

Planning Statement

**DETACHED DWELLING FOLLOWING THE DEMOLITION OF THE
EXISTING STABLES**

LAND AT PENISTONE ROAD, FENAY BRIDGE, HUDDERSFIELD

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1. INTRODUCTION

This statement supports a planning application for the demolition of an existing stable block comprising previously developed land and erection of detached dwelling. The site lies within the Green Belt and the proposed development consists of an appropriate form of development within the Green Belt.

This statement should be read in conjunction with the submitted plans and technical reports which demonstrate the credentials of the scheme in more detail. It is anticipated the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme and approve planning permission without delay.

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 National Planning Policy Framework (NPPF). Finally, the conclusion is reached that planning permission should be granted for the proposed development.

2. THE SITE AND PLANNING HISTORY

The site comprises a paddock, stables and area of hardstanding. The existing development benefits from planning permission granted following an appeal. The site occupies a lower ground level than Penistone Road, the highway from which it is accessed. Existing mature trees and vegetation along the eastern boundary, together with the change in levels and the site's position relative to the highway, provide effective visual containment. These features restrict longer range views from Penistone Road. The established tree belt also filters views of the site. The site is seen alongside the embankment, tree cover, and dwellings on the opposite side of Penistone Road, ensuring it does not appear visually detached or exposed within the wider countryside context. The site is located within Flood zone 1.

3. THE PROPOSAL

The application seeks full permission for the demolition of the existing stables and the replacement with a detached dwelling. The proposed dwelling adopts a contemporary rural style, characterised by a simple roof form with boxed dormer windows set within the roof slope. The dwelling would be finished in wooden cladding with a slate roof. The existing access will be utilised with a new 1.8-metre high gates and stone boundary walls with piers. The layout allows for vehicles to enter and turn within the site, with three off-street parking spaces proposed and a dedicated turning area. Surfacing comprises permeable tarmac to the hardstanding, with a grass-crete driveway and paved areas serving the dwelling.

Existing trees along the site boundary are retained, supplemented by a new native hedgerow to reinforce the rural edge and provide additional landscaping. The existing retaining walls will remain with sections of the existing boundary wall rebuilt to a maximum height of one metre where required.

4. 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 adopted in 2019

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in December 2024 and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site is located within the open countryside and within the Green Belt it is also a mineral safeguarding area.

National Policy

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 6 - Building a strong, competitive economy

Section 12 - Achieving well-designed places

Section 13 - Green Belts

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

LP1 – Achieving sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP11 – Housing mix and affordable housing

LP21 – Highway safety and access

LP22 – Parking

LP24 – Design

LP30 – Biodiversity and geodiversity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land.

LP59 – Brownfield sites in the Green Belt

Relevant Supplementary Planning Documents / guidance

The Biodiversity Net Gain Technical Advice Note

Highways Design Guide

Housebuilders Design Guide SPD

5. 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 clear and deliberate loosening of restrictions on the redevelopment of previously developed land.

Under the last iteration of the NPPF, the redevelopment of previously developed land was not inappropriate providing that it would not have any greater impact on openness. This like-for-like requirement has now been abolished. Instead, paragraph 154 part (g) now allows for the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.

A legal opinion on the implications for decision making due to the change of threshold in paragraph 154 (g) has been obtained and is submitted separately.

Due to the change in the threshold of appropriateness for redevelopment of previously developed land in the revised NPPF, the requirement set out in local plan policy LP59 for the extent of the existing footprint to not be exceeded is now out of date.

Substantial harm is a deliberately high threshold. There can be no doubt that the change in this respect has been made in order to allow for more housing development on previously developed sites in the Green Belt. There is no longer any policy requirement for arbitrary volumetric calculations between the existing and proposed developments. A new development that is larger than the existing development is policy compliant up until the point where the substantial harm threshold is crossed.

In this instance, the proposal seeks to replace the existing stables and associated development with a modest 1.5-storey dwelling. The proposed dwelling is larger than the existing building. Whilst the additional built form may result in some additional impact on openness, this would remain well below the 'substantial harm' threshold. The proposed dwelling occupies a similar position to the existing stables at the southern end of the site, where development benefits from particularly strong screening and containment due to topography, tree cover and proximity to Penistone Road. The proposed building remains clearly within the established site envelope. The containment and screening of the site were significant factors which were acknowledged by the Inspector when allowing the stable development, and remain highly relevant to the current proposals.

Furthermore, the dwelling adopts a restrained height and compact footprint, maintaining a low profile that reflects the rural character of the area. The form echoes the scale of the

existing equestrian building and hardstanding area rather than introducing a dominant or visually intrusive structure.

Although the dwelling would represent a new domestic use, the development does not expand the developed area beyond the defined plot or project into open land. It replaces existing built form and maintains a clear and defensible site boundary. As such, the proposal does not erode the rural character of the Green Belt.

For these reasons, the impact on openness in both spatial and visual terms would be moderate, and not substantial.

The accompanying legal opinion concludes that:

“the clear meaning is that for harm to be considered substantial harm to openness it must be so harmful that it in some way undermines the purposes of the Green Belt and results in seriously harmful urban sprawl. Simply introducing development to an area that was previously free (or freer) from development is not sufficient to cause substantial harm to openness, there must be something that is so considerable that it harms the essential functions of the Green Belt which arise as a result of its openness.”

Taking into account the factors set out above, there is no feasible way that the proposed dwelling would undermine or harm the essential functions of the Green Belt. The proposed dwelling would be largely visually contained and would not unacceptably impact the function and purpose of the Green Belt.

Whilst each case clearly needs to be taken on its own merits, there are strong parallels with the redevelopment in the Green Belt recently approved by the LPA under application reference 2025/90734.

Furthermore, a number of recent and relevant appeal decisions confirms that the assessment of the impact on openness as set out above is sound.

Appeal reference APP/J1535/W/24/3345568 considered the issue of whether substantial harm to Green Belt openness would be caused by the introduction of a dwelling house on a site that does not contain any existing buildings. The Inspector noted:

“The site is largely devoid of any buildings or structures, but includes an area of hardstanding comprising the foundations of the former building and is enclosed by timber fences. Consequently, any new buildings would have a significantly greater impact on the spatial openness of the Green Belt than the existing development. Nevertheless, the single-storey dwelling would have a modest footprint and would have a low ridge height. Whilst the dwelling be more visible than the existing development at the site, the presence of the neighbouring properties and the established hedgerow to the rear of the site would limit the visual effect on the openness of the Green Belt.”

The dwelling would be located within the context of the surrounding development, which is enclosed from the surrounding open fields by a hedgerow and mature trees. While the development would be visible from outside the site, the proposal would be largely visually contained and would not unacceptably impact the function and purpose of the Green Belt. Accordingly, although the proposal would harm the openness of the Green Belt, the adverse effects would be moderate. The proposal would therefore accord with Paragraph 154 g) of the Framework.”

Bearing in mind that this was for a site that did not contain any existing buildings, there is clearly scope for replacing the existing buildings at the current application site without resulting in substantial harm to openness.

On a larger scale, appeal reference APP/N0410/W/24/3348677 considered whether 95 assisted living units and a 75-bed care home on a sports pitches site would result in substantial harm to openness. The Inspector acknowledged that there was no doubt that the proposed development would have a greater impact on openness than the existing situation, but stressed that, following the December 2024 changes to the NPPF, the new criterion is that it should not cause substantial harm to openness, rather than having no greater impact on Green Belt openness. In considering whether the substantial harm threshold would be breached, the Inspector noted that:

“The scheme would appear well-contained within the wider Wilton Park site. The A355 with its roundabouts and adjacent bund provides a very clear dividing line between the appeal site and the countryside. The appeal scheme’s perceived effect on openness would therefore not be that of a new development encroaching into open countryside.”

The layout of the scheme, consisting of five residential blocks enclosing a landscaped courtyard, residents’ lounge and access, would be compact rather than sprawling. The traditionally designed buildings of two, three and four storeys, though taller and more extensive than the terraced houses, would still be of relatively modest height. Their varied architectural form and concealed flat roofs would help to limit their visual bulk and hence their impact on openness.

Views of the scheme would be most evident from the A355, from north and south of the site. However, the impact on openness would be contained; blocks of woodland limit longer views of the site. The effect of the scheme on openness from these positions would be moderate.

The scheme would have some effect on openness when seen from within Wilton Park to the east, but this would be limited by planting within the proposed parkland. In any case, the site would clearly be perceived as connected with the overall development of Wilton Park. Again, the impact here would only be moderate.”

These decisions clearly reflect the significance of the changes to the NPPF in respect of proposals that are appropriate in the Green Belt provided they do not result in substantial harm to openness, and the high threshold that substantial harm entails.

The proposal is an appropriate form of development in the Green Belt as defined by paragraph 154 (g) of the NPPF, and fully complies with local plan policies in so far as they remain up to date and relevant. The principle of development in the Green Belt is wholly acceptable and policy compliant.

Grey Belt

Whilst we have every confidence that the proposal is acceptable under paragraph 154(g) of the NPPF the proposal is also an acceptable form of development as defined by paragraph 155 of the NPPF.

The introduction of grey belt as part of the December 2024 amendments to the NPPF is applicable. The LPA is not currently able to demonstrate a 5-year housing supply. As such,

there is a demonstrable unmet need for the type of development proposed and paragraph 155 is engaged.

The site is in a highly sustainable location, despite being within the Green Belt, with good accessibility to public transport and local services. For the reasons set out further above in respect of the well contained and screened nature of the site ensures the development would not conflict with Green Belt purposes a), b) and d) and the development would not fundamentally undermine the purposes of the remaining Green Belt area.

The acceptability of development under paragraph 155 is not subject to any test of openness impacts, and it is clear that the proposal falls within the definitions set out.

Visual Impact

Kirklees Local Plan policies LP1, LP2 and LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. This is supported by national planning policy. Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

“New residential development proposals will be expected to respect and enhance the local character of the area by:

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*

- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

Principle 15 states that the design of the roofline should relate well to site context. Further to this, Principle 13 states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

The proposal involves the demolition of the existing stable buildings and their replacement with a modest 1.5-storey dwelling with dormer windows within the roof slope. The dwelling retains a low profile and is compact in design and massing, ensuring it remains appropriate to its rural context. The design draws on traditional equestrian/agricultural proportions and will utilise materials typically found on stable buildings, thereby maintaining a rural appearance. The design approach has taken cues from successful approach recently approved by the LPA under application 2025/90734. The hardstanding area remains closely associated with the existing stable complex footprint, both visually and functionally, and the principal field to the front is retained as open land, preserving the sense of space and openness. Surfacing will be grass-crete to maintain a green, rural appearance, and additional native planting and hedgerow enhancement will soften the building, reinforce the boundary, and integrate the development further into the landscape.

The topography places the site at a lower level than Penistone Road, and mature trees and vegetation along the eastern edge, combined with the level change, provide effective screening. Even in winter months the tree belt continues to filter views, ensuring the development does not appear prominent in wider landscape terms. When viewed from the highway the proposal will be read against the backdrop of the embankment, existing tree cover, and wider built form on the opposite side of Penistone Road, avoiding any perception of isolation or encroachment. Subject to material and landscaping conditions, the scheme

sits comfortably within its setting, maintains rural character, and represents an appropriate form of development in this location.

Highways

The proposed development will utilise the existing, established access point from Penistone Road. This access currently serves the existing building and operations on the site. The change in the use at the site would not intensify the access point and it is not considered that the proposal would give rise to unacceptable highway impacts. The proposal is therefore acceptable in this respect. The proposal is considered fully compliant with all local and national policy in this respect.

Residential Amenity

National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The nearest dwellings are those located across the road from the site at approximately 40 metres. This distance along with the intervening road and difference in land levels ensures there would be no adverse effect upon residential amenity. Given the separation distance, the nature of the use, there will be no issues arising in terms of noise, odour, or visual harm. The proposal has been carefully designed and positioned to operate discreetly within the agricultural landscape, without affecting the living conditions of nearby occupants. A good standard of residential amenity would be provided for the dwelling itself. The proposal is considered fully compliant with all local and national policy in this respect.

Biodiversity Net Gain and Ecology

A Biodiversity Net Gain assessment has been undertaken and accompanies the application. The survey confirms a baseline biodiversity value of 0.26 habitat units and 0.01 hedgerow

units. Post-development, the scheme delivers 0.30 habitat units and retains 0.01 hedgerow units, equating to an overall net gain of 11.53% for area habitats and 166.34% for linear habitats. These gains are achieved through new native planting, the introduction of native hedgerow, and the inclusion of native tree species within the landscape scheme. The proposals therefore exceed the statutory minimum requirement for 10% net gain. Protective measures and long-term management are incorporated to ensure habitats establish and reach target condition. The scheme demonstrates a meaningful enhancement to site biodiversity and accords with national and local policy requirements for Biodiversity Net Gain.

As such, the proposal is considered compliant with the Biodiversity Net Gain requirements, ensuring the development achieves not only no net loss, but a measurable and policy-compliant enhancement to local biodiversity.

Ground Conditions and Coal Mining Risk

A Phase I Desk Study has been completed for the site. The assessment confirms that the land has historically remained undeveloped, with only small stable structures introduced in recent years. No significant contamination sources were identified on the site, and there is no record of landfill, mining activity or hazardous uses within the vicinity. The overall risk to future occupants and the environment is considered low, with the only identified consideration being the potential for off-site ground gas migration linked to historic surrounding land uses. The report recommends follow-up intrusive investigation and gas monitoring prior to development. This approach ensures the site can be brought forward for residential use safely and in accordance with national and local policy requirements.

Mineral Safeguarding

The site lies within a designated Mineral Safeguarding Area as defined by Policy LP38 of the Kirklees Local Plan. The proposal would replace an existing building. The scale and nature

Demolition of stables and erection of a dwelling Land at Penistone Road



of the development falls within the scope of minor development, which is explicitly excluded from the safeguarding requirement under section 2(c) of Policy LP38. As such, the proposal is not considered to conflict with the aims of mineral safeguarding, and no further assessment is required in this regard.

5.0 CONCLUSION

The development comprises appropriate development in the Green Belt as it would not result in a substantial harm to the openness of the Green Belt thereby complying with paragraph 154g of the NPPF. The proposal replaces the existing stable building with a modest 1.5-storey dwelling of an appropriate scale and rural character, well contained within the site. The open field to the frontage is retained, grass-crete surfacing and native planting ensure a soft rural appearance, and existing stone walls and hedgerows are preserved. The topography and mature boundary vegetation provide natural screening, ensuring the building remains visually recessive in the wider landscape.

The design, scale, materials and layout respond appropriately to the site's rural setting. The proposal would not adversely affect highway safety or residential amenity. The proposal is therefore fully compliant with both national and local policy.

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