



Planning Statement

Demolition of existing barns and construction
of 4 dwellings

Land at BROWNHILL FARM, OLD LANE,
BIRKENSHAW, BD11 2JL

Prepared for Broadleaf Property Management Ltd.

Document:

Planning Statement

Site:

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Project:

Demolition of existing barns and construction of 4 dwellings

Client:

Broadleaf Property Management Ltd.

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1. Introduction

- 1.1 Prism Planning has been engaged by Broadleaf Property Management Ltd to provide planning advice, support and guidance in the preparation and submission of a planning application regarding the redevelopment of the site of existing barns and agricultural outbuildings to provide 4 replacement dwellings.
- 1.2 The purpose of this Planning Statement is to support the planning application by setting out the context of the proposed development; outlining the planning policy framework relevant to the consideration of the planning application; and considering those matters relevant to land use planning and material to the consideration and determination of the application.
- 1.3 In addition to this Planning Statement, the planning application submission includes the following documentation:
- Application form;
 - Site Location plans;
 - Architectural Plans and drawings;
 - Refuse Vehicle Autotrack Overlay.
 - Design and Access Report.
 - Combined Preliminary Ecological Appraisal and Biodiversity Assessment;
 - Live BNG Baseline Assessment
 - Coal Mining Risk Report.
 - Preliminary Contamination Report
- 1.4 It will be shown that the proposed development represents an appropriate form of sustainable development at this location; is acceptable in planning terms; and that it accords with relevant prevailing local planning policies (Kirklees Local Plan, February 2019) together with government guidance as set out in the National Planning Policy Framework, December 2024.

2. The Site and Surrounding Area

- 2.1 The application site is formed from the curtilage of a former farm, located on the east side of the village of Birkenshaw in the north of the Borough.
- 2.2 Although classed as a village, Birkenshaw has a range of facilities including a Health Centre, primary schools, community centre, a range of shops, a post office and a library.
- 2.3 The farm is accessed from a 200m long private road, coming off Old Lane, a main bus route through the village. There is a bus stop immediately at the junction of the farm access road with Old Lane, which serves the 283 and 283A bus services running between Bradford and Dewsbury.
- 2.4 There is a northern spur off the access road to the main Birkenshaw Allotments which are located to the north west of the main farm complex. Between the allotment spur and the public highway a series of improvement works have already taken place on the private road consisting of installation of passing places, refuse storage areas and junction improvements, lawfully implemented pursuant to previous approval for barn conversions at the site, the details of which are set out in the following section of this report.
- 2.5 The application site lies to the east of the original farmhouse, currently in separate ownership and domestic occupation, and extends to approximately 0.2 Ha (0.44 acres).
- 2.6 The site is occupied by an extensive range of former farm buildings which cover the majority of the site.
- 2.7 Figure 1 overleaf shows the general location of the site in relation to the village and farmhouse:



Figure 1 General location and extent of the application site -Source Google Earth 2025.

- 2.8 For the most part the application site itself is level although the land falls away towards the south, with commanding views over the M62 motorway corridor below.
- 2.9 The application site is surrounded on three sides (north, east and south) by open pasture fields used for grazing of stock and sourcing of hay crops.
- 2.10 To the immediate west lies the original Brownhill farmhouse, separated from the original farm complex by ancillary domestic outbuildings including garaging.
- 2.11 The existing outbuildings on the site are constructed out of a mixture of brick, blockwork, concrete panels, steel and sheet material. They are not statutorily listed or locally designated heritage assets.
- 2.12 Pursuant to previous consents approving the conversion of some of the outbuildings at the site, work has started and been paused on their conversion to residential use. As a result of previous planning consents being lawfully implemented, the status of the buildings is that they are no longer in agricultural use but are not yet fully in domestic use.
- 2.13 It is contended that having regard to the definition of Previously Developed Land (PDL) in Annex 2 to the Framework, the site currently should be considered as PDL, it not being in agricultural use and not yet reclaimed by nature.
- 2.14 The site currently has a range of building materials, scaffolding and civil engineering plant on stored on it.
- 2.15 Photos of the application site and surroundings are provided at Appendix A.

Relevant Planning History (most recent first)

Application 2022/93445

Discharge condition 6 (footway link) on previous permission 2019/92722 for alterations, part demolition and erection of extension to existing farm buildings to create 3 dwellings

Brownhill Farm, Old Lane, Birkenshaw, BD11 2JL

Received on 20-Oct-2022

Application approved

Application 2019/92722

Alterations, part demolition and erection of extension to existing farm buildings to create 3 dwellings

Brownhill Farm, Old Lane, Birkenshaw, BD11 2JL

Received on 14-Aug-2019

Application approved, comment period has ended

Application 2019/90576

Outline application for erection of detached dwelling

Brownhill Farm, Old Lane, Birkenshaw, BD11 2JL

Received on 22-Feb-2019

Application refused.

Application 2008/93593

Alterations to external elevations

Brownhill Farm, Old Lane, Birkenshaw, Bradford, BD11 2JL

Received on 07-Oct-2008

Application approved.

3. Proposed Development

- 3.1 In summary, planning permission is sought for the removal of all of the present agricultural buildings and their replacement with 4 individually designed dwellings.
- 3.2 The existing agricultural buildings comprise of five linked blocks of different proportions. The redevelopment consists of 4 detached dwellings.
- 3.3 The existing agricultural buildings have a footprint of 884.1m² and a volume of 3661.1m³. The proposed scheme has a footprint of 537.3m² (across four dwellings) – a reduction of 39% - and a volume of 2814.7m³ (a reduction of 23%).
- 3.4 The proposed dwellings are all 5 bedded properties, with a mixture of single and double storey elements, grouped around a turning head designed to facilitate the manoeuvring of a large refuse vehicle, as evinced by the 'Autotrack' layout drawing accompanying the application.
- 3.5 The properties have a mixture of double and single integral garages with a further two parking spaces per property externally located on permeable paving.
- 3.6 The new houses would be constructed out of a mixed palette of materials which includes brick, heat treated wood, slate roofs and aluminium powder coated doors and windows.
- 3.7 A detailed rationale for the proposed design and further design information is contained within the supporting Design and Access Statement prepared by JG-Design and this should be read alongside this statement.
- 3.8 The application submission includes a Preliminary Ecological Appraisal and BNG baseline assessment, prepared by Earnshaw Ecology, based upon site visits carried out in April 2025.
- 3.9 This document is referred to at paragraph 5.4.9 of this report below and discussed further at section 5.7 of this Statement.
- 3.10 Given the low baseline value of the site, the necessary uplift in BNG value of the site is achieved by simply creating vegetated garden areas from a site which is, for the most part covered in concrete/tarmac or buildings. There is also an unrequired but nevertheless beneficial uplift in linear BNG habitat caused by the incorporation of small areas of hedging within the scheme.

4. Planning Policy Review

4.1 Introduction

- 4.1.1 The statutory Development Plan is the starting point for decision making and is indicated to be of paramount importance under the Town and Country Planning Act 1990, as reaffirmed by the Planning and the Compulsory Purchase Act 2004. Applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Central government guidance, especially where it post-dates older development plans, can also be particularly relevant.
- 4.1.2 The Development Plan relevant to the proposed development comprises the Kirklees Local Plan, adopted 2019. Relevant development plan policies will be considered below.
- 4.1.3 Section 143 of the Localism Act also requires the Local Planning Authority to take local finance considerations into account where they exist.
- 4.1.4 The Planning Authority shall therefore have regard to:
- the provisions of the development plan outlined above, so far as material to the application;
 - any local finance considerations, so far as material to the application, and;
 - any other material considerations.
- 4.1.5 Government planning policy and relevant to the consideration of this proposal is set out in the National Planning Policy Framework (as revised, December 2024). The National Planning Policy Framework (The Framework) sets out the national requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. Although not a statutory component of the development plan, The Framework is a most significant material consideration and considerable weight should therefore be afforded to this policy document. Relevant extracts will be considered below.

4.2 Local Planning Policy

Kirklees Local Plan, Adopted 2019

- 4.2.1 The Kirklees Local Plan was formally adopted in February 2019 and is now more than 5 years old. The weight to be given to the plan is a matter for the decision maker and will be discussed in a later section of the report.
- 4.2.2 The following policies in the Local Plan are potentially relevant to the consideration of the application:

Policy LP1 (Presumption in favour of sustainable development) sets out a broad and positive approach towards new development, consistent with Paragraphs 10 to 14 of the Framework.

Policy LP2 (Place shaping) is a plan wide generic policy which requires that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places.

4.2.3 Under the supporting text for this policy, it is identified that the application site sits within the Batley and Spen Sub Area, as identified in Figure 5 of the Local Plan, reproduced below:

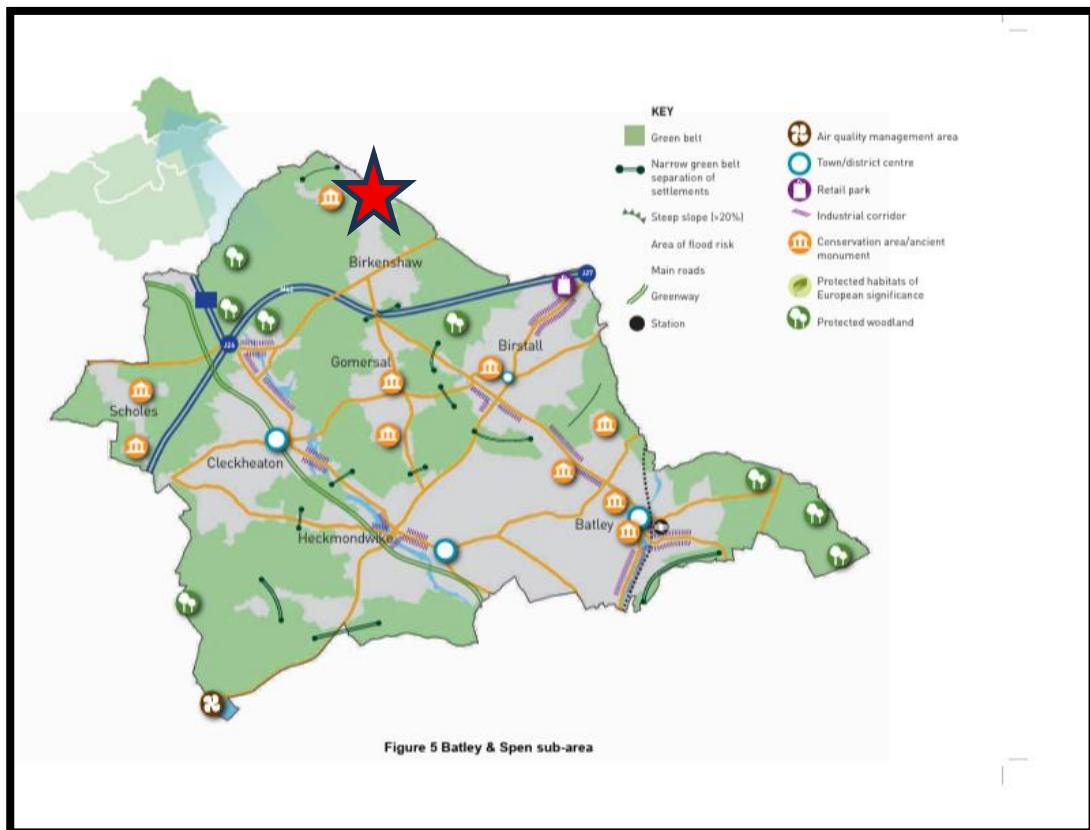


Figure 2 Extract of Kirklees Local Plan 2019

Policy LP7 (Efficient and Effective Use of Land and Buildings) seeks to encourage the re-development of previously developed land and buildings as a matter of principle, provided in doing so that a site is not of high environmental quality.

Policy LP11 (Housing Mix and Affordability) sets out the Council's overall approach to secure affordable housing and a mixture of sizes and tenures, with the policy recognising the main thrust of the policy applies to schemes of 10 units or more.

Policy LP20 (Sustainable travel) Seeks to minimise the need to travel by private car by ensuring that development is sustainably located with access to multiple modes of travel.

Policy LP21 (Highways and Access) follows on from the above policy and seeks to ensure that sites have safe means of access on to the public highway.

Policy LP24 (Design) seeks to encourage good design and sets out a series of criteria to be considered that can help lead to good design.

Policy LP30 Biodiversity & Geodiversity seeks to deploy a range of considerations to ensure that new developments do not adversely impact upon certain sensitive areas as well as the broader considerations of enhanced biodiversity.

Policy LP32 Landscape is a simply worded policy which seeks to ensure that new development fit neatly in the landscape of the plan area.

Policy LP53 (Contaminated and unstable land) deals with the practical aspects of new development taking place in an area where historic mining and industrial legacies can adversely impact upon present human health and wellbeing. It requires appropriate investigation and remediation in association with new development.

Policy LP57 (The extension, alteration or replacement of existing buildings.) applies specifically in the context of proposal within the Councils Green Belt and takes a positive attitude towards replacement, subject to compliance with other policies such as design and any new buildings not having any greater impact upon openness than the present structures.

Policy LP59 Brownfield sites in the Green Belt follows on from the previous policy and takes a similarly positive line to the redevelopment of brownfield sites within the identified Green Belt, also seeking compliance with design policies and ensuring that the footprint of the original development is not exceeded.

- 4.2.4 There are no site-specific policies on the Local Plan Proposals map considered relevant to the determination of this application apart from the site being located within the defined Green Belt as noted above.
- 4.2.5 Full Copies of all of the relevant policies are contained in Appendix B.

4.3 National Planning Policy & Guidance

National Planning Policy Framework

- 4.3.1 The National Planning Policy Framework (The Framework), as revised and published in December 2024, sets out the Government’s planning policies for England on a number of topics and advises how these are expected to be applied. It sets out the national requirements for the planning system, but only to the extent that it is relevant, proportionate and necessary to do so. The Framework is a material consideration in decisions on planning applications and planning appeals.
- 4.3.2 Paragraph 39 of The Framework is of key importance with reference to the consideration of planning applications and states:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”
- 4.3.3 Paragraph 48 refers to the determination of planning applications and acknowledges that the planning system is plan-led and that planning law requires that planning applications be determined in accordance with the development plan, unless material considerations indicate

otherwise, and advises that decisions on applications should be made as quickly as possible and within statutory timescales, unless a longer period has been agreed by the applicant in writing.

- 4.3.4 With reference to the determination of applications and the imposition of conditions, paragraph 57 states:

“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.”

Part 2, Achieving Sustainable Development

- 4.3.5 Part 2 of the Framework sets out the broad objectives of sustainable development, noting in paragraph 8 the three interlinked strands of social, economic and environmental objectives that make up sustainability as a concept. Paragraph 9 advises that the three sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework and stresses that they are not criteria against which every decision can or should be judged. Indeed, local circumstances should be taken into account, to reflect the character, needs and opportunities of each area.

The Presumption in Favour of Sustainable Development

- 4.3.6 Paragraphs 10-14 of The Framework refer the presumption in favour of sustainable development. Paragraph 10 confirms that the presumption in favour of sustainable development is at the heart of The Framework while paragraph 11 provides the following guidance for decision makers:

- *“approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 4.3.7 Paragraph 12 clarifies the relationship between sustainable development principles and up to date local plans, noting that the later would normally take precedence and stating:

“Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 4.3.8 The Framework identifies a number of ways in which sustainable development can be delivered. Those relevant to the proposed development will be considered below.

Part 5, Delivering a Sufficient Supply of Homes

- 4.3.9 There is an identified need to increase housing in England & Wales, and the issue is regularly discussed in the media. In this regard, paragraph 60 of the Framework clearly states that:

“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

4.3.10 Paragraph 63 further advises that:

“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but not limited to) those who require affordable housing, families with children, older people (including those who require retirement housing, housing-with-care and care homes, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”

4.3.11 Paragraph 73 recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly”.*

4.3.12 Under the heading, ‘Rural Housing’, paragraph 84 of The Framework advises that decisions should avoid the development of isolated homes in the countryside unless certain identified circumstances criteria apply. With reference to the subject proposal, the site can hardly be said to be isolated, as it lies on the edge of Birkenshaw. Furthermore, the proposal refers to the redevelopment of the site of a brownfield site.

Part 9, Promoting Sustainable Transport

4.3.13 Paragraph 110, while acknowledging that the planning system should actively manage patterns of growth in support of sustainable transport objectives, accepts that opportunities to maximise sustainable transport solutions will vary between rural and urban areas and that this should be taken account of in determining planning applications for developments in rural areas.

4.3.14 Paragraph 116, refers to the consideration of traffic impact arising from new development, advising that *“development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”.*

Part 11, Making Effective Use of Land

4.3.15 Paragraph 124 advises that LPAs should promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

4.3.16 Continuing on this theme, paragraph 129 advises that LPAs should support development that makes efficient use of land, taking into account: the identified need for different types of housing and the availability of land suitable for accommodating it; the availability and capacity of infrastructure and services, both existing and proposed, and the scope to promote sustainable travel modes that limit future car use; the desirability of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

Part 12, Achieving Well Designed Places

4.3.17 The principles of good design are heavily promoted through paragraphs 131-141 of The Framework, with good design being seen as a key aspect of sustainable development, creating

better places in which to live and work and helping make developments acceptable to local communities.

4.3.18 Paragraph 135 identifies 6 objectives that planning policies and decisions should seek to ensure that new developments secure, namely that they:

- Function well and add to the long-term quality of the area;
- Are visually attractive through effective architecture, layouts and landscaping;
- Are sympathetic to local character and history whilst not discouraging innovation or change;
- Establish or maintain a strong sense of place through street layout, spaces and building materials;
- Optimise site potential to encourage mixes of development including green and public space; and
- Create safe inclusive accessible developments that promote health and wellbeing.

Part 13 Protecting Green Belt Land

4.3.19 Paragraph 143 sets out the five purposes of the Green Belt, namely;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3.20 Paragraphs 153 to 155 set out the approach to the control of development within defined Green Belts.

4.3.21 Para 153 notes that development that affects the openness of the Green Belt will be regarded as inappropriate development and should be refused. However, there is a clarification footnote to this paragraphs which clarifies how this principle should be interpreted, noting:

Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

4.3.22 Paragraph 155 sets out 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 proposed⁵⁶;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and.*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

4.3.23 Footnotes 56 and 57 clarify that:

56 Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.

57 In the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13.

4.3.24 Annexe 2 (Glossary) of the Framework defines ‘Grey Belt’ and ‘Previously Developed Land’ as constituting:

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.*

Previously developed land: *Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

Part 15, Conserving and Enhancing the Natural Environment

4.3.25 Paragraphs 187-191 refer to the conservation and enhancement of the natural environment. With reference to the subject proposal, paragraph 180 is the key reference point and states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Other Considerations

Kirklees Council Kirklees Housing Delivery Test Action Plan May 2025

- 4.3.26 The following excerpt from the Executive Summary of the above documents highlights the position of the Council in terms of the delivery of a sufficient supply of homes:

On 12th December 2024, the government published the 2023 Housing Delivery Test results. The Kirklees result for the three years to 2023 was reported as 54%, which is below the threshold for passing the test (75%), and consequently triggers the presumption for sustainable development, as set out in paragraph 11 of the National Planning Policy Framework (NPPF) December 2024. In addition to triggering the presumption, the consequence of falling below 85% triggers a 20% buffer to be applied to the five-year housing land supply figure, as well as an action plan for falling below 95%. (our emphasis).

- 4.3.27 In relation to the specific availability of a five-year land supply, the same documents notes that:

*3.6 Since adoption of the Kirklees Local Plan in February 2019, the council had successfully maintained a continuous five-year supply of housing land. During this time plan-led development has delivered 3,843 new homes in the district. However, the 2023 update of the five-year housing land supply position, carried out as part of the Authority Monitoring Report (AMR) published in December 2023, demonstrated a **3.96 year** supply of housing land. As a consequence of failing the 2023 Housing Delivery Test a 20% buffer will need to be applied to the 2025 update of the five-year housing land supply. **(Our emphasis)***

4.4 Concluding Planning Policy Remarks

- 4.4.1 Twelve Development Plan policies have been identified as bearing relevance to the consideration and determination of the subject planning application. Overall, it is considered that the proposed development is compliant with the identified Development Plan policies. A detailed consideration of these policies is provided in Section 6 of this Statement.
- 4.4.2 Similarly, it is our firm opinion that the prevailing message of The Framework, the presumption in favour of sustainable development supplemented by the call for development proposals that accord with the Development Plan to be approved without delay, strongly favours the granting of planning permission in respect of the proposed development. The identified extracts from The Framework will be considered in greater detail in Section 6 of this Statement.

5. Material Planning Considerations

5.1 Introduction

5.1.1 The proposed development has been assessed against national and local planning policy and guidance and other material planning considerations. It is considered that the key planning issues relevant to the consideration and determination of the subject planning application are:-

- The principle of the proposed development;
- Impact upon the Green Belt
- Sustainability;
- Design considerations;
- Traffic and highway considerations;
- Ecological considerations;
- BNG considerations.
- Fall Back position
- Contamination and Coal Mining Risk
- Planning Policy Considerations
- Other Matters
 - Flood Risk
- The planning balance.

5.2 The Principle of Development

5.2.1 Kirklees Council by their own admission are unable to demonstrate a 5-year supply of housing land, as detailed in their Housing Delivery Test Action Plan of May 2025 which then triggers the weighted presumption in favour of housing schemes set out at paragraph 11 of the Framework.

5.2.2 Furthermore, it is also the case that the application site, although once agricultural, is no longer lawfully being used for agriculture and should be considered as previously developed land. The site is located on the edge of a village, not in any strategic gap or Green Wedge identified in the adopted Local Plan.

5.2.3 In particular the application site does not serve any function relating to the checking the unrestricted sprawl of large built-up area. Similarly, it does not perform a role preventing neighbouring towns merging into one another, nor does perform a role relating to the preservation of the setting and special character of any historic town. As such, the site meets the new policy requirements for being considered a grey belt Site.

5.2.4 Housing development on a grey belt site, particularly in an area of identified housing shortage, is not inappropriate development, as confirmed in para 155 of the Framework and is therefore acceptable in principle.

5.2.5 In light of all of the above, it is considered that the proposed development is acceptable in principle.

5.3 Impact upon the Green Belt

5.3.1 Section 5.2 sets out the arguments for the principle of the proposed development being acceptable as a matter of fundamental principle and it is not necessary to repeat those arguments.

5.3.2 Paragraph 153 of the Framework notes that:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.

5.3.3 However, footnote 55 to the paragraph clarifies that this does not apply:

Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

5.3.4 The authority will appreciate that the application site is both ‘previously developed’ and ‘grey belt’.

5.3.5 Moreover, as has been made clear in the development description, the proposed dwellings represent a 39% reduction in built floorspace and a 23% reduction in volumetric size compared with the volume and footprint of the proposed houses.

5.3.6 As such the proposed development has a very positive impact upon the openness of the Green Belt, a long-established core concept associated with its protection.

5.3.7 In the light of all of these practical points, it may be concluded that the development will not conflict with National Green Belt Policy.

5.3.8 It will be appreciated that policies in the Kirklees Local Plan in respect of the Greenbelt are now out of date in terms of the consideration of grey belt and the associated 2024 reforms introduced by the government to help boost the supply of housing. However, to the extent that Policies LP157 and LP159 make reference to new development proposals not being larger than those they replace, there is a broad congruence with the Local Plan in these important respects.

5.4 Sustainability

5.4.1 The National Planning Policy Framework has at its heart the clear presumption in favour of sustainable development with the instruction that planning applications which propose sustainable development should be approved without delay. Paragraph 7 of The Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 identifies three over-arching objectives to the achievement of sustainable development, namely: the economic objective; the social objective; and the environmental objective. These objectives are interdependent and need to be pursued in mutually supportive ways. Each of these objectives will be considered below in the context of the proposed development.

Economic Objective

5.4.2 Paragraph 8 of The Framework defines the economic objective as follows:

“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”.

5.4.3 The proposed development will provide work for employees of a local construction firm and associated contractors (M&E fit out, drainage, painting & decorating, carpet fitting etc).

5.4.4 The proposed development will have a positive economic impact.

Social Objective

5.4.5 Paragraph 8 of the Framework defines the social objective as follows:

“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.

5.4.6 The proposed development will add to the vitality of Birkenshaw Village, supporting local services such as primary schools, the village hall and other local facilities and amenities.

5.4.7 The proposed development meets the social objective.

Environmental Objective

5.4.8 Paragraph 7 of NPPF defines the environmental objective as:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

5.4.9 The application submission includes a Preliminary Ecological Appraisal, prepared by Earnshaw Ecology. The appraisal was undertaken to identify and assess the likely impacts that the proposed development may have on ecological resources at the application site. It was noted that the development will retain and enhance the highest value habitats present on-site and ensure a sensitive approach to lighting and design to limit impacts on the onsite and adjacent habitats and species. No further surveys are considered necessary. A series of mitigation and enhancement measures have been recommended. Overall, it is considered that the proposed development will not result in a significant adverse impact on protected species or habitats of ecological importance. The Preliminary Ecological Appraisal is discussed in more detail in Section 5.7 below.

5.4.10 The site is situated within the Green Belt but it is not a Site of Special Scientific Interest nor is it subject to any site-specific environmental designation in the Kirklees Local Plan.

5.4.11 As detailed in Paragraph 5.11.1 the site lies within Flood Zone 1 (the lowest risk of fluvial or tidal flooding). Moreover, the site and immediate surroundings are at very low risk of surface water flooding and ground water flooding and at no risk of flooding from reservoirs.

- 5.4.12 The proposed development meets the environmental objective.
- 5.4.13 In light of the above, it is considered that the proposed development represents sustainable development. It accords with guidance set out at paragraphs 7 and 8 of The Framework in this respect. Furthermore, the development accords with relevant policies in the Kirklees Local Plan, to the extent that they are relevant to the proposal, recognising that policies relating to the Green Belt and Housing supply are now out of date.
- 5.4.14 As a consequence, paragraph 10-12 of the Framework should be noted, and an initial view be taken that the application be approved unless other material planning considerations indicate otherwise. These other material considerations will be considered below.

5.5 Design Considerations

- 5.5.1 The proposed development involves the demolition and clearance from the site of a group of functional farm buildings which have not been used for active farming for a number of years.
- 5.5.2 The buildings have a large mass, derived from their practical form and function.
- 5.5.3 The new dwellings seek to replace those structures with bespoke architecture which takes its influences from the previous farm buildings but involves a more spacious development with a smaller mass, height and footprint.
- 5.5.4 The new development will have a positive impact upon the openness of the Green Belt in this location and will be augmented by a new belt of wildflowers around the periphery of the site.
- 5.5.5 The development will unquestionably be of a higher quality and design ethos than the alternative fallback of the approved conversion scheme which was inevitably constrained by its initial starting point of utilising the existing buildings, despite their appearance.

5.6 Traffic and Highway Considerations

- 5.6.1 The proposed dwelling is to be accessed off a private road which already accommodates significant traffic going to the village's adjacent allotments.
- 5.6.2 The applicant has already entered into the necessary agreements under the Highway Act with the Highway Authority to implement a localised junction improvement scheme at the intersection of the private road within the application with Old Road. The details of this were agreed as part of the discharge of conditions for the previously approved conversion proposals which were lawfully implemented but not completed.
- 5.6.3 In practical terms, the already approved junction improvements will serve not only the proposed development but also the users of the allotment, giving rise to a degree of betterment to a wider range of users, directly as a consequence of the application.

- 5.6.4 It has been demonstrated that the proposed development lies within an acceptable walking distance of a main bus route, with the connection point being immediately at the intersection of the application site with Old Road. There is therefore an ability to access public transport on the doorstep of the development and there are a range of other village services within convenient walking and cycling distances.
- 5.6.5 In respect of the above points the development is fully compliant with the Policy requirements of LP20 & 21, as well as confirming with the advice in Part 9 of the Framework.

5.7 Ecological and Biodiversity Net Gain Considerations

- 5.7.1 The application submission includes a Preliminary Ecological Appraisal, prepared by professionally qualified ecologists, carried out under optimum conditions in April of this year.
- 5.7.2 Their detailed report forms part of the application and confirms that there are no protected species likely to be affected by the proposed development.
- 5.7.3 The report suggests a number of practical measures to ensure that broader ecological interests such as breeding birds are not adversely affected by the proposed development and it is presumed that the LPA will wish to secure the full implementation of the report by means of suitable planning conditions?
- 5.7.4 In relation to the requirement for a 10% uplift in BNG, the LPA will appreciate that the BNG value of the existing site is very low, with the majority of the site covered by either concrete or building footprints.
- 5.7.5 The live BNG Excel based metric identifies that the site currently supports 0.76 area Habitat Units and no linear or watercourse units.
- 5.7.6 The proposed mitigation included within the scheme would deliver an estimated 0.08 area habitat improvements, equivalent to a 10.59% uplift in BNG value, as well as 0.24 linear habitat units - a clear and important material consideration. The uplift in BNG arises from the creation of vegetated garden areas where none presently exist.

5.8 Fall Back Position

- 5.8.1 The LPA will appreciate that in coming to a decision on the planning merits of a proposed scheme, it is sometimes necessary to give consideration to any alternative fall-back position. Case law on this important point exists in the form of *R v Secretary of State for the Environment and Havering BC (1998)* and *Mansell v Tonbridge and Malling Borough Council*.
- 5.8.2 It has been established that in giving consideration to any fallback position, a decision maker has to not only consider the theoretical fall-back position itself but to also consider the "real prospect" of the fallback development being implemented.
- 5.8.3 In respect of the above position, the LPA will wish to reflect on not only have they previously given consideration to a scheme for conversion of the existing barns on the site to provide three dwellings but that this consent has been lawfully implemented following the submission and

approval of a detailed junction design (approved under Ref. No. 2022/93445) and with material operations relating to improving the access to the site being carried out by the applicant.

- 5.8.4 There is therefore a clear and credible alternative fall-back position to be weighed in the planning balance as an alternative to the proposed development.

5.9 Contamination and Coal Mining Risk

- 5.9.1 The submitted Coal Mining Risk report involved intrusive site investigations that were carried out in the summer of 2025 and involved 3 rotary boreholes being undertaken on the site. All three boreholes were excavated to at least 30 metres below ground level and established the depth of the underlying base rock.

- 5.9.2 The report concluded:

On the basis of all of the information provided above it is concluded that there are no significant shallow coal and/or workings beneath this site. It is also considered there is sufficient rock cover for any historic workings at depth. Therefore, it is considered that there is a null to negligible risk of ground movement as a consequence of coal workings beneath the areas of the proposed new works¹.

5.10 Planning Policy Considerations

Kirklees Local Plan, 2019

- 5.10.1 Twelve policies of the Kirklees Local Plan, namely LP1,2,7,11,20,21,24,30,32,53,57 & 59 were identified at paragraphs 4.1 to 4.17 above as bearing relevance to the consideration and determination of the subject planning application. The proposed development has been found to accord with all 12 Local Plan policies, allowing for due consideration for the fact that the policies relating to the Green Belt and Supply of Housing land are now to an extent out of date as a result of government updates to the Framework.

National Planning Policy Framework

- 5.10.2 The National Planning Policy Framework has at its heart the clear presumption in favour of sustainable development with the instruction that planning applications which propose sustainable development should be approved without delay. Paragraph 8 identifies three overarching objectives to the achievement of sustainable development, namely: the economic objective; the social objective; and the environmental objective. As discussed at section 5.3 above, it is our case that the proposed development represents sustainable development, fulfilling all three objectives.
- 5.10.3 The instruction in The Framework that “*local planning authorities should approach decisions on proposed development in a positive and creative way ... [and] ... decision-makers at every level should seek to approve applications for sustainable development where possible*” (paragraph

¹ Paragraph 7 of YourGeotechnical Limited Report, Coal Mining Investigation, Brown Hill Farm, Birkenshaw, YG0179-20 – August 2020.

38) must be borne in mind when considering this planning application and the proposed development.

5.10.4 With reference to paragraphs 4.3.5 to 4.3.25 above, there are several statements contained within The Framework which are of significance in the consideration and determination of the subject proposal. The following statements are considered to be of particular significance to the consideration and determination of this application:

- Development proposals that accord with the development plan should be approved without delay. (paragraph 11)
- Paragraph 73 recognises that *“small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly”*.
- Paragraph 116, refers to the consideration of traffic impact arising from new development, advising that *“development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”*. In this regard, it is not considered that the proposed development will result in any unacceptable or severe impacts that would justify refusing this planning application on highways grounds.
- With reference to the effective use of land, which the subject proposal encapsulates, paragraph 124 advises that LPAs should promote an effective use of land while paragraph 129 advises that LPAs should support development that makes efficient use of land.
- The principles of good design are heavily promoted through paragraphs 131-141 of The Framework. Paragraph 135 identifies 6 objectives that that new developments should secure and which it is considered the proposed development achieves:
 - *function well and add to the overall quality of the area;*
 - *are visually attractive as a result of good architecture and appropriate and effective landscaping;*
 - *are sympathetic to local character and history;*
 - *establish or maintain a strong sense of place;*
 - *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;*
 - *create places that are safe, inclusive and accessible.*
- In accordance with paragraph 187, which refers to ecological matters, the planning application is accompanied by a Preliminary Ecological Appraisal, which concluded favourably with reference to the proposed development subject to a series of recommended mitigation and enhancement measures, which can be addressed through a suitably worded planning condition.

5.10.5 It is our firm opinion that the proposed development accords with The Framework in all respects. Furthermore, it is contended that the prevailing message of The Framework, the presumption in favour of sustainable development supplemented by the call for development proposals that accord with the development plan to be approved without delay, strongly favours the granting of planning permission in respect of the proposed development.

5.11 Other Matters

5.11.1 As detailed in Figure 3 below, the application site lies within Flood Zone 1 and is not considered to be at risk of flooding from any fluvial source.

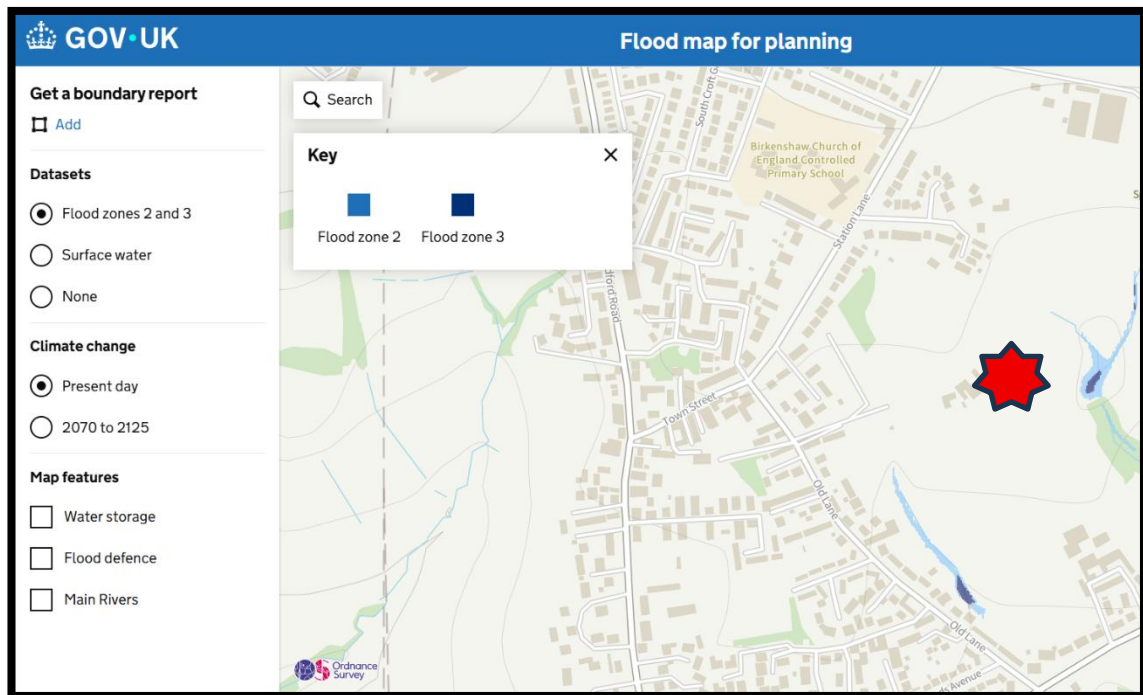


Figure 3 Application site in relation to areas of flood risk - Source .Gov, 2025.

5.11.2 Similarly in relation to known risks of surface water flooding, the application site is not located in any area of known risk, as confirmed in Figure 4 overleaf:

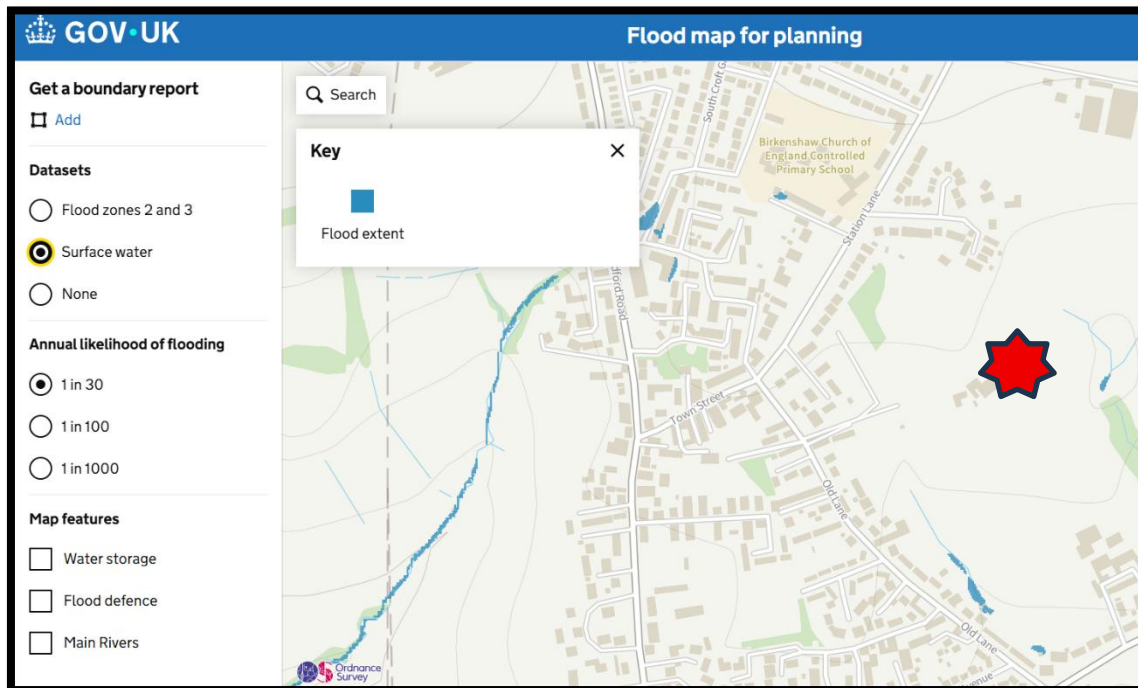


Figure 4 Application site in relation to areas of known surface water flood risk - Source .Gov, 2025.

5.12 The Planning Balance

- 5.12.1 Section 38 (6) of the Planning and the Compulsory Purchase Act, 2004 provides that all decisions must be determined in accordance with the Development Plan, when taken as a whole, unless other material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.
- 5.12.2 The Development Plan and relevant policies contained therein are described in Section 4 of this Statement together with further material planning policy considerations in the form of The Framework.
- 5.12.3 As discussed at section 5.6 above, the proposed development accords with the relevant policies of the Kirklees Local Plan, 2019 and is in full accordance with The Framework.
- 5.12.4 It has been demonstrated that the proposal is acceptable in principle; that it represents sustainable development; and, that it will not have any significant adverse impacts upon the surrounding area.
- 5.12.5 In light of the above, the presumption in favour of sustainable development, as set out at paragraph 11(d) of the Framework, is engaged. With reference to footnote 7 to paragraph 11(d), the proposed development will not adversely impact any designated assets and there are no adverse impacts which significantly or demonstrably outweigh the benefits of the proposed development. Accordingly, paragraph 11 of The Framework directs the decision maker to approve this planning application.

6 Summary and Conclusion

6.1 Summary

- 6.1.1 This application seeks planning permission for the demolition of buildings on the site and the erection of 4 replacement dwellings on their footprint.
- 6.1.2 Section 5 of this Statement reviewed the material planning considerations, including the planning policy background relevant to the consideration of the planning application, and concluded that the proposed development is policy compliant with reference to the relevant policies of the Kirklees Local Plan, 2019 together with guidance contained in The Framework.
- 6.1.3 Furthermore, it has been concluded that the proposal is acceptable in principle; that it represents sustainable development; and that it will not have any significant adverse impact upon the surrounding area in terms of visual, landscape, traffic and highways, or other amenity environmental considerations. It has also been shown that any impacts arising from the development would not be significant and would be outweighed by the benefits arising from the development.
- 6.1.4 In particular it has been shown that the Council have an urgent need for housing in sustainable locations to help make up their admitted shortfall, with a weighted presumption in favour of this scheme clearly applying.
- 6.1.5 The analysis shows that following the introduction of the new concept of grey belt, within an adopted Green Belt, the development of this site would not adversely affect policies affecting development within the Green Belt.

6.2 Conclusion

- 6.2.1 In conclusion and in light of the above, it is submitted that the proposed development is acceptable and represents an appropriate form of sustainable development for the site.
- 6.2.2 Accordingly, it is hoped that the Local Planning Authority will look favourably upon this planning application and grant planning permission subject to appropriate conditions. Notwithstanding, we remain willing to discuss any aspect of the proposed development with the Local Planning Authority, should this be necessary and/or desirable.

Appendix A: Photographs of the Site and Surroundings



Photo 1 – Looking south towards the site from the north.



Photo 2 – Looking west towards the site from the east.



Photo 3 – Looking north west towards the site from the south east.



Photo 4 – Looking north towards the site from the south



Photo 5 – Looking north east towards the site from the south west.



Photo 6 – Looking east towards the southern edge of the site from the west.



Photo 7 – Looking south towards the site from a central position in the north.



Photo 8 – Site Entrance



Photo 9 – Site Entrance

Appendix B: Policy Extracts of Kirklees Local Plan (February 2019)

Policy LP1 Presumption in favour of sustainable development

When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;
- b. or b. specific policies in that Framework indicate that development should be restricted.

Policy LP2 Place shaping All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below:

Statement Place Shaping-

Batley and Spennings Dale Strengths/opportunities for growth good motorway links to M62. Greenway network in the Spennings Dale Valley encourages walking and cycling.

Attractive buildings reflecting the area's industrial heritage and public spaces, particularly in Batley and Birstall.

A range of settlements with distinctive characters, which are protected in Conservation Areas. Attractive countryside between settlements, primarily in the Spennings Dale Valley, with recreation and leisure opportunities at Oakwell Hall and via walking and cycling connections to Dewsbury Country Park. Batley, Cleckheaton and Heckmondwike centres provide for the food shopping needs of residents, Batley particularly is an important cultural and leisure hub in the north of the district and Birstall is a district centre meeting day to day shopping needs.

Oakwell Hall and Wilton Parks have Green Flag awards and are leisure and recreation assets for the area. Strong housing market area around Birstall, Gomersal, Upper Batley and Cleckheaton.

Good local employment opportunities in Batley, Birstall and Cleckheaton. Gentle slopes provide the opportunity to expand settlements. The Spennings Dale River and Batley Beck have the potential to be opened up more to create attractive environments.

Out of centre retail and leisure park at Birstall, attracts visitors from a wide area and provides an opportunity to create linked trips to towns in north of the district. Challenges to growth Traffic congestion on main routes and at junctions. Rail services are restricted to local services at Batley. Bus journeys to larger towns and cities tend to be indirect and experience congestion. Narrow Green Belt gaps between many settlements in the Spennings Dale Valley. Higher

than average empty shops and offices in Batley town centre. Poor environmental quality in some areas reduces the potential for investment. The redevelopment of brownfield sites, particularly in the Spen and Batley Beck valleys which are at risk of flooding. Noise and air quality issues associated with motorway around Cleckheaton, Birkenshaw, Gomersal, Birstall and Oakenshaw.

Pockets of high unemployment, deprivation and poor health. Out of centre retail and leisure park at Birstall, attracts visitors from a wide area and plays an important retail role, meaning it is necessary to reinforce the role of main town centres in north of the district.

Policy LP7 Efficient and effective use of land and buildings

To ensure the best use of land and buildings, proposals: a. b. c. d. a. b. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value; should encourage the reuse or adaptation of vacant or underused properties; should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value; will allow for access to adjoining undeveloped land so it may subsequently be developed. Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme: developments should achieve a net density of at least 35 dwellings per hectare, where appropriate; higher densities will be sought in principal town centres and in areas close to public transport interchanges.

Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs; d. more detailed density requirements may be set out in area actions plans, neighbourhood plans, supplementary planning documents and development briefs, where appropriate.

Policy LP11 Housing Mix and Affordable Housing

All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing.

This includes consideration of provision for those with specialist needs. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.

The council encourages the inclusion of appropriate design elements that ensure buildings are suitable or can be adapted to meet the needs of people needing specialist accommodation at present and into later life. The council will encourage proposals for custom/self-build homes where consistent with other policies in the Local Plan.

Taking into account the annual overall shortfall in affordable homes, the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, including proposals involving self-contained residential units. The proportion of affordable homes should be 20% of the total units on market housing sites. The proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal.

Achievement of a higher proportion of affordable housing on sites will be encouraged. The affordable homes should be incorporated within the development but where justified, a financial contribution of at least equal value may be accepted to provide affordable homes

elsewhere or to re-use or improve the existing housing stock. The affordable housing provision should: a. b. c. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups; incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and be indistinguishable from market housing in terms of achieving the same high quality of design. Exceptionally, planning permission may be granted for affordable homes on land which would not normally be permitted for housing development, where there is otherwise little prospect of meeting robustly evidenced local needs particularly for housing to rent by people who work locally. Where appropriate, such schemes must include arrangements for the homes to remain affordable in perpetuity.

Policy LP20 Sustainable travel

New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.

The council will support demand management measures which discourage single occupancy car travel within new development and encourage the use of low emission vehicles to improve areas with low levels of air quality. Proposals should include measures to encourage the use of sustainable travel options, including public transport, the promotion of personal journey planning, walking, cycling, car sharing, electronic communication and home working.

Travel plans will normally be required for all major planning applications in accordance with current guidance and should set targets and monitoring arrangements to ensure sustainable travel patterns are maintained. Travel plans should include agreed and defined outcomes related to a package of specified measures to be implemented including an approach to lower carbon emissions where applicable.

The requirement of a travel plan will also be considered on case by case basis where the proposed development falls below the major application category where it has the potential to generate significant transport movements and/or has insufficient off-street parking within the vicinity of a stressed part of the highway network. Proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. Proposals will be required to facilitate the needs of the following user hierarchy: a. b. c. d. pedestrians cyclists public transport private vehicles.

Policy LP21 Highways and access

Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

New development will normally be permitted where safe and suitable access to the site can be achieved

For all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network. All proposals shall:

a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;

- b. where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;
- c. be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;
- d. take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;
- e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;
- f. take into account access for emergency, service and refuse collection vehicles;
- g. provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes.

Policy LP24

Design

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review. Proposals should promote good design by ensuring:

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
- b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;
- c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;
- d. high levels of sustainability, to a degree proportionate to the proposal, through:
 - i. The re-use and adaptation of existing buildings, where practicable;
 - ii. design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;
 - iii. considering the use of innovative construction materials and techniques, including reclaimed and recycled materials;
 - iv. where practicable, minimising resource use in the building by orientating buildings to utilise passive solar design. This includes encouraging the incorporation of vegetation and tree planting to assist heating and cooling and considering the use of renewable energy;
 - v. providing charging points to encourage the use of electric and low emission vehicles;
 - vi. incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;
 - vii. designing buildings that are resilient and resistant to flood

risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;

viii. designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident/user.

e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;

f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places;

g. any new open space is accessible, safe, overlooked and strategically located within the site and well-integrated into wider green infrastructure networks;

h. development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;

i. the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and

j. the provision of public art where appropriate.

Policy LP30 Biodiversity & Geodiversity

The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

South Pennine Moors Proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3)- (4) of the Habitats Directive.

Statutory Designated Sites Statutory designated sites, including the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC) and Sites of Special Scientific Interest, are already highly protected through existing laws and legislation.

In accordance with legislation, the Council will seek to ensure that harmful impacts to these areas as a result of development proposals are avoided.

Development proposed within or outside a designated Site of Special Scientific Interest, likely to have an adverse effect on the site's special nature conservation features, will not normally be permitted. Exceptionally development will be allowed where the benefits of the development clearly outweigh the impacts on the site's special conservation features and measures are provided to mitigate harmful impacts.

The Dark Peak Nature Improvement Area Proposals that contribute to the aims and objectives of the Dark Peak Nature Improvement Area will in principle be supported, subject to other policies in this plan. Development likely to have an adverse impact on the aims and objectives of the NIA will not be permitted. Local Designated Sites & Important Local Ecological Features Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term. Habitats and Species of Principal Importance Proposals will be required to protect

Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

Biodiversity and Development

Development proposals will be required to

- (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;
- (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;
- (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and
- (v) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

Policy LP32 Landscape

Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular: a. b. c. d. the need to protect the setting and special qualities of the Peak District National park, views in and out of the park and views from surrounding viewpoints; the setting of settlements and buildings within the landscape; the patterns of woodland, trees and field boundaries; the appearance of rivers, canals, reservoirs and other water features within the landscape.

Policy LP53 Contaminated and unstable land

Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.

Policy LP57 The extension, alteration or replacement of existing buildings

Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that: a. b. c. d. in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. The cumulative impact of previous extensions and of other associated buildings will be taken into account. Proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building; in the case of replacement buildings, the new building must be in the same use as and not be materially larger than the building it is replacing; the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.

Policy LP59 Brownfield sites in the Green Belt

Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that: a. b. c. in the case of infilling, the gap is small and is located between existing built form on a brownfield site; in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for. Land at Storthes Hall has been designated in the Local Plan in order to recognise it as a major brownfield site in the Green Belt. Development proposals should be accompanied by a masterplan with special attention paid to the impact of any proposal on the openness of the Green Belt. In all cases regard should be had to relevant design polices to ensure that the resultant development does not materially detract from its Green Belt setting.