



PB Planning

Windy Bank Lane, Liversedge

Planning, Design & Access Statement

June 2025

Strategy > Partnership > Delivery

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## INTRODUCTION

- 1.1 This Planning, Design & Access Statement accompanies an outline planning application for the following proposed development at Land at No. 158, Windy Bank Lane, Liversedge: -
- Development of two residential dwellings and associated infrastructure with access included and all other matters reserved.***
- 1.2 This statement has been prepared in support of the planning application and it provides details of the proposed development and an assessment of its compliance with relevant planning policy.
- 1.3 The application package is accompanied by the appropriate planning application fee and comprises electronic copies of the following documents: -
- Application Form
  - Application Cover Letter
  - Planning, Design & Access Statement
  - Site Location Plan
  - Existing Site Layout
  - Proposed Site Layout
  - Landscape Strategy
  - Tree Protection Plan
- 1.4 This statement concludes that the proposed development is in accordance with relevant planning policies at national and local levels. The proposed scheme seeks to provide new housing to meet identified housing needs. Planning permission should therefore be granted in respect of this planning application.

## **2.0 SITE DESCRIPTION AND PROPOSED DEVELOPMENT**

### **THE APPLICATION SITE**

- 2.1 The site is approximately 0.4 hectares in size and is currently located in the Green Belt as designated within the adopted Kirklees Local Plan. The site is located in Flood Risk Zone 1. The site currently consist of a residential dwelling and its private garden curtilage.
- 2.2 The proposed development site sits at the southern extent of the residential settlement along Windy Bank Lane, at the northwestern edge of Liversedge. The property abuts neighbouring properties to the north, with further residential development to the east of Windy Bank Lane. Windy Bank Lane runs along the eastern boundary of the site and links in with Halifax Road to the north and Leeds Road to the south, providing access to nearby larger settlements.
- 2.3 The site benefits from existing strong defensible boundaries in the form of Windy Bank Lane to the east, existing residential development to the north, and established landscape features to the west and south.
- 2.4 The site is located within walking and cycling distance of local amenities within Liversedge and adjacent settlement areas of Hightown and Cleckheaton. Including High Bank Junior Infant & Nursery School located within 500m of the site and Hightown Junior Infant & Nursery School located within 1km of the site. A number of existing services and facilities are also located within 1km of the site within the centre of Hightown. With regards to public transport, existing bus stops are located on Windy Bank Lane within 200m of the site.

### **THE PROPOSED DEVELOPMENT**

- 2.5 The scheme comprises two new high quality residential dwellings, one of which is a replacement dwelling.
- 2.6 Access to the development will be taken from the two existing access points into the site.
- 2.7 The proposed development site is entirely contained within the garden footprint of an existing domestic property. The proposed development consists of 2no. two storey dwellings.
- 2.8 Whilst the planning application is seeking outline planning permission with only access included, the submitted proposed site layout has been formulated by a landscape led approach. The landscape strategy for the proposed development consists of the following: -
1. Retain and strengthen exiting green boundaries, with additional layered understorey planting and targeted infill tree planting

2. Introduce new boundary planting in the southeastern corner of the site to filter views of the development and strengthen the green matrix of the site
3. Utilise boundary hedges and garden trees to create a spatial and visual separation between the two properties, helping to soften and break up potential visual massing of built elements
4. Maintain and strengthen the generous green buffer between the developed core of the site and its boundaries
5. Enhance green infrastructure across the proposed development site. To include layers of native tree and understorey planting, and areas of wildflower meadow
6. Maintain existing boundary treatments with neighbouring properties and along Windy Bank Lane. Ensure suitable and safe access for cars and pedestrians
7. Introduce hard boundary treatments to the southern and western edges of the site which are in keeping with the character of the wider rural landscape, such as post and rail fencing

2.9 The proposals have been sensitively designed to deliver a scheme which takes full account of the physical characteristics of the site and its location within the wider green belt.

2.10 The proposed homes will benefit from being able to access and egress the site in a forward gear on account of the turning facilities provided to the front of each of the proposed homes.

2.11 Appropriate areas of garden amenity will also be provided, taking into account the root protection areas and the impact of shading in relation to the existing trees to be retained at the site.

2.12 Full design details in respect of appearance (including materials) will of course be established at the future reserved matters stage.

## 3.0 PRINCIPLE OF DEVELOPMENT

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

***“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”***

3.2 The application site is identified to be in the Green Belt within the adopted Kirklees Local Plan. The Kirklees Local Plan was adopted in February 2019. The Local Plan is the statutory development plan for the Kirklees local authority area.

3.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4 Paragraph 2 of the revised National Planning Policy Framework (December 2024) identifies that the guidance presented within it is a material consideration in planning decisions. Which is of key importance to the development proposals.

3.5 Paragraph 155 of the Framework states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply: -

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development 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.

3.6 It is the applicant's position that the application site can be categorised as grey belt land and that the development proposals would meet each of the criteria outlined within Paragraph 155 of the Framework. Within this section of the statement we provide the justification for this position.

### **GREY BELT ASSESSMENT**

3.7 Whilst the site is located within the Green Belt, it is the applicant's view that the site can be characterised as grey belt land in accordance with the definition identified within Annex 2 of the Framework and the latest guidance presented within the PPG.

3.8 With regards to the definition within the Framework, the site comprises other land which does not strongly contribute to green belt purposes (a), (b), or (d) in paragraph 143, and the site is not located within a designated 'asset' outlined in Footnote 7.

3.9 With specific regard to the guidance presented within Paragraph: 005 Reference ID: 64-005-20250225 of PPG, the submitted Landscape Strategy prepared by PWP Design provides the following assessment: -

*(A) To check the unrestricted sprawl of large built-up areas*

The proposed development site forms part of the urban/rural fringe of Liversedge township, which is defined by permanent features such as roads and residential housing development. The site is enclosed to the north and northeast by residential properties along Windy Bank Lane, which associate it with the urban setting and diminish the extent to which it is perceived as countryside. The site comprises of previously developed land, with no change of use proposed. The degree, location and orientation of the existing developed domestic boundaries are to remain the same, with no encroachment into surrounding Green Belt land. The site forms a very small proportion of the parcel of land which restricts the westward and southwards sprawl of Liversedge. For these reasons, it is considered that the site makes a **moderate contribution** to this Green Belt purpose.

*(B) To prevent neighbouring towns merging into one another*

The nearest town which could be considered relevant in the fulfilment of this purpose is Mirfield, which lies approximately 2.5km to the southeast. The proposed development site forms a very small part of the gap with Mirfield. The proposed development does not alter the size or extents of the existing developed domestic site footprint and does not extend an urbanising influence or reduce open separation with other settlements. It is considered that any potential merging with towns to the west is already prevented by the permanent structure of the M62 motorway. For these reasons, the proposed development site makes a **weak/no contribution** to this Green Belt purpose.

*(D) To preserve the setting and special character of historic towns*

The proposed development site does not form part of the setting of a historic town and has no visual, physical, or experiential connection to the historic aspects of Liversedge. It therefore makes **no contribution** to this Green Belt purpose.

3.10 For the reasons outlined above it is unequivocally clear that the site can be characterised as grey belt land in accordance with the definition identified within Annex 2 of the Framework and the latest guidance presented within the PPG.

***CRITERIA (A) – FUNDAMENTALLY UNDERMINE THE PURPOSES (TAKEN TOGETHER) OF THE REMAINING GREEN BELT ACROSS THE AREA OF THE PLAN***

3.11 The submitted Landscape Strategy assesses the proposed development against the requirements of criteria (a) of Paragraph 155 of the NPPF.

- 3.12 It identifies that the landscape strategy for the proposed development has been guided by the following key principles to ensure that the fundamental purposes of the wider Green Belt across the area of the plan are not undermined: -
- Maintain the balance of spatial and visual enclosure /openness afforded by existing boundary trees, hedges, and vegetation
  - Maintain a strong green boundary with open agricultural fields to the south and west
  - Consider the position of built form and trees to reduce the potential visual massing of domestic elements
  - Consider hard and soft landscape elements sensitively in relation to the urban/agricultural fringe character of the setting
- 3.13 There are no other allocations covering the proposed development site or designations that protect areas or assets of particular importance in relation to footnote 7 of the National Planning Policy Framework (2024). The scheduled monument that sits approximately 100m to the north of the site (Walton Cross, remains of. REF: 1012873) is separated from the site by residential properties and will be unaffected by these proposals.
- 3.14 The Kirklees Local Plan Green Belt Review (2017) identified that the site sits adjacent to two sensitive Green Belt edges (HT7 & HT8). However, the site does not extend the urban/domesticated footprint any further along either of these edges and would strengthen the green infrastructure in this setting. It is noted that this review was published well before the latest version of the NPPF which established guidance on grey belt. Assessment and scoring would also have taken into account Green Belt purpose (c) 'to assist in safeguarding the countryside from encroachment', which is not considered as part of grey belt assessment.
- 3.15 With regards to a quantitative assessment of the impact of the development on the wider green belt, the Kirklees Green Belt covers approximately 25,450 hectares or 70% of the total area of the District. The application site therefore only equates to **0.0016%** of the Kirklees green belt across the whole Local Plan area.
- 3.16 Furthermore, the site presently consists of an existing residential dwelling and outbuildings which have a floor area of 287m<sup>2</sup>. The indicative proposed development outlined on the submitted Proposed Site Layout has a floor area of 1,130 m<sup>2</sup>. Accordingly, the development proposals will only result in a loss of 843m<sup>2</sup> of land from the Green Belt, which equates to a loss of **0.00033%** of land from the existing Kirklees Green Belt.
- 3.17 Finally, as outlined above, the development site also benefits from strong defensible boundaries on all sites, meaning the extremely limited impact of the development on the wider Green Belt would be fully contained within the site's boundaries.

3.18 It is therefore clear that the site meets the requirements of criteria a) of Paragraph 155 of the Framework.

***CRITERIA (B) – THERE IS A DEMONSTRABLE UNMET NEED FOR THE TYPE OF DEVELOPMENT PROPOSED***

3.19 With regards to housing applications, Footnote 56 of the Framework confirms that this criteria relates to circumstances where a Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites (including the relevant buffer where applicable) or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years.

3.20 The Council's current 5-year supply position (a 3.96 year supply) was identified in the 2022/2023 Annual Monitoring Report (AMR) published in December 2023. It therefore relates to the adopted Local Plan's annual housing requirement of 1,730 homes per annum. The AMR also identifies that a 5% buffer has been included in the calculations. As such as 3.96 year supply would equate to a supply of 7,193 dwellings.

3.21 As the Local Plan is now over 5-years old, the NPPF's revised standard method requirement of 1,840 homes per annum should now be used in the calculation. Plus a 20% buffer on account of the Council's performance against the Housing Delivery Test, which is **54%** over the last 3-years. The number of homes required to meet a 5-year year on this basis would therefore equate to 11,040 homes.

3.22 The resulting housing deficit against the required 5-year land supply would therefore be 3,847 homes or a **3.25 year supply**.

3.23 We appreciate this calculation does not include the latest annual figures in respect of the number of dwellings which could be removed or added to the supply, but the 2023/2024 AMR identifies that only 1,204 net additional dwellings were delivered in the last monitoring year. Which would represent a deficit of 1,004 homes against the target of the revised standard method with a 20% buffer. Thus the results of the updated assessment will likely only worsen the current land supply position.

3.24 There is clear evidence of an acute shortage of housing in the Kirklees area and there is no reasonable prospect of the Council meeting the minimum housing requirements of the District until the adoption of a new Local Plan, which according to the Council's latest Local Development Scheme (March 2024) will not be until 2028 at the earliest given it identifies that

the Local Plan Update won't be submitted to the Secretary of State for examination until March 2027.

- 3.25 It is therefore clear that the requirements of criteria b) of Paragraph 155 of the Framework are met as there is a demonstrable unmet need for housing within the Kirklees area.

***CRITERIA (C) – THE DEVELOPMENT WOULD BE IN A SUSTAINABLE LOCATION, WITH PARTICULAR REFERENCE TO PARAGRAPHS 110 AND 115 OF THIS FRAMEWORK***

- 2.13 As outlined in Section 2 above, the application site represents a sustainable location for new housing development.

- 2.14 Evidence of this is the allocation of housing site Ref. HS111 within the adopted Local Plan, which is located on the opposite side of Windy Bank Lane to the application site. Furthermore, a number of other housing developments of a similar scale to the application proposals have also been approved and developed within vicinity of the site in recent years.

- 2.15 With regard to the guidance presented in Paragraph 110 and Paragraph 115 of the Framework, we respond as follows: -

- The site is located within walking distance of local amenities within the area, including local schools, parks and play areas, public houses, restaurants, and convenience stores.
- Bus stops are located on Windy Bank Lane are located within 200m of the site. The site is considered to be accessible to public transport.
- The proposed access points to the development would utilise the two existing access points and internal turning areas will be provided to ensure that future residents could access/egress the site in a forward gear. The development would therefore have no significant adverse effect on the safety of road users.

- 3.26 The application site is located in a sustainable location and it is therefore clear that the site meets the requirements of criteria c) of Paragraph 155 of the Framework.

***CRITERIA (D) – WHERE APPLICABLE THE DEVELOPMENT PROPOSED MEETS THE 'GOLDEN RULES' REQUIREMENTS***

- 3.27 Paragraph 156 of the Framework makes clear that the 'Golden Rules' apply to major development. The development proposal is not major development, as the development is for less than 10 homes on a site which is below 0.5ha in size.

- 3.28 The 'Golden Rules' therefore do not apply to the development proposals and by virtue of this the proposal meet the requirements of criteria d) of Paragraph 155 of the Framework.

***PRINCIPLE OF DEVELOPMENT – OVERALL CONCLUSION***

- 3.29 For the reasons outlined above it is clear that the site can be characterised as grey belt land and that the development proposals would meet with all of the criteria prescribed in Paragraph 155 of the Framework.
- 3.30 Accordingly, having regard to the guidance presented in Paragraph 11 (d) of the Framework, as the relevant development plan policies of the Kirklees Local Plan are out of date by virtue of the Council being unable to demonstrate a 5-year deliverable supply of housing, the ‘tilted balance’ is engaged.
- 3.31 Consequently, permission should be granted for the development unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

## **4.0 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT: *ENVIRONMENTAL OBJECTIVES***

### **MEETING THE ENVIRONMENTAL OBJECTIVE OF SUSTAINABLE DEVELOPMENT**

4.1 The Framework defines the environmental objective of sustainable development as being:

*“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

4.2 The supporting technical documents submitted with the application identify that the development will not have an adverse impact on the local environment. A summary of the key conclusions identified within the submitted technical documents is provided below.

### **DRAINAGE & FLOOD RISK**

4.3 The development is located in Flood Risk Zone 1 and is less than 1 hectare in size, meaning a Flood Risk Assessment does not need to be submitted alongside the planning application.

4.4 The proposed drainage strategy for the site will utilise the existing drainage infrastructure to which serves the existing property at the site.

4.5 Final details associated with the drainage strategy for the site will be agreed via planning condition and at the reserved matters stage when the final details in respect of the development are known (such as impermeable areas).

### **ARBORICULTURE**

4.6 The Existing Site Layout and Tree Protection Plan provide details of the existing trees located within the site and the measures which will be needed to protect those which are proposed for retention with the scheme.

4.7 The Proposed Site Layout plan has been formulated collaboratively by the architect, tree consultant, and landscape consultants. The submitted plans confirm where tree pruning or removal are required to enable the development.

- 4.8 The majority of trees to be removed are Category C trees/groups of lower quality. Existing boundary trees are all due to be retained and protected. Additional tree planting will also be provided within the scheme to replace those which are proposed for removal.

### **ECOLOGY**

- 4.9 The site consists of previously developed land and existing trees and landscaping located on the site's boundary are due to be retained.
- 4.10 The development proposals are exempt from mandatory Biodiversity Net Gain requirements on account of the being proposed to be delivered as self-build housing.

### **HIGHWAYS**

- 4.11 The development proposals will have an immaterial impact on the local highway network by virtue of them only adding the vehicle trips from one additional dwelling to the local highway network.
- 4.12 As stated above, the proposed access points to the development would utilise the two existing access points and internal turning areas will be provided to ensure that future residents could access/egress the site in a forward gear.
- 4.13 The development would therefore have no significant adverse effect on the safety of road users.

### **GROUND CONDITIONS & MINERALS**

- 4.14 The site currently forms a developed parcel of land which is currently in use as residential development. Accordingly, there are no significant sources of contamination associated with the sites current use. Accordingly, the environmental risk arising from the ground condition at the subject site is Low.
- 4.15 Final details associated with ground conditions at the site will be agreed via planning condition and at the reserved matters stage when the final details in respect of the development are known.

### **CONCLUSION**

- 4.16 On account of the information presented in this section, it is considered that the development proposals comply with the guidance presented in the Framework and the Development Plan.

4.17 The development proposals can be considered Sustainable Development as defined by the Framework and consequently there is a presumption in favour of granting planning permission for this development without delay in accordance with Paragraph 11(d) of the NPPF.

## 5.0 CONCLUSION

5.1 This statement provides a review of relevant planning policy at the national and local levels. It demonstrates considerable support for the proposed development of the application site.

5.2 The planning justification for the proposed development of the site is summarised as follows: -

- The development is seeking outline planning permission for two residential dwellings, one of which is a replacement dwelling.
- The site can be characterised as Grey Belt Land.
- The development proposals would meet with all of the criteria prescribed in Paragraph 155 of the Framework.
- Having regard to the guidance presented in Paragraph 11 (d) of the Framework, as the relevant development plan policies of the Kirklees Local Plan are out of date by virtue of the Council being unable to demonstrate a 5-year deliverable supply of housing, the 'tilted balance' is engaged.
- Planning permission should be granted for the development unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- The development proposals will make a small, but important contribution to meeting identified and evidenced local housing needs. Substantial weight should be given to this benefit in the determination of the planning application
- The benefits that the development will deliver will clearly outweigh any environmental harm.
- The development proposals are situated in a **suitable** and sustainable location in respect of existing settlement form and there are no technical or environmental (built or natural) constraints that would preclude the development of the site.
- The site is **available** now as the applicant is actively seeking to secure planning permission for the residential development of the site.
- The site can also be considered **achievable** as new homes can be viably delivered at the site within the next 5 years.
- The submitted plans identify that the proposals have the potential to deliver a high-quality development that reflects the character of the site and its surroundings.
- There are no technical or environmental issues that would constrain the site's development.
- The development proposals meet the Framework's definition of Sustainable Development and there is therefore a presumption in favour of granting planning permission for this development without delay.

5.3 Taking all of the above into account, in applying paragraph 11(d)(ii) of the Framework, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken

as a whole and having particular regard to key policies for significantly boosting the supply of homes. The development proposals should therefore be approved by the Council without delay.