Grey Belt.

9. NPPF Paragraph 155

9.1. Turning to paragraph 155, the development of homes, commercial and other development in the Green Belt should also 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”

9.2. The PPG provides the following guidance on this matter:

“A Green Belt assessment should also consider the extent to which release or development of Green Belt land (including but not limited to grey belt land) would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole.

In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.”

9.3. Due to being well enclosed at its northern boundary, the extent to which the release of this land parcel would undermine the remaining Green Belt across the plan area is reduced. Development will not impact:

- Remaining Green Belt to the south due to the built development and in areas where built development is absent, lies the remaining agricultural fields and large trees and hedgerows. They will still act as a strong physical and visual barrier to further development, significantly limiting the potential for unplanned urban encroachment in a southerly direction.
- The parcel is directly bordered by Shepley to the north and therefore there are no wider Green Belt impacts in these directions as Green Belt is not present.

c) To assist in safeguarding the countryside from encroachment

9.4. Purpose (c) relates to safeguarding the countryside from encroachment. It is acknowledged that, by definition, harm will result to the Green Belt as a simple consequence of development taking place. However, due to the well-defined nature of the land parcel minimizes impact on the wider functionality of the wider Green Belt against this purpose – and certainly does not undermine it.

9.5. For purpose c)– The Green Belt boundary (SHP3) does play a role, to a minor extent (low importance), as assessed in the Kirklees Green Belt Review (2017) to protecting open space from built encroachment. However, the assessment for SHP3 did identify that the site is not visually well related to the open countryside beyond the tree belt that lines the southern boundary of our client’s land, and that the boundary had an ‘urban edge’ character.

e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 9.6. Purpose e)– Shepley is deemed to be a sustainable settlement which can support incremental housing growth aligned to its size, scale and services on offer. In the adoption of the current Kirklees Local Plan, two housing sites were allocated that had been within the Green Belt previously. To support the sustainable growth of Shepley, further land will need to be released from the Green Belt. As Shepley is a well devolved rural settlement from the Huddersfield urban fringe, its Green Belt boundary isn't well related to encouraging development to find brownfield sites first within the urban context of the settlement the Green Belt surrounds.
- 9.7. When assessing the land at Eastfield, Shepley against the five purposes of Green Belt, it is clear that the land doesn't meet all of the five purposes, if any. The only point where it could be argued is part c) – stopping encroachment into countryside. However, the Kirklees Green Belt Review (2017) clearly states for boundary SHP3, that the land beyond is not well related visually to the wider open countryside and is occupied by several large portal frame agricultural buildings in part. Therefore, the site is not all verdant. It has the stone track and agricultural storage buildings and silos affecting its visual character, the site is not undeveloped/unoccupied open countryside and has been affected in part by the road and agricultural storage buildings development.
- 9.8. Additionally, the site measures approximately 4.9 hectares and given that the total Green Belt land within Kirklees amounts to tens of thousands of hectares, the proposed release would represent an extremely minimal loss of the district's overall Green Belt area.
- 9.9. In summary, the proposal does not conflict with 5 any of the 5 Green Belt purposes which clearly leads to the conclusion that the development will 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 proposed

- 9.10. The Council's most recent Five-Year Housing Land Supply Statement, published in 2024, confirmed a supply of just 3.96 years of deliverable housing land – representing a substantial shortfall against the requirement for a minimum 5-year supply. This clearly indicates that the district is not currently in a position to meet identified housing needs.
- 9.11. It is within this context that the proposed development directly responds to a clearly evidenced and significant unmet need for new housing.

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

- 9.12. Paragraph 110 of the NPPF states that the planning system should guide development toward locations that are or can become sustainable by reducing the need to travel and providing real transport choices. This supports reduced congestion and emissions and improves air quality and public health. It also highlights that sustainable transport opportunities will differ between urban and rural areas, which should be considered when making plans and decisions.
- 9.13. Paragraph 115 goes on to state that when assessing sites for development in plans or through specific applications, several key transport-related considerations must be

addressed. These include prioritising sustainable transport modes in line with the site's vision, type, and location; ensuring safe and suitable access for all users; designing transport elements in accordance with national guidance such as the National Design Guide and the National Model Design Code; and ensuring that any significant impacts on transport networks or highway safety can be effectively and affordably mitigated through a vision-led approach.

- 9.14. In this context, the site can be considered a sustainable location overall. There is a bus stop and train station located within walkable distance to the site, furthering the governments aims in reducing personal vehicles and striving towards a more sustainable future.
- 9.15. Importantly, the proximity of key services and amenities allows many day-to-day needs to be met locally, thereby reducing reliance on private vehicles. Local amenities include pubs/restaurants, cafes, and shops all within an approximate 10-20-minute walk from the appraisal site. Additionally, there are community services such as Shepley Primary School and additional sporting and recreational facilities including the nearby tennis club.
- 9.16. Whilst car use may remain a preferred option for longer journeys or to access locations not directly served by public transport, the overall accessibility of the site – particularly within a relatively urban area – supports its classification as a sustainable location in line with national planning policy objectives.

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

- 9.17. We cover 'Golden Rules' in the next Section of this Grey Belt report.

10. Golden Rules

- 10.1. Paragraph 156 states that where major development involving the provision of housing is proposed on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:
- a) affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67–68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below*
- 10.2. In this instance, part (ii) of the policy applies/paragraph 157 is applicable. Paragraph 157 confirms that before development plan policies for affordable housing are updated in line with paragraphs 67–68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%.
- 10.3. Policy LP11 of the Kirklees Local Plan (adopted 2019) states that subject to viability, the Council will negotiate for up to 20% affordable housing in towns, suburbs and villages. The site situated in Shepley falls under this bracket and therefore would be subject of up to 20% affordable housing.
- 10.4. There will therefore be a requirement to deliver up to 35% affordable housing on site and be indistinguishable from and well-integrated with market housing, unless off-site provision or a financial contribution can be robustly justified and would support the creation of inclusive and mixed communities.
- b) necessary improvements to local or national infrastructure; and*
- 10.5. This matter will be determined through discussions with the Council in respect of what Section 106/financial contributions may be required as a result of the development proposals.
- c) the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.*
- 10.6. A Local Equipped Area for Play (LEAP) will be delivered on site for the use of existing and new members of the public. Secondly, other improvements to public green space improvements will be determined at the planning application stage through the s106 agreement.



- 10.7. Whilst a detailed masterplan for the site has not yet been produced, it is acknowledged that the provision of publicly accessible open space would form an important component of any future development, in accordance with the Golden Rules set out at paragraph 156(c) of the Framework. It is therefore considered that the development has the potential to comply with this requirement, with the detailed approach to be refined through the design process and in consultation with the Local Planning Authority.
- 10.8. Accordingly, there is a prospect that the site comprises of Grey Belt land and the specific proposed development can comply with the requirements of paragraph 155 of the Framework.

11. Conclusions

- 11.1. The proposed development is considered to constitute Grey Belt land as per the definition set out at Annex 2 of the NPPF. Whilst the site does not comprise previously developed land, the site is concluded as not strongly contributing to any of Green Belt purposes (a), (b), (c), (d) & (e) in paragraph 143.
- 11.2. The site has been assessed against areas and assets in footnote 7 of the NPPF. There are no areas/assets on site which would provide a strong reason for refusing development.
- 11.3. There is a clear unmet need for housing within Kirklees as demonstrated by our high-level analysis of the 5YHLS and HDT result for the district.
- 11.4. Subject to the affordable housing provision, public open space and discussions with the Council on potential financial contributions to local infrastructure, development proposals will likely accord with the 'Golden Rules' requirements of paragraph 155 of the NPPF.
- 11.5. Accordingly, the site is considered to meet the criteria for Grey Belt land. In light of the site performing weak against all 5 Green Belt purposes in paragraph 143 of the NPPF and the factors in footnote 7 not providing a strong reason for refusal, as well as compliance with NPPF paragraph 155 including the golden rules, it is concluded that the site falls within the accepted definition of Grey Belt.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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