

PLANNING STATEMENT

Including: AFFORDABLE HOUSING STATEMENT,
CRIME PREVENTION STATEMENT, AND HEALTH
IMPACT ASSESSMENT

Land to the south of Barnsley Road,
Upper Cumberworth, HD8 8NN

On behalf of Vivly Living Limited

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1. INTRODUCTION

1.1. Broadgrove Planning and Development Ltd have been instructed by Vivly Living Limited ('the Applicant') to prepare and submit an outline planning application for a proposed residential development at Land to the south of Barnsley Road, Upper Cumberworth, HD8 8NN ('the site').

1.2. The site is edged in red in accompanying location and site plans, with the application for planning permission made to Kirklees Council ('the Council') as the requisite Local Planning Authority ('the LPA') for where the site is located.

1.3. The description of development sought by this planning submission is as follows:

'Outline Planning Application for erection of up to 123no. homes with all matters reserved except access.'

1.4. The following supporting documents have been prepared in support of this planning application submission and should be read alongside this planning statement:

- Planning application forms, certificates and notices;
- Suite of planning drawings by Bowman and Riley Architects:
 - Location Plan / Existing Site Plan
 - Opportunities and Constraints Plan
 - Proposed Site Plan
 - Colour Proposed Site Plan
 - Proposed Site Sections
 - Street Elevation Plan
 - Schedule of Materials
 - Bin Storage Plan
 - Schedule of Accommodation
- Design and Access Statement
- Climate Change Statement
- Contamination Report prepared by Lithos

- Drainage details from Lithos
- Drainage Strategy prepared by Haigh Huddleston
- Heritage Statement prepared by Garry Miller
- Archaeological Report prepared by North Star Archaeology
- Noise Impact Assessment prepared by Azymuth Acoustics
- Transport Assessment prepared by Via Solutions
- Travel Plan prepared by Via Solutions
- Ecology Reports
 - Preliminary Ecological Appraisal Report
 - Ecological Impact Assessment (EclA)
 - Biodiversity Net Gain Assessment (Baseline)
- Arboricultural Impact Assessment prepared by SEED
- Landscape Visual Appraisal prepared by PGLA
- Landscape Plans and Planting Plans prepared by PGLA
- Statement of Community Involvement prepared by Communiti

1.5. This Planning Statement details the proposed development and addresses relevant issues and material planning considerations as identified in national and local planning policy.

1.6. This Planning Statement is structured as follows:

- Chapter 2, Site and Surrounding Area: explains the site composition, its content, and the local context where it is situated.
- Chapter 3, Planning History: outlines the relevant planning applications and appeals previously made on the application site.
- Chapter 4, Proposed Development: details the proposed development on site.
- Chapter 5, Planning Policy Framework: identifies the current statutory development plan for Kirklees and relevant policies from within.
- Chapter 6, Material Considerations: provides local and national material considerations to be balanced in the judgement of any decision.
- Chapter 7, Planning Assessment: assesses the proposed development against the

considerations outlined in chapters 5 and 6.

- Chapter 8, Health Impact Assessment: assesses the potential health impacts and benefits of the proposed development.
- Chapter 9, Conclusion: summarises the contents of this Statement.

2. SITE AND SURROUNDING AREA

Site

- 2.1. The site is located at land to the south of Barnsley Road, Upper Cumberworth, HD8 8NN (421003, 408576) towards the south of Kirklees Council's administrative boundary. The site is located between 70 and 80 Barnsley Road and covers approximately 5.6 hectares of undeveloped land to the south of the settlement boundary.
- 2.2. The site red line is shown in the accompanying drawing pack.
- 2.3. This is a greenfield site which was historically in agricultural use. Currently, the site is designated as Green Belt land but directly adjoins the settlement boundary of Upper Cumberworth on the northern and western fronts.
- 2.4. The site is bound by Barnsley Road to the north which is separated by a drystone wall. The western boundary is lined with trees which screen the site from the residential houses at 80 and 82 Barnsley Road. Beyond the southern boundary, there is mature woodland and agricultural fields. The western extent of the site is bounded by residential dwellings, agricultural buildings and Park Lane.
- 2.5. The existing access to the agricultural buildings on Park Lane lies at the western site boundary. However, there is no formal vehicular access onto the site. There is an existing pedestrian public right of way which runs along the eastern site boundary, entering at Barnsley Road and exiting the site at the southeastern boundary.
- 2.6. The site is largely clear of trees as a result of the agricultural use of the land. There are four trees across the site, one at the northeastern boundary, one at the southern boundary and two towards the northwestern boundary. None of the trees on site are currently protected by a Tree Preservation Order (TPO), however there have been two notices issued which have been contested by the applicant. The trees and mature woodland beyond the southern site boundary are designated as ancient woodland (Stephen Wood) and protected under an area TPO.
- 2.7. There are no designated sites of ecological importance including Local Nature Reserves, Ramsar Sites, SSSI's or Special Areas of Conservation located within the site's demise.
- 2.8. The River Dearne is located 270m south of the site boundary. From a search of the Environment Agency's flood risk map, the site lies within Flood Zone 1, meaning it has a very low risk of flooding (less than 1 in 1,000 annual probability of flooding from river or sea).

- 2.9. There are no heritage assets located within the site's demise, including, statutory listed buildings, scheduled monuments, or locally listed buildings. The site is not located within a conservation area, however, the Upper Cumberworth conservation Area is located circa 100m to the northwest of the site boundary.
- 2.10. There are no heritage assets located within proximity to the site that would have any bearing on future development at the site. The closest heritage asset is the Grade II Listed Church of St Nicholas and Church of England School approximately 150m north of the site.
- 2.11. The site comprises of agricultural land which is identified as Grade 4 on the Agricultural Land classification maps. Grade 4 is considered 'Poor' quality agricultural land with severe limitations, significantly restricting crop choice and yields.

The Settlement

- 2.12. The site is located to the south of Upper Cumberworth, a village located in the south of Kirklees' countryside.
- 2.13. Upper Cumberworth had a population of 631 (as of the 2001 census) and a population of 663 (as of the 2021 census).
- 2.14. Upper Cumberworth is supported by a range of facilities and services that are within walking distance of the site. These include: a post office/newsagent (150m), a primary school (290m), pub (150m) and church, (200m). Upper Cumberworth is also well served by neighbouring settlements of Denby Dale and Shepley.
- 2.15. Denby Dale is located 1.5km west of the site and hosts a range of facilities, including but not limited to: shops, café's, restaurants, pubs, nurseries, car repairs garages, and a community library. Denby Dale has a population of 6,632 people (2021 census) and is the closest town centre to the site. The site is within 1.7km of Denby Dale train station, which provides regular services between Sheffield and Huddersfield.
- 2.16. Shepley is also located 1.5km northwest of Upper Cumberworth and c.2.5km walk from the site. Shepley has a population of 2,516 people (2021 census) and is the closest local centre which is well served by a range of services, amenities and public transport. The site is also located within 1.5km of a petrol station, on Lane Head Road 1.3km west of the site.
- 2.17. There are two bus stops located on Barnsley Road, circa 100m to the northeast and 100m northwest of the site. The site is well served by public transport and local bus services provide frequent connections between Holmfirth, Shepley, Barnsley, Huddersfield and Wakefield.
- 2.18. The site represents a sustainable location for additional residential development, in a settlement that has good access to a range of facilities and public transport links.

3. PLANNING HISTORY

- 3.1. A search of Kirklees Council's online planning history reveals the site has no planning history, with no previous major or minor applications.
- 3.2. The site has not previously been promoted for residential purposes through the Kirklees Local Plan Process; the Local Plan that currently forms part of the adopted development plan for Kirklees.
- 3.3. Kirklees Call for Sites consultation has been open since February 2020 and remains open to continue to allow interested parties, including landowners and developers, to inform the LPA of potential sites to be considered for inclusion in the updated Local Plan.
- 3.4. The Call for Sites Officially closed in August 2025. The site has been submitted in the call for sites process, as a potential site to be included as an allocation in the updated Local Plan.

Surrounding Planning History

- 3.5. There have been no other major development residential applications in Upper Cumberworth.
- 3.6. There have been two other sites which have been promoted for residential purposes in Upper Cumberworth. The sites are identified in the Draft Local Plan Site Options Report (November 2015). There are no historic Development Plan allocations in Upper Cumberworth and no sites have been allocated in Upper Cumberworth for residential development. Consequently, the settlement has experienced little to no growth in the last 20 years.

Community Engagement

- 3.7. The Localism Act received Royal Assent in November 2011, and has since be revised with the most recent changes in April 2024. The Bill intended to achieve a substantial and lasting shift in power away from central government and towards local communities.
- 3.8. Part 6, Chapter 4 of the Act introduced the requirement for any person proposing to make an application for planning permission, where the proposed development is a of a description specified in a development order, to carry out public consultation regarding the proposed application.
- 3.9. Continuing, Chapter 4 states that the proposed application should be publicised in '*such manner as the person reasonably considers is likely to bring the proposed application to the attention of a majority of the persons who live at, or otherwise occupy, premises in the vicinity of the land.*'

These people should then be consulted about the proposed development.

- 3.10. Furthermore, the Act places a duty on the person making an application to have regard to any responses to the consultation that the person has received. This will then determine whether the application to be made is submitted with the same terms as the initially proposed application.
- 3.11. In addition to local stakeholders, regard should also be had to the advice given by the relevant local planning authority about local good practice.
- 3.12. The NPPF provides additional requirements for engagement with consultees. As outlined in paragraph 40, the potential for early stakeholder engagement to improve the efficiency and effectiveness of the planning application system, for all parties, is realised. This is enabled by good quality pre-application discussions, that allow for better coordination between public and private resources and improved outcomes for the community.
- 3.13. Prior to the submission of this planning application, and in accordance with the provisions set out above, the applicant has undertaken engagement with the local community.
- 3.14. The SCI report sets out a summary of the pre-application consultation that has taken place so far and with whom. The report identifies key themes and issues raised and sets out the Applicant's response to these, including any changes to the design which have resulted as a direct response to consultation with stakeholders and the local community, where appropriate. The project team is committed to ongoing engagement and will continue to maintain dialogue with relevant stakeholders and members of the local community as appropriate.
- 3.15. The plans were publicised via a community newsletter delivered first class by Royal Mail local delivery teams from 14th August 2025. Letters were also e-mailed to relevant stakeholders including local ward members and relevant cabinet members from Kirklees Council and Denby Dale Parish Council offering a briefing on the plans on 13th July 2025. A QR code linked to an online feedback form was provided for members of the public to provide their feedback. A dedicated telephone number and e-mail address were also provided.
- 3.16. The pre application consultation for the public ran from 14th August to close of business on 1st September 2025 for a period of 18 days. Between 1st September and 1st November, all feedback was considered by the project team as part of the preparation of the planning application.
- 3.17. A significant proportion of respondents expressed the view that additional housing is not

needed in Upper Cumberworth and, more broadly, raised concerns about the principle of development on the site. These matters are addressed within this Planning Statement and summarised on pages 20–22 of the SCI.

- 3.18. It is important to note that there is a demonstrable unmet housing need within Kirklees, where the Council currently has a housing land supply of under four years, below the national requirement of five. Given that much of Kirklees is designated Green Belt, some release of Green Belt land will be necessary to accommodate future growth
- 3.19. Although the application is in outline form, it should be noted that the indicative masterplan has been refined following discussions with neighbouring residents to incorporate further screening and planting to help mitigate the development's potential effects on adjacent properties.
- 3.20. With respect to potential impacts on local schools and healthcare provision, statutory consultees—including the local Integrated Care Board (ICB) and the Local Education Authority (LEA)—will review the application and assess implications for existing services and infrastructure. Any required contributions toward local health and education provision will be determined through this process and secured via a Section 106 agreement between the applicant and the Council.

4. PROPOSED DEVELOPMENT

- 4.1. This section should be read together with the accompanying drawing pack prepared by Bowman Riley Architects.

Use

- 4.2. Permission is sought for the erection of up to 123no. residential dwellings on existing agricultural land to the south of Barnsley Road, Upper Cumberworth.
- 4.3. The proposals include the associated access, which forms a detailed element of the proposals, as well as parking, landscaping and public open space which are reserved at this stage.
- 4.4. The description of development is as follows:

'Outline Planning Application for erection of up to 123no. homes with all matters reserved except access.'

Amount

- 4.5. An Opportunities and Constraints Plan is presented in the accompanying drawing pack.
- 4.6. The proposed development comprises of up to 123 no. new homes in a mixture of 2, 3, 4, and 5 bed properties. A proposed housing mix which reflects the indicative layout demonstrates that the site can achieve an appropriate housing mix in accordance with Kirklees' Local Plan Policies.
- 4.7. The proposed development utilises a diverse mix of house types, with a range of detached, semi-detached, terraced, and apartments.
- 4.8. The proposed quantum of development has given account to the minimum density requirements set out in the LPA's design policies and supplementary guidance. A balance has been drawn between the efficient use of land and ensuring the density of the proposed development reflects the local character in terms of density.
- 4.9. The proposed layout includes a no development buffer of 15m with the protected ancient woodland (Stephen Wood) to the south of the site. The ecological integrity of the woodland will be protected through the landscape strategy, which includes native planting within the buffer zone.
- 4.10. There is also no development proposed within the two drainage easements which run northeast-southwest through the site.
- 4.11. At a higher level, the development of this parcel will 'round off' Upper Cumberworth and positively reflect the existing built development to the north of Barnsley Road. The site has

physical constraints to the south, including the protected woodland which will act as defensible boundaries to development and limit any future encroachment in the Green Belt.

- 4.12. The amount of development has taken account of the surrounding contexts and the constraints of the site and is considered to be reflective of the surrounding contexts.

Scale

- 4.13. The proposed development comprises of the construction of up to 123no. residential homes in a mixture two-storey houses and apartments. The scale of the development has taken the surrounding built form into account in terms of height, shape, form and the topography of the site. The scheme proposes properties with building heights of two storeys.
- 4.14. Gardens and landscaped areas are designed to be usable and provide a high standard of amenity to prospective residents.
- 4.15. The proposal requires a new access point to be created on the south side of Barnsley Road in order to provide safe access and egress for the housing development. The proposed access forms a detailed element of the proposals.

Design and Appearance

- 4.16. Please see the accompanying drawing pack for details of the proposed design.
- 4.17. The indicative site layout includes an estate road through the site which feeds onto two smaller estate road networks and some private drives.
- 4.18. The proposal looks to retain existing trees and green space as much as possible, particularly along the site boundaries, in order to limit the impacts on the landscape character and the Green Belt.
- 4.19. The indicative Site Sections, Street Scenes, and Schedule of Materials include examples of the potential elevational treatments and materials which could be utilised at the reserved matters stage. The schedule of materials would positively reflect the character and appearance of the surrounding area.
- 4.20. Please see the accompanying Design and Access Statement and Site Sections for further details on the design and appearance of the scheme.

Access

- 4.21. A new priority-controlled T-junction access is proposed, with a right lane on Barnsley Road to serve the site.
- 4.22. The access will provide access for both on road and pedestrian and cycle users. A 3m wide

pavement is to be provided along the site's road frontage on Barnsley Road to accommodate pedestrians and cyclists. Along the development site access 2m wide footways are proposed on both sides.

- 4.23. A visibility splay assessment has been undertaken on the access to determine what visibility is required and has been based on a 40mph speed limit on Barnsley Road. This is presented in the accompanying access drawings in the Transport Assessment. Appropriate visibility splays can be achieved to the left and right of the junction, which are to be kept clear at all times.
- 4.24. Swept paths for a 11.85m refuse vehicle has been undertaken at the new T-junction access serving the site on Barnsley Road. The analysis demonstrates that vehicles up to this size can be accommodated through the site access.
- 4.25. The proposed parking provision has been dictated by Kirklees Highways Design Guide. The indicative layout includes at least 2no. car parking spaces for 2-3 bedroom dwellings, 3 parking spaces for 4+ bedroom dwellings, 1 parking space for 1-2bedroom apartments and 2 spaces for 3+ bedroom apartments.
- 4.26. The indicative layout includes visitor parking spaces and access to EV charging.

5. PLANNING POLICY FRAMEWORK

5.1. Paragraph 47 of the National planning Policy Framework requires (in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990, that planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

Adopted Development Plan

5.2. The adopted Development Plan for Kirklees consists of the following documents:

- Local Plan Strategy and Policies (adopted February 2019);
- Local Plan Allocations and Designations (adopted February 2019);

5.3. On the Core Strategy Policies Map, the site has the following designations:

- Green Belt
- Biodiversity Opportunity Zones
- Mineral Safeguarding – SCR with Sandstone and/or Clay and Shale

5.4. The following Development Plan policies are relevant to the consideration of the proposals:

- Policy LP1: Presumption in favour of sustainable development
- Policy LP2: Place Shaping
- Policy LP3: Location of new development
- Policy LP4: Providing Infrastructure
- Policy LP5: Masterplanning sites
- Policy LP7: Efficient and effective use of land and buildings
- Policy LP11: Housing Mix and Affordable Housing
- Policy LP20: Sustainable travel
- Policy LP21: Highways and access
- Policy LP22: Parking
- Policy LP24: Design
- Policy LP27: Flood risk
- Policy LP28: Drainage

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- Policy LP30: Biodiversity and Geodiversity
- Policy LP32: Landscape
- Policy LP33: Trees
- Policy LP52: Protection and improvement of environmental quality
- Policy LP53: Contaminated and unstable land

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2. The following represent material considerations to be balanced in consideration of the proposed development.

National Planning Policy Framework (December 2024)

6.3. At a national level, planning policy and guidance is contained in the National Planning Policy Framework (NPPF). The NPPF, sets out the Government's vision for future growth. The NPPF must be considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

6.4. The adopted NPPF (December 2024) will form the main material consideration for this application.

6.5. The NPPF acknowledges that planning policies and decisions should play an active role in guiding development towards sustainable development solutions, but in doing so, should take local circumstances into account, to reflect the character needs and opportunities of each area.

6.6. Paragraph 8 states that there are three dimensions to sustainable development: economic, social and environmental and, as set out in paragraph 9, these provide broad objectives to be delivered through planning decisions.

6.7. At the heart of the NPPF is a presumption in favour of sustainable development as set out in paragraph 11. This means that local planning authorities should 'approve development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'

6.8. Chapter 4 advises that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. It sets out that decision-makers at every level should seek to approve applications for sustainable development where possible.

6.9. Paragraph 47 states, "Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. 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."

- 6.10. Paragraph 61 sets the Government’s objective of “significantly boosting the supply of homes”. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The size, type and tenure of housing needed (including affordable) for different groups in the community should be assessed and reflected in planning policies and decisions should promote the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities.
- 6.11. Paragraph 69 requires strategic policy-making authorities to identify a sufficient supply and mix of sites to contribute towards the land available for housing in their area.
- 6.12. Within this context, the NPPF advocates that planning policies and decisions should promote the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities. Within this context, the NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.
- 6.13. The new NPPF demonstrates the Government’s commitment towards delivering 1.5 million homes in England by 2029.
- 6.14. Paragraph 73 recognises the importance that small and medium sites can make towards meeting the housing requirement in an area as they can be built out relatively quickly.
- 6.15. The NPPF advocates that planning policies and decisions should promote the effective use of land in meeting Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.
- 6.16. Paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing or a minimum of four years’ worth of housing if the authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage.
- 6.17. Paragraph 79 sets out how supply of housing should be maintained. Where the Housing Delivery Test indicates that delivery has fallen below the Local Planning Authority’s requirement over the previous three years, the following consequences should apply:
- ‘b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan’*
- 6.18. The NPPF advocates that planning policies and decisions should promote the effective use of

land in meeting Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.

- 6.19. Chapter 8 considers the cultivation of healthy and safe communities. Decisions should aim to achieve safe and inclusive places, so crime does not undermine the quality of life. Paragraph 94 encourages local planning authorities should consider social, economic, and environmental benefits of regeneration and use their powers to help deliver regeneration to a high standard.
- 6.20. Paragraph 96 states, “Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion.”
- 6.21. Chapter 9 “Promoting sustainable transport” states in paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.22. Paragraph 116 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 6.23. Chapter 11 advocates the effective use of land in meeting need for homes and other uses. Paragraph 125 (d) states that planning decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively”.
- 6.24. Paragraph 131 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.”
- 6.25. Paragraph 135 seeks developments that function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, the surrounding built environment and create places that are safe and inclusive.
- 6.26. Chapter 13 concerns the protection of Green Belt land and gives substantial weight to any harm to the Green Belt, including harm to its openness. The new NPPF maintains that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.27. Paragraph 143 of the NPPF states that the Green Belt serves five purposes:

‘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.'*

6.28. Paragraph 153 states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

6.29. Paragraph 154 has experienced some changes to the exceptions to inappropriate development. Part b states that the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

6.30. Paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

'a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed;

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

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

6.31. The NPPF Glossary provides a definition for 'Grey Belt' 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.'

6.32. The purposes referred to in paragraph 143 include the purposes of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another, and preserving the setting and special character of historic towns.

6.33. Where major development involving the provision of housing is proposed on sites in the

Green Belt, the new NPPF requires the following to be made as part of the ‘Golden Rules’:

‘a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;

b. necessary improvements to local or national infrastructure; and

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.’

- 6.34. Paragraph 157 sets out the affordable housing contribution required to satisfy the golden rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.
- 6.35. Paragraphs 161 – 182 require development to mitigate against the effects of climate change. Development should not result in increasing the likelihood of flooding elsewhere.
- 6.36. Paragraph 175 states “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment”. Paragraph 182 sets out the requirement for major development applications to incorporate sustainable drainage systems.
- 6.37. Chapter 15 relates to conserving and enhancing the natural environment. Paragraphs 187-201 require planning policies and decisions to give great weight to the protection of designated sites for conservation. The protection and enhancement of biodiversity and geodiversity should be considered when forming development proposals and schemes that enhance the natural environment, avoid harm and protect habitats should be supported.
- 6.38. Chapter 16 considers the conservation and enhancement of the historic environment. Paragraphs 207 requires local planning authorities require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance.

Other Material Considerations

- 6.39. Supplementary Planning Documents (SPD) provide detailed guidance on specific sites and topic areas to supplement the formal policies of the statutory development plan. The following Supplementary Planning Documents are considered relevant to the proposed development:

- Housebuilders Design Guide SPD (2021);
- Highway Design Guide SPD (2019);
- Open Space SPD (2021);
- Affordable Housing and Housing Mix SPD (2023)
- Highway Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Planning Applications Climate Change Guidance (2021)
- Viability Guidance Note (2020)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Public Rights of Way Improvement Plan (2010)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Social Value Policy (2022)
- Green Belt PPG (February 2025)

- Housing Supply and Delivery PPG (December 2024)
- Healthy and Safe Communities (2019)

Kirklees Local Plan Update

- 6.40. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.
- 6.41. A review of Kirklees' Local Plan was completed in October 2023 and found the plan to be out-of-date in several areas, including housing and employment supply and delivery, and in relation to planning policies to support the council's climate change emergency. The decision to begin a full update of the Local Plan was made at Full Council on 15 November 2023.
- 6.42. The full update to the Local plan will set out the strategy for growth and development in Kirklees over the next 15 years and the policies, proposals, site allocations and designations necessary to deliver the strategy. In order to meet future needs of the district, the Plan update will need to identify additional land for development. The Call for Sites has been open in Kirklees since February 2020, to allow prospective development sites to be submitted by landowners and developers to be considered for inclusion in the updated Local Plan.
- 6.43. Kirklees Council published the Local Development Scheme in March 2024. The Local Development Scheme sets out a timetable for the preparation of the authority's updated Local Plan. The timetable can be summarised as follows:
- Early Engagement Consultation: August – October 2024
 - Draft Plan Consultation: September - November 2025
 - Publication Draft Consultation: September - November 2026
 - Submission to Secretary of State: March 2027
- 6.44. At this stage, the Call for Sites has closed, and no further draft plan consultation has been undertaken. The draft consultation publication is expected towards the latter end of 2026 and due weight will be given to the contents of the document, once published, at the time of decision.

7. PLANNING ASSESSMENT

7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2. The key planning issues are considered in turn below.

Principle of Development in the Green Belt

7.3. The proposed development includes an outline planning application for residential development of up to 123no. dwellings, with all matters reserved except access. The proposed access will be taken centrally off Barnsley Road.

7.4. It is acknowledged that the application site is situated in the Green Belt, where the NPPF gives substantial weight to any harm to the purposes of the Green Belt, including its openness. Paragraph 153 states that:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

7.5. This Planning Assessment will consider the case for ‘very special circumstances’ and assess the purposes of the Green Belt, including land within it, and the development’s impact on the openness of the Green Belt. These will be weighed against other considerations, including the benefits of the proposed development.

7.6. The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12th December 2024 demonstrated that housing delivery for Kirklees for the past 3 years has fallen below the 75% threshold.

7.7. 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. The most recent HDT scores up to December 2024 indicate that the estimated homes required to be delivered in Kirklees from 2021 – 2024 is 4,922no. and the estimated number of homes that have been delivered is 2,897. This means the predicted HDT score for Kirklees, which expected to be published in December 2025 will be 59%.

7.8. As Kirklees Council are currently unable to demonstrate a five-year supply of deliverable housing

sites, and as delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development.

'd) 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:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 7.9. In accordance with Footnote 8 of the NPPF, the policies for most important for determining the application are out of date in the circumstance where either: the Council cannot demonstrate a five-year supply of deliverable housing sites or the Housing Delivery Tests was below 75% of the housing requirement over the previous three years.
- 7.10. The Kirklees Local Plan is considered out of date on three grounds: the Local Plan is over 5 years old; Kirklees Council cannot demonstrate a five-year supply of housing; and Kirklees Council failed the Housing Delivery Test (2023 and predicted 2024 result).
- 7.11. The 2023 update of the five-year housing land supply position for Kirklees states a claimed position of 3.96 years. However, this position was published in December 2023 and is up to a base date of March 2023. Now 2 years on from the publication of the position, the Council's housing land supply position after 59% delivery over the last 3 years is considered to be significantly worse than this.
- 7.12. The Council have not published an updated five year housing land supply position. The implication of the revised NPPF is an increase in the Council's five-year housing land supply deficit by a minimum of 550 homes (or 660 homes with the 20% buffer included). This would increase the Council's 5YLS shortfall from 2,800 homes to 3,460 homes, further worsening the Council's supply position.
- 7.13. Based on the previous standard method, Kirklees were expected to deliver 1,595 homes per annum. The outcome of the new standard method for calculating housing need, this would require Kirklees to deliver 2,043 homes per annum. It should be noted that this number does not include any additional shortfall accumulated by Kirklees and as such, due to the chronic under-delivery, the position is likely to be significantly worse than this.

- 7.14. In addition to the delivery of market housing, there is also a significant unmet need for affordable housing in Kirklees.
- 7.15. In a Ministerial Statement released by the Minister of State for Housing and Planning (2 July 2025). The Government’s spending review set out a clear strategy for social and affordable housing investment in this Parliament. The Government has committed to the achieving the ‘biggest growth in social and affordable housebuilding in a generation’ and it is a clear Government target to build genuinely affordable homes. The Government have announced £39 billion for a successor to the Affordable Homes Programme over 10 years from 2026-27 to 2035-36 to help provide Registered Providers certainty for their housing development projects.
- 7.16. The Statement confirms that the Government will give priority first to social rented housing, with at least 60% of the homes delivered through the new programme to be socially rented homes. This Ministerial Statement shows the Government’s direction of travel and therefore proposals that conform with this vision should be supported by LPA’s.
- 7.17. The Ministry of Housing, Communities and Local Government Live charts identified 16,914 households on the waiting list. This utilised data up to a base date of March 2024, and therefore it is likely the position is significantly worse than this. This is significantly greater than the mean for all English boroughs. The waiting list over time is set out below:
- 2019/20 – 14,261 homes;
 - 2020/21 – 10,974 homes;
 - 2021/22 – 13,467 homes;
 - 2022/23 – 13,267 homes;
 - 2023/24 – 12,920 homes;
 - 2024/25 – 16,914 homes.
- 7.18. The Government Live Table 1008C: Total additional affordable dwellings provided by local authority area outlines the total number of completions for affordable dwellings. The delivery figures for the last five years are set out below:
- 2020/21 – 93 homes;
 - 2021/22 – 120 homes;
 - 2022/23 – 126 homes;
 - 2023/24 – 325 homes.
- 7.19. There is a clear need for affordable housing in Kirklees and the proposed development has the

capability to contribute towards the affordable housing provision in the short-medium term by delivering a policy compliant scheme of 20% affordable housing, in the mix set out in the Council's Affordable Housing and Housing mix SPD.

- 7.20. Both the past and predicted HDT scores for Kirklees are significantly below the required 75% threshold, which presents significant under delivery of housing. It has also been demonstrated that the Council cannot demonstrate a five-year supply of deliverable housing sites, and the current position is chronically low. Further, the affordable housing position in Kirklees is worsening, with a steadily increasing number of people on the housing waiting list (currently 16,914 as of
- 7.21. This Planning Assessment will consider the case for 'very special circumstances' and assess the purposes of the Green Belt, including land within it, and the development's impact on the openness of the Green Belt. These will be weighed against other considerations later in the report, including Kirklees' chronic shortage of housing and the benefits of the proposed development.

Purposes of the Green Belt.

- 7.22. The purposes of the Green Belt are as follows:
- 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.'*
- 7.23. An assessment has been done to consider how the proposed residential development site to the south of Barnsley Road contributes towards each of the purpose of the Green Belt, with specific reference to the Green Belt PPG (2025) and Kirklees Local Plan Submission Documents SD19 'Green Belt Review' (April 2017) (Edge ref: UC3).
- a) to check the unrestricted sprawl of large built-up areas;*
- 7.24. With regard to purpose a) the PPG specifically states that *'this purpose relates to the sprawl of large built-up areas. Villages should not be considered as large built-up areas'*. Assessment areas that make no contribution are likely to include those that are not adjacent to or near to a large built-up area. Therefore, the site makes **no contribution purpose a)**.
- b) to prevent neighbouring towns merging into one another – the site does not form part of a*

gap between other neighbouring towns.

- 7.25. With regard to purpose b), the PPG specifically states that *'This purpose relates to the merging of towns, not villages'*. The site does not form part of a gap between towns. Therefore, the site makes **no contribution to purpose b)**.

c) to assist in safeguarding the countryside from encroachment – it is acknowledged the site has some contribution to safeguarding the countryside from encroachment – **strong contribution**.

- 7.26. With regard to purpose c), it is acknowledged that the site would have some contribution towards safeguarding the countryside from encroachment. However, it must be acknowledged that any built development in the Green Belt which increases the footprint of development or scale of built form may result in harm to this purpose.

- 7.27. Kirklees Local Plan SD19 'Green Belt Review' (2017) refers to the Green Belt edge UC3. The assessment against this purpose involves an assessment of the character of the land in relation to its surroundings, taking into account whether the land is part of the open countryside, separated or screened from the wider countryside by physical features, or whether the prominence of adjoining built up edges gives the impression that the site is part of the urban fringe.

- 7.28. The Green Belt Review states the following with regard to purpose c) of the Green Belt:

'Limited relationship with the wider countryside. Potential for some rounding off. Significant existing development south of Barnsley Road.'

- 7.29. At this stage, the site can be considered to have a **limited contribution to purpose c)**.

d) to preserve the setting and special character of historic towns;

- 7.30. With regard to purpose d), the PPG specifically states that *'This purpose relates to historic towns, not villages'*. The site does not form part of the setting of a historic town. Therefore, the site makes **no contribution to purpose d)**.

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

- 7.31. Finally, with regard to purpose e) it must also be acknowledged that the site has some contribution to this purpose, as with any other site in the Green Belt. It must be noted that the Council's inability to demonstrate a five-year supply of deliverable sites, even shortly after the adoption of the Local Plan in 2019, clearly indicates that there is insufficient deliverable brownfield land and adopted allocations to meet the LPA's housing requirement. The housing

policies in the adopted development plan are considered to be out of date and as such the contribution of Green Belt sites such as this towards recycling of derelict and other urban land is reduced. Therefore, the site has a **limited to moderate contribution to purpose e).**

7.32. Overall the site’s contribution to each of the purposes of the Green Belt can be considered as **limited.**

7.33. Taking account of the assessment above, overall, the site has a moderate (at most) contribution to the purposes of the Green Belt. It is acknowledged that the residential element of the proposals would be considered as inappropriate development, and the following sections of this Assessment will outline the numerous considerations which weigh in favour of the proposals to outweigh any harm to the Green Belt.

7.34. ‘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) set in paragraph 143, the purposes of designating land within the Green Belt. It must be acknowledged, that the above assessment identifies that the site has no contribution to the purposes (a), (b), and (d) of the Green Belt, and as such fits within the definition of grey belt land.

7.35. Paragraph 155 of the NPPF states that the development of homes, commercial and other inappropriate development in the Green Belt should not be regarded as inappropriate where 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.’

7.36. Due to the scale of development, the proposal would not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan as a whole. It is clear that the site would utilise land which fits under the definition of grey belt, a demonstrable unmet need for housing can be evidenced and the site is situated in a sustainable location (to be discussed in further detail in the Sustainable Transport section). It is also considered that the proposals have the potential to meet the ‘Golden Rules’ set out in paragraphs 156-157 of the NPPF.

Harm to the Green Belt

7.37. The previous section has assessed the siter’s contribution to the purposes of the Green Belt as limited. Paragraph 153 of the NPPF sets out that when considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness.

7.38. This Planning Assessment has also analysed the proposed residential development against each of the purposes of the Green Belt in order to consider the relative harm. A Landscape and Visual Appraisal has also been commissioned by PGLA in order to assess and quantify the potential harm to the Green Belt and its openness.

a) to check the unrestricted sprawl of large built-up areas – the site is not located adjacent to or near to a large built-up area and the site is partly enclosed by existing development on its northern, eastern, western and southwestern and adjoins Upper Cumberworth’s settlement boundary. The development of the site would not lead to an incongruous pattern of development. – **no harm**.

b) to prevent neighbouring towns merging into one another – the site does not form part of a gap between other neighbouring towns – **no harm**.

c) to assist in safeguarding the countryside from encroachment – it is acknowledged the site has some contribution to safeguarding the countryside from encroachment. However, the site is located in between existing residential uses that line the north and south of Barnsley Road. The site adjoins residential development on its northern, eastern, western and southwestern boundaries. Ancient woodland (Stephen Wood) restricts development to the south of the site. Therefore the site is well contained by existing physical defensible boundaries that would suitably restrict any future encroachment – **moderate harm**.

d) to preserve the setting and special character of historic towns; Upper Cumberworth is not identified as a historic town – **no harm**.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – development of the site would lead to some degree of harm to this purpose, as the site represents green field land which is not currently within the settlement boundary. The site is a logical location for development considering the access to services and facilities via sustainable transport modes. – **moderate harm**.

7.39. In conclusion, the proposed development can be said to lead to limited harm (at most) to the five purposes of the Green Belt.

7.40. Also required by paragraph 153 is an assessment of the impact on the openness of the Green Belt. A Landscape and Visual Appraisal has been undertaken by PGLA to determine the landscape impacts of the proposed development.

- 7.41. The LVA has considered the landscape character of the area on a national and local level. The site does not fall within any local landscape or environmental designations. The assessment of the landscape sensitivity of the site is determined as being medium. The potential effects on the landscape concludes that there will be an obvious immediate change in the character of the existing site as the proposed housing and infrastructure are introduced. However, there are several opportunities to improve the landscape condition of the site by enhancing hedgerow boundaries and introducing ecological habitats to allow for the naturalisation of the site.
- 7.42. The report acknowledges that there is potential for adverse affects on the landscape setting of the site at the time of completion, but these impacts will gradually reduce over time as planting and landscaping in the site matures.
- 7.43. Stephen Wood is designated as an ancient woodland and contributes to the setting in the south of the Site. However, the proposals will not involve any intrusion into the woodland and also the edge will be enhanced with scrub planting to further accentuate the setting as well as providing additional ecological enhancement
- 7.44. The proposed development will be of high quality building materials and there will be an enhancement to the existing boundary treatments, especially to the north west and south and other areas adjacent to the existing settlement edge. Reinforcing the existing boundary vegetation will assist in setting the development into the site giving it an instant sense of maturity as well as integrating the development into the wider countryside. The development will be considered as an extension to the existing settlement edge with an improved setting on the northern edge provided by the treatments for the public open space. The built form will be softened by the high-quality landscape framework surrounding and within the site and the long term effects are likely to be minor moderate adverse.
- 7.45. The report considers that the proposal will have long term minor adverse effects on the landscape character. The site is currently adjacent to the settlement edge and is comprised of arable fields bound by hedgerows and trees. Boundary treatments will be retained and enhanced and as such, the proposals will introduce a high-quality residential development that works with the existing mature green infrastructure.
- 7.46. The report states that the proposals have beneficial outcomes and will help to reduce and neutralise any perceived adverse effects and will increase the opportunity for providing ecological enhancement and increased biodiversity to the area.
- 7.47. It is acknowledged that the closest residential dwellings off Barnsley Road, Carr Hill Road and Park Lane, despite these properties being reasonably screened, will experience some impact on views, most experienced from first floor rear windows. Generally, the long-term visual effects of

the dwellings will range from minor to moderate adverse for these receptors once the landscape mitigation has fully matured.

- 7.48. The report considers the public footpaths in proximity to the site and categorises their sensitivity. The closest being DEN/82/10 5m to the east of the site boundary. Footpaths DEN/81/70 and DEN/81/80 also run through Stephen Wood with varying degrees of visibility. DEN/76/100 and DEN/79/20 also run the west of Dean Way. The sensitivity to change of the footpaths is considered to be medium.
- 7.49. The ZTV demonstrates that long range views of the Site are unlikely and limited due to the distance, relatively flat topography and intervening landform, settlements and vegetation within the landscape.
- 7.50. The report categorises, the long-term visual effects as ranging from minor to minor moderate adverse once the landscape mitigation has fully matured.
- 7.51. Traveling receptors will mainly see the site along Barnsley Road, on which the site adopts the majority of its frontage. The sensitivity of the receptor is considered to be medium low to account for the majority of the receptors travelling relatively fast in vehicles. It is anticipated that none of the effects arising from the proposed development will be higher than minor adverse with some being negligible neutral.
- 7.52. There are no Listed Buildings that would have any direct visual connectivity with the application site, including the Upper Cumberworth Conservation Area.
- 7.53. There will inevitably be an increase in built form, however, this will be in the context of the existing settlement edge of Upper Cumberworth. Many views will be heavily filtered through the dense boundary treatments and the proposed high-quality dwellings and enhancements to the boundaries through planting will be a benefit to the landscape condition and will reinforce the landscape character of the area.
- 7.54. The report concludes that the majority of the long-term residual effects of the development are not likely to exceed minor moderate adverse in terms of significance to the overall landscape and visual amenity. Potential adverse effects that have been identified to be present at the operational stage, especially within the site and its setting will be reduced and offset by the mitigation provided in the potential planting scheme described within the landscape strategy.
- 7.55. The Landscape and Visual Appraisal concludes that the proposed residential development would not cause undue harm to the landscape character and visual amenity of the site and the surrounding area.
- 7.56. In concluding the assessment of the proposed development's harm on the openness of the

Green Belt, it can be concluded that there will be a degree of impact on openness, given the increase in footprint and the scale of built development on the site.

- 7.57. Against each of the purposes of the Green Belt, it has been demonstrated that the proposed development will lead to no harm to purposes a), b), and d), and will lead to moderate harm to purposes c) and e). It must be acknowledged that against the purposes almost all built development would have a degree of harm to these purpose, but overall the harm to the Green belt purposes is **limited**.
- 7.58. With regard to the openness, similarly, any proposed development would cause some degree of impact, particularly on a site such as this with a large frontage on Barnsley Road. The evidence presented in the Kirklees Local Plan SD19 'Green Belt Review' (2017) shows the site has been considered previously by the LPA and has tested the constraints (topographical, physical, environmental) and the impact of development on the Green Belt Purposes (weighted against the importance of each role). Overall, the council has determined the site to be a **2 out of 5**.
- 7.59. In terms of constraints, developments were not scored if any topographical, physical, or environmental characteristics posed a 'severe' constraint. **The site does not exhibit severe constraints** and as such the tests against the Green Belt purposes was carried out.
- 7.60. Any length of Green Belt edge considered to perform a strategic role in preventing the merge of neighbouring towns was not considered further in the Green Belt Review. The **LPA considered the site 'not to be important in preventing the merger of neighbouring towns'**, which aligns with the Broadgrove Assessment above.
- 7.61. The next part of the test considered the other purposes of the Green Belt. Greater weight is given to avoiding harm through checking the unrestricted sprawl because of the emphasis on this outlined in the NPPF. The Assessment considers the site to have some contribution towards checking sprawl, stating:
- 'Lane Head farm and properties fronting Barnsley Road, Green wood Farm and trees provide containment. New boundary to the south east would need to be found to avoid impact on protected trees.'*
- 7.62. It should be noted that this is prior to the Green Belt PPG (February 2025), which provides further clarity on these purposes. It can be concluded that the site provides **no contribution towards checking the sprawl of large urban areas**, as Upper Cumberworth is a village, not a large urban area. In addition, the elements noted in this part of the assessment, such as stand-offs to protected trees and the need for a new boundary to the southeast can be accommodated within the indicative layout.
- 7.63. Overall, Kirklees' own Green Belt Review (2017) scores the site 2 out of 5. A score of 1 denotes

negligible harm/least importance to achieving the Green Belt purposes and a score of 5 indicates significant harm/importance. The conclusion states that the site has *'Potential for rounding off between Lane Head Farm and Barnsley Road. Southern boundary would need to avoid impact on protected trees at Stephen Wood.'*

- 7.64. Therefore, the Assessment has concluded that the development of the application site would lead to limited harm to the purposes of the Green Belt and limited harm to the openness of the Green Belt and the landscape character in the long term. This has been corroborated by Kirklees Council's own Green Belt Review, which has also analysed the site has having limited contribution.
- 7.65. Therefore, **the overall impact on the Green Belt including the purposes and the openness of the Green Belt, is limited.** In a tilted balance context, the impacts, which have amounted to a limited level of harm to the purposes of the Green Belt, the Landscape Character and its openness do not provide a strong reason for refusing the proposed development, as prescribed by paragraph 11 part d) i) of the NPPF. The limited impacts of the proposed development cannot patently and logically and mathematically, outweigh the benefits of contributing to the area's chronic five-year housing land supply, provision of affordable housing and the cumulative benefits this would bring to the local area.
- 7.66. In the planning balance, the Green Belt policies, although given substantial weight, do not provide a strong reason for refusal. It is undisputable that there are 'very special circumstances' that exist to outweigh the minimal harm to the Green Belt. Therefore, the principle of development and the delivery of much-needed housing should be considered favourably.

Suitability of the Site for Housing Delivery

- 7.67. The site is designated as Green Belt in the current Local Plan under Policy LP6 (Safeguarded Land). Kirklees is largely constrained by Green Belt, with the only areas not designated as Green Belt being the existing settlements and the Peak District national Park SPA or Dark Peak SSI.
- 7.68. Given the Government's target of significantly boosting the supply of homes and the recent under-delivery of housing in Kirklees, some degree of Green Belt land is required to be brought forward in order for the LPA to meet their housing needs.
- 7.69. In accordance with paragraph 11 of the NPPF the policies which are most important for determining the application are considered out of date because Kirklees' cannot demonstrate a five year supply of deliverable housing and has a HDT score of less than 75%. The culmination of this information is that the current Local Plan cannot accommodate Kirklees' Housing needs via the current Local Plan Allocations and Designations document detailed in Policy LP65 (Housing Allocations).

- 7.70. Therefore, a degree of Green Belt land must necessitate development to ensure that the Council are constructing a sufficient supply of housing to accommodate the population in Kirklees.
- 7.71. The Assessment of the site constraints is considered in the Kirklees Green Belt Review (2017). The site is considered to have no topographical constraints or physical constraints. The only environmental constraints identified are the protected trees to the south of the site boundary (Stephen Wood) and the high-pressure gas pipeline to the east of Greenwood Farm. The proposed indicative layout has demonstrated that these constraints can be easily mitigated in the proposed layout by integrating the appropriate stand-offs.
- 7.72. The current spatial development strategy concentrates the majority of growth towards Huddersfield and Dewsbury, as these towns are the largest urban areas in the district. A more flexible approach is applied to distributing jobs and homes elsewhere in the district, based mainly on place-shaping principles and the character of individual settlements. The strategy does not set distinct targets for sub-areas, settlements, or wards.
- 7.73. Outside of Huddersfield and Dewsbury, identified housing needs will be met through the housing and mixed-use allocations. The other settlements outside of Huddersfield and Dewsbury are all incorporated within the same tier of settlement in the hierarchy. Therefore, in the context of the current Local Plan, the allocation of development to Upper Cumberworth would be considered proportionately to other settlements in this tier of the hierarchy.
- 7.74. The current Local plan allocated no dwellings to Upper Cumberworth. There are no historic Development Plan allocations in Upper Cumberworth.
- 7.75. As part of the previous Local Plan evidence base, Kirklees Council prepared a Spatial Development Strategy and Settlement Appraisal Technical Paper (2017). The Paper assessed individual settlements in the various sub-areas of Kirklees. The site is located within the 'Kirklees Rural' sub-area.
- 7.76. The settlement appraisal is assessed across various criterion, including employment opportunities, primary schools, secondary schools, GP's, local centres and town centres.
- 7.77. Upper Cumberworth received a total accessibility score of 19. Making it the 7th most accessible settlement out of 32 settlements in the Kirklees Rural sub area.
- 7.78. Upper Cumberworth scored more favourably than other settlements of a similar or larger size in population terms. As demonstrated in the evidence base, Upper Cumberworth's accessibility to key services and facilities makes the area sustainable location for development.
- 7.79. Upper Cumberworth is located circa 1.5km from the settlements of Denby Dale and Shepley.

These settlements are identified as town and local centres respectively. A range of wider services and amenities are therefore within walking distance of the site.

- 7.80. Unusually, given the facilities available and the accessibility score achieved in previous accessibility assessments by the Local Authority, no sites have been allocated in Upper Cumberworth for residential development. Consequently, the settlement has experienced little to no growth in the last 20 years.
- 7.81. The site is directly served by bus stops on Barnsley Road, that provide regular connections between Holmfirth, Shepley, Denby Dale, Barnsley, Huddersfield and Wakefield. Train stations at Shepley and Denby Dale provide rail services between Sheffield and Huddersfield and access to regional employment opportunities.
- 7.82. Forthcoming upgrades to the rail connectivity in the area will also benefit the site and its proximity to Shepley and Denby Dale. The Transpennine Route Upgrade (TRU) is a multi-billion-pound programme of railway improvements being carried out by Network Rail. The project aims to connect all routes between Manchester, Huddersfield, Leeds, and York, bringing improved journey times to passengers.
- 7.83. The upgrade will improve the frequency, reliability and speed of trains and further improve the accessibility of the site to wider job opportunities and services.
- 7.84. In terms of sustainability, the site is considered to be in an extremely sustainable location with access to a range of sustainable transport modes.
- 7.85. In terms of the specific parcels of land in Upper Cumberworth, the site will positively resemble the existing residential development and built form to the north of Barnsley Road, which is specifically referred to in Kirklee's Green Belt Review (2017). The site is therefore considered to be the most suitable location for residential development in Upper Cumberworth to provide the maximum benefit to the LPA's housing need.
- 7.86. Paragraph 129 of the NPPF supports development that makes efficient use of land to meet identified needs for home at a density which is appropriate to the location, reflecting the need for different types of housing and capacity of infrastructure and service to promote sustainable travel.
- 7.87. The site comprises of agricultural land which is identified as Grade 4 on the Agricultural Land classification maps. Grade 4 is considered 'Poor' quality agricultural land with severe limitations, significantly restricting crop choice and yields. The site is only mainly suited for grass and occasional, variable cereal or forage crops.
- 7.88. The Agricultural Land Classification considers agricultural land in grades 1, 2 and 3a of the

Agricultural Land Classification as 'Best and Most Versatile'. The site clearly does not represent 'Best and Most Versatile' agricultural land. NPPF paragraph 187 part b) recognises the importance of best and most versatile agricultural land. Footnote 65 states that development should be directed to areas of poorer quality, which includes the application site.

- 7.89. The site comprises of poor quality agricultural and, with limited versatility and opportunity for growing crops and providing food security. Therefore, the development of the site to contribute towards the provision of housing makes for the most suitable use of the application site.
- 7.90. The proposed development will result in up to 123no. homes on 5.6 hectares of land, which provides a density of approximately 22 dwellings per hectare. In accordance with paragraph 129 of the NPPF, the development makes efficient use of the available land while providing a high-quality development in design terms which reflects the lower density, rural character of Upper Cumberworth.
- 7.91. Chapter 11 of the NPPF promotes an effective use of land in meeting the needs for homes and other uses. Paragraph 125 part d supports the development of under-utilised land, especially if this would help to meet identified needs for housing. It is abundantly clear that the proposed development of the site in Upper Cumberworth is logically appropriate for the provision of housing.

Highways and Sustainable Transport

- 7.92. The NPPF requires development to be directed to the most sustainable locations, with specific reference to paragraphs 110-115 of the Framework.
- 7.93. A Transport Assessment and Framework Travel Plan have been prepared by Via Solutions to consider the traffic impact, access, sustainability, car parking and servicing associated with the proposed development.
- 7.94. TRICS 7.11.4 Online Database has been interrogated for likely trip rates from which the typical weekday peak hour and daily traffic generation can be estimated. The worst-case scenario has been applied to the TRICS data.
- 7.95. In terms of trip generation, the proposed up to 123no. residential units are expected to generate 62 two-way trips during the AM and 58 two-way trips during the PM peak hour, which is equivalent to approximately 1 trip every 2-minutes when averaged over the peak hours.
- 7.96. In terms of split distribution, the trip modelling sets out the traffic was split 50% to the east, and

50% to the west at the site access junction.

- 7.97. The impact of traffic generated by the development was assessed at three junctions: Barnsley Road/Cumberworth Lane/Carr Hill Road, Barnsley Road Site Access, Wakefield Road/Barnsley Road. The modelled results and the associated assumptions are detailed in the report.
- 7.98. The modelled junctions and signalised pedestrian crossing all operate below capacity and the addition of the development traffic will result in minimal additional queuing, and with sufficient residual capacity available on the highway network. Therefore, the traffic generation of the proposed development is not considered to be significant.
- 7.99. Refuse collection and servicing will utilise the proposed access and the available turning spaces within the development to enter and egress the site in a forward gear. The swept path analysis shows that an 11.85m Kirklees refuse vehicle can safely turn within the proposed highway and that a refuse vehicle and large car can pass one another within the site. Refuse turning facilities and bin collection points have also been designed in accordance with Building Regulations Drainage and waste disposal: Approved Document H (2010).
- 7.100. A Framework Travel Plan has been produced by Via Solutions to accompany the application. The Plan sets out a long-term management strategy and seeks to deliver sustainable transport objectives.
- 7.101. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development integrates a safe means of access for all road users and the impacts of the proposed development would not be 'severe'.
- 7.102. The Transport Assessment concludes that the proposed development is considered to be in an appropriate location, given the extremely sustainable location of the site. It has been demonstrated that the proposed development is considered to be acceptable in terms of transport sustainability, highway safety and traffic impact.
- 7.103. The proposed development is in accordance with Local Plan Policy LP20 (Sustainable travel), Policy LP21 (Highways and access), Policy LP22 (Parking). There are no technical reasons with regard to highways and access for the refusal of planning permission at the site.

Heritage and Archaeology

- 7.104. A Heritage Assessment has been prepared by Garry Miller Heritage Consultancy to support this planning application.

7.105. The site forms part of the wider setting of seven listed structures, and also the setting of Upper Cumberworth Conservation Area. The listed structures in proximity to the site are all Grade II Listed and individually include:

- 31 Carr Hill Road: an 19th century house on the edge of the village ;
- The Church of England School: a former National School of 1820 ;
- The Church of St Nicholas: a small village church of 1876 with lower tower possibly of the 18th century ;;
- The stocks in the churchyard: a probably 19th century example of their type;
- The cross base: a surviving fragment of a medieval preaching cross set within the churchyard ;
- 31 Cumberworth Lane: a 17th or early 18th century house in the village centre ;
- 2 Balk Lane: a former Laithe house of the 17th century origin with later alterations.

7.106. The report considers the setting of the listed structures and assesses whether the proposed development would have any impact on their significance. The main contribution centres around their location in the village centre and the historic character, however, the surrounding modern development makes no contribution other than to record the mid-late 20th century expansion of the village.

7.107. With regard to the Upper Cumberworth Conservation Area, the significance derives from its character and appearance as a small, clustered group comprising houses, village school and converted farm buildings centred on St Nicholas' Church. The Assessment sets out that the significance is embodied in the immediate setting, including the buildings, road pattern, spaces, and public views, however, to the southeast, this is mainly defined by modern housing of the mid-late 20th century.

7.108. The report considers the impact of the proposal on the setting of the listed building. The report notes that the site is well screened from the setting of the listed buildings, which is entirely out of view to south. There is no immediate visual association between the site and the listed building. It concludes that the development cannot be deemed harmful owing to its lack of separation and lack of intervisibility between the listed structures and the site.

7.109. With regard to the Conservation Area, as the immediate setting of the conservation area is already defined by modern housing along Cumberworth Lane and beyond, the report sets out that the proposed development is not out of character with its surroundings. The site will only be visible from the southern edge of the Conservation Area at the Barnsley Road/Cumberworth

Lane/Carr Hill Road junction. From the core of the Conservation Area, around St Nicholas' Church, the development will be entirely hidden from view by intervening buildings.

- 7.110. In accordance with paragraph 207 of the NPPF, this planning application has identified and assessed the significance of the nearby heritage assets. It has been ascertained that the level of harm to the setting of the Grade II Listed structures and the setting of the Upper Cumberworth Conservation Area will be negligible, resulting in no adverse effect on their significance.
- 7.111. An Archaeological Report has been commissioned to understand the archaeological value of the application site. Please refer to the Archaeological Report undertaken by North Star Archaeology.
- 7.112. The submitted reports confirm that the heritage and archaeological value of the site have been fully considered as part of this application submission. The proposals will conserve the existing setting of the heritage asset and are therefore in full accordance with Policy LP35 (Historic Environment).

Ecology and Biodiversity Net Gain

- 7.113. A Preliminary Ecological Appraisal has been produced by Brooks Ecological Ltd to support this planning submission. A series of other further surveys have also been conducted following the production of the initial PEA.
- 7.114. A search has been carried out to identify any nationally designated sites within a 2km radius of the site or internationally designated sites within a 10km radius. The following statutory sites have been identified:
- Denby Grange Colliery and Ponds – 7km, Special Area of Conservation (SAC);
 - South Pennine Moors – 9km, Special Area of Conservation (SAC) Special Protection Area (SPA).
- 7.115. A survey was conducted by Brooks Ecological Ltd in March of 2025. A summary of the areas of low/very low distinctiveness and medium distinctiveness has been provided in the PEA,
- 7.116. The report considers the habitats present on site and has assessed the potential presence and impact of the proposed development on protected species.
- Invertebrates – The Site supports common and widespread habitats, which provide no specific opportunities for protected invertebrates. No further surveys required.
 - Birds – Based on location, size and habitats the site will not be important to local bird populations. No further surveys. Recommends works should take place outside of the

nesting season.

- Reptiles - given that arable lands are managed and close-mown, and the limited size of the young woodland, it is unlikely that reptiles would be present. No further surveys required.
- Amphibians - There are no waterbodies on or near to the Site to support breeding GCN and other common amphibians. No further surveys are required.
- Badger – The site provides potential habitat for sett building and foraging. A precautionary pre-works check for setts is recommended. Further surveys required.
- Riparian animals – No suitable habitat on site for water voles or otters. No further surveys required.
- Hedgehog / Brown Hare – site provides suitable habitat for hedgehog and brown hare and at least occasional presence should be assumed. No further surveys. Brown hare will disperse into the wider suitable habitat. Hedgehog access to site should be facilitated.
- Bats – The Site’s habitats and location suggest that it will not offer suitable habitat for bat roosts or foraging and commuting bats. Bat activity restricted likely focussed to the southern and eastern boundaries and not the centre. No further surveys required.

7.117. In accordance with Local Plan Policy LP30 (Biodiversity and Geodiversity) the proposed development has fully considered the biodiversity value of the site and the presence/absence of habitats and species of principal importance across the site. With the proposed biodiversity enhancement measures in place, the proposed development has demonstrated that there will be no significant loss or harm to biodiversity.

7.118. An Ecological Impact Assessment (EclA) for the proposed development site has been produced to identify any significant effects associated with the proposed development and set out any required mitigation and suitable enhancements.

7.119. A Biodiversity Net Gain Assessment has been undertaken by Brooks Ecological to support this planning application. The Assessment has been informed by a baseline assessment of the site.

7.120. The initial BNG Assessment Report states that the baseline biodiversity level for the site is 16.84 habitat units and 0.16 hedgerow units.

7.121. At this stage it is acknowledged that the development of the site will result in the requirement to offset the losses elsewhere. The report sets out various recommendations where this could be achieved:

- Creating a bespoke offset on land available to the developer, as locally as possible.
- Making use (through contribution) of any Local Authority habitat banking scheme, if this is available.
- Purchasing the necessary Units from a broker or habitat banking scheme, again as locally as possible (and ideally within the same Local Authority or National Character area/s as the development).
- Purchasing Statutory Credits from the UK government scheme. This is the last resort and is deliberately priced to be uncompetitive. Twice as many Credits will be required as there are Units to offset.

7.122. Once a layout is confirmed at reserved matters stage the post-development BNG value of the site can be calculated.

7.123. It has been demonstrated that the proposed development can secure the required gains in biodiversity through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Therefore, the proposed development is considered to be in accordance with Local Plan Policy LP30 (Biodiversity and Geodiversity).

Trees

7.124. An Arboricultural Impact Assessment has been prepared by SEED to support this planning application.

7.125. A tree survey was undertaken in on 30th April 2025 in accordance with the methodology outlined within BS5837:2012. None of the trees within the red line boundary are protected under a Tree Preservation Order (TPO).

7.126. The survey recorded 15no. individual trees, comprising of 1no category A, 9no. category B and 5no. category C retention value and 9no. groups of trees, comprising of 4no. category B and 5no. category C retention value.

7.127. The survey recorded 1no. woodland of category A retention value beyond the site red line. This woodland abuts the southwestern boundary of the site and is classified as a Plantation on Ancient Woodland Site (PAWS). Consequently, this woodland is afforded statutory protection under the NPPF. Additionally, this woodland is subject to statutory protection under a Tree Preservation Order (Ref - DD2/51/w37).

7.128. The proposed development will necessitate the removal of 3no. individual trees and 1no. group of trees. There will also be a part-loss of a further 3no. groups of trees. The majority of trees identified for removal are of low arboricultural value with the development context (category C

retention value).

- 7.129. Mitigation measures are proposed in order to compensate for the proposed loss of trees, details of which are outlined within the submitted Landscape and Planting Plans.
- 7.130. The illustrative layout has been designed with consideration of existing tree constraints, however, there are a limited number of resultant RPA incursions as a result of the layout. A methodology for any required works within tree RPAs will ensure any impacts to retained trees is minimised.
- 7.131. The AIA proposes a series of precautionary methods and tree protection fencing during the construction phases. When in place, alongside the Arboricultural Method Statement, these measures will ensure foreseeable damage does not occur during the construction phases.
- 7.132. Paragraph 193 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The AIA demonstrates that there will be no impacts on the ancient woodland W1 to the south of the site.
- 7.133. In accordance with Local Plan Policy LP33 (Trees) the development has, where possible, looked to retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. The proposals comply with relevant national standards regarding the protection of trees and necessary measures have been put in place to mitigate for any loss of trees.

Noise

- 7.134. A Noise Impact Assessment has been prepared by Azymuth Acoustics UK to assess the potential noise levels affecting the proposed residential development at the site.
- 7.135. Noise measurements were taken at three positions around the site. The main source of noise affecting the site originates from Barnsley Road.
- 7.136. The highest measured L_{Amax} value was 89.9dB and the duration of the night-time survey at this position was exactly one hour, hence it is estimated that the 10th highest L_{Amax} value over the entire 8hr night time period is likely to be between 87-89dB.
- 7.137. The highest measured L_{Amax} value was 89.9dB and the duration of the night-time survey at this position was exactly one hour, hence it is estimated that the 10th highest L_{Amax} value over the entire 8hr night time period is likely to be between 87-89dB.

- 7.138. Given the rural location of the site the proposed development, the following external noise targets have been recommended:
- 50dB LAeq,T, averaged over 8 hours (between 11pm and 7am)
 - 65dB LAFmax, more than 10 times a night (between 11pm and 7am)
- 7.139. The assessment of the noise risks shows exposed facades facing directly onto Barnsley Road would generally possess medium to high risk of adverse noise effect and overheating. Other areas of the site would be acceptable.
- 7.140. In terms of external amenity noise, the levels in the majority of gardens will be below the lower noise limit of 50dB LAeq,T due to the screening provided by the dwelling itself, noise levels in gardens in close proximity to Barnsley Road may experience infrequent exceedances of the lower noise limit but are unlikely to exceed the upper noise limit of 55dB LAeq,T.
- 7.141. A glazing specification and ventilation specification is detailed in the report.
- Glazing
 - Elevations facing immediately onto Barnsley Road: min. 37dB Rw and 32dB Rw+Ctr
 - All other elevations: min. 29dB Rw and 25dB Rw+Ctr
 - Ventilation
 - Dwellings with elevations facing immediately onto Barnsley Road: MVHR
 - All other dwellings: MEV, trickle vents min. 34dB Dnew
 - Other Elements of Building Envelope
 - External wall: min. 58dB Rw
 - Roof: min. 45dB Rw
- 7.142. If the above recommendations are to be adhered to then noise levels in all dwellings shall satisfy the assessment criteria.
- 7.143. The proposals are considered to result in a high standard of residential amenity for future occupiers, in accordance with Policy LP52 (Protection and improvement of environmental quality) and the Housebuilders Design Guide SPD. Therefore, there are no reasons relating to noise impact for refusal of planning permission at the site.

Flood Risk and Drainage

- 7.144. This application is supported by a Flood Risk Assessment and Drainage Strategy prepared by Haigh Huddleston.
- 7.145. The Environment Agency's Flood Zone Maps have been reviewed and it is clear that the site is located in Flood Zone 1. The report concludes that the risk to the development from rivers and sea is considered to be not significant in terms of fluvial flooding. The available EA plans indicate that there is no surface water flooding from rain falling on the site and no flooding shown on the higher land to the west of the site.
- 7.146. The proposed land use is considered to be appropriate for Flood Zone 1 in accordance with Planning Practice Guidance for flood risk and coastal change.
- 7.147. It is considered that the steep nature of the site means that infiltration methods would be an unsuitable form of surface water disposal. The use of attenuation systems to reduce the run off from the site to will be required to ensure there is no increase in flood risk to the downstream catchment.
- 7.148. There are no recorded adopted surface water sewers located on or immediately adjacent the site. A 150mm diameter combined sewer is shown running within Park Lane on the south western boundary, which then enters the site from the southern corner to the north east boundary with Barnsley Road. There is a grip on the lower south western boundaries of the fields with a 150mm diameter outfall pipe directly to Park Dike to the south of the site.
- 7.149. The proposed foul sewer could connect to the existing 225mm combined sewer within Barnsley Road to the north of the site. Due to this being located elevated above the low point of the site, a pumping station would be required in the lower north eastern corner of the site. A minimum pumped rate of 4.75 l/s will be required to achieve self cleansing velocity within the rising main, with a final gravity discharge to the existing combined system.
- 7.150. Attenuation has been provided for a significantly increased return period of 1 in 100 years plus 45% climate change with the discharge rate reduced to below the run-off rate for the 1 in 1 year storm events, in real terms this would lead to a reduced flood risk offsite due to the restricted flows off-site for these storm events. These measures will ensure that there should be no increase in the flood risk to properties off site or in the drainage networks downstream of the site.
- 7.151. If the recommendations within the FRA and Drainage Strategy are adopted, this will provide attenuation up to and including the 1 in 100 year + 45% climate change storm events and flow from the site will be restricted to a maximum of 21.5 l/s. This will reduce the flood risk both to the proposed properties on site, as well as the existing properties downstream of the site.

7.152. Therefore, the proposed drainage and flood risk management at the site is considered to be in accordance with Local Plan Policy LP27 (Flood Risk) and Policy LP28 (Drainage). There are no reasons relating to matters of flood risk or drainage for refusal of planning permission.

Site Investigation

7.153. This planning application is accompanied by a Geoenvironmental Appraisal undertaken by Lithos.

7.154. The Site Investigation aims to assess potential risks associated with geotechnical and geoenvironmental setting of the site with respect to the proposed residential and sport development and assesses the geotechnical information in order to provide recommendations regarding future works required.

7.155. The site’s environmental setting is considered to be of moderate sensitivity. With respect to human health, the proposed end use (residential) is also sensitive.

7.156. No potentially contaminative industrial land uses have been identified. However, arable farming has historically been carried out. The farming activities and made ground associated with the farmyard may have given rise to some (likely minor) contamination. Consequently, a ground investigation is required in order to assess the degree and extent of any ground contamination, and enable the preparation of a Remediation Strategy.

7.157. Whilst the site is considered suitable for its current and proposed use, the proposed change in use will require intrusive investigation. The recommendations for which are set out in detail in the report:

- Machine-excavated trial pits to determine near surface ground conditions including depth to bedrock, the presence of obstructions, groundwater and stability ;
- Window sample boreholes within the farmyard to gain investigation data with minimal disturbance and allow investigation within the existing barns;
- Probeholes to allow the installation of monitoring wells ;
- Geotechnical soils analysis to enable foundation recommendations ;
- Chemical testing on soil samples to assess the significance of contamination, if any;
- Gas monitoring and risk assessment.

7.158. The Appraisal concludes that any existing suspected geoenvironmental concerns at the site can be safely mitigated to make the site safe for the proposed development, subject to the recommendations of the report.

Crime

- 7.159. Chapter 8 of the NPPF aims to cultivate healthy and safe communities to achieve safe and inclusive places, so crime does not undermine the quality of life.
- 7.160. The overall threat of dwelling burglaries, thefts of and from motor vehicles and street offences may be low, but the installation of proportionate but proven physical security within the proposed development, together with good building and facilities management for the apartment blocks, will provide the residents and their visitors protections against crime and reduce the opportunities for the development becoming a crime generator itself. Many of the nearby homes display boxes for premises alarms, showing that crime or the fear of crime is apparently an issue for local residents.
- 7.161. The indicative layout provides for natural surveillance between and around the houses and apartment blocks, from living spaces across the parking spaces and the communal space. The indicative layout shows that natural surveillance, including views into, out of, and within the site, can be achieved to help cultivate inclusive living environments for existing and prospective residents.
- 7.162. The installation of door access control systems will reduce unauthorised access into the buildings and stairwells, thereby supporting safety and security for all the residents. The report sets out various recommendations for the scheme to support the safety of all residents, which can be easily implemented into the scheme.
- 7.163. The design of the proposed development has given due consideration to minimising opportunities for crime and antisocial behaviour.

8. HEALTH IMPACT ASSESSMENT

- 8.1. This Assessment is formed in line with the National Planning Policy Framework (NPPF) 2024, guidance from Public Health England and in accordance with Kirklees Council's commitment to improving health and wellbeing and reducing health inequalities through tackling the root causes of illness and health inequality.
- 8.2. The overarching aim is to assess the potential health implications of the proposed development, demonstrating where positive health outcomes arise, and how any negative health outcomes have been minimised or avoided.
- 8.3. This Assessment corresponds with the principles detailed in Kirklees Council's General Advice Note on Rapid Health Impact Assessment (HIA) for spatial planning. This Statement follows the Rapid Health Impact Assessment Form provided within the LPA's guidance note.

Local Policy and Planning Practice Guidance

- 8.4. PPG on promoting Healthy and Safe Communities defines a 'healthy place' as one 'which is inclusive and promotes social interaction, including spaces that can be shared by all residents.'
- 8.5. PPG on promoting Healthy and Safe Communities also states that 'good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience.'
- 8.6. A number of Strategic Priorities are targeted by the Local Plan, including:

'Development will have taken place in a sustainable way (balancing economic, social and environmental priorities) and by making efficient and effective use of land and buildings supported by necessary infrastructure and with minimal effect on the environment.

Health inequalities will have been reduced, enabling higher standards of health and well-being resulting from improved access to training and job opportunities, a decent and affordable home, access to services and green spaces and opportunities for physical activity and a healthy lifestyle.

The diverse character of the district as a whole and within its different character areas will be retained and enhanced while creating opportunities to build thriving communities which respond to local needs.

There will be a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing. The challenges of an ageing population will have

been addressed and a range of housing and employment choices available to attract and retain younger age groups within the district to build sustainable communities.

People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Leeds City Region and beyond. ‘

- 8.7. Policy LP24 (Design) requires development proposals to provide a high standard of amenity for future and neighbouring occupiers. This includes design that promotes high levels of sustainability including design that promotes behavioural change that promotes walking and cycling to other parts of the West and South Yorkshire region.
- 8.8. Policy LP52 (Protection and improvement of environmental quality) also looks to ensure the amenity and health of future residents is adequately safeguarded in terms of pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution.
- 8.9. Policy L2 (Place Shaping) seeks to build on the strengths and opportunities to help address challenges identified in the Local Plan. The various strengths and opportunities include references to the creation, improvement or maintenance of healthy, safe, sociable and inclusive mixed and balanced communities and places, and delivery of a strong and responsive economy.
- 8.10. Additionally, Policy LP1 of the Local Plan sets out a number of key strategic sustainability principles to ensure that new development contributes to the delivery of sustainable development and the improvement of economic, social and environmental conditions, in accordance with NPPF.
- 8.11. The amalgamation of these factors forms the basis for the wide range of factors considered in the Advice Note on Health Impact Assessments. The Advice Note sets out the guiding principles for the content of such Assessments, and how the Council will monitor their successes. The forthcoming section will discuss the various planning and development issues specific to this project which are to be considered in turn through the Assessment.
- 8.12. There are different types of Health Impact Assessments which differ in complexity. Applicants are expected to address the relevant planning and development issues set out which covers factors relating to:
 - Construction;
 - Housing;
 - Active travel and sustainable transport

- Access to open and green spaces;
- Access to healthy and affordable food;
- Community and personal safety;
- Employment and economy;
- Community cohesion.

Consideration of Potential Impacts

8.13. This section of the report has utilised the template included in the Health Impact Assessment Advice Note. Each relevant issue is considered in turn and the associated positive or negative links to health have been considered.

Construction

8.14. The applicant is mindful of the possible sources of pollution as a result of construction practices. It is acknowledged that the main areas of concern relate to air, water and noise pollution.

8.15. A Construction Management Plan can be secured through an appropriately worded condition to ensure that measures to minimise the impacts of construction traffic and control dust, noise and congestion are effectively implemented and will cause a positive contribution on health.

8.16. It is acknowledged that construction activities have the potential to contribute towards air pollution, noise (from vehicles heavy equipment, and machinery), and water pollution. With the appropriate mitigation measures in place, any potential impacts arising from construction activities can be appropriately managed to ensure no negative impacts are inflicted on as a result of construction activities.

Housing

8.17. The proposed development will provide high-quality housing in the form of up to 123no. new homes. The site is considered to be an appropriate location for residential development which is close to services and amenities (including shops, schools, health services).

8.18. The accompanying reports submitted with the application demonstrate that the location of the proposed development is such that there will be no detrimental impacts in terms of noise and air pollution on future residents.

8.19. The development will provide a diverse mix of house types and tenures with a mixture of apartments, houses, terraced, detached and semi-detached properties. The proposed

development will therefore contribute towards the formation of diverse and sustainable communities that promotes social interaction.

- 8.20. The design of the proposed development allows for adequate natural light into each of the units and also provides outdoor amenity space. As a result of the layout and design of the residential development, prospective residents will experience a high level of amenity at the site. All dwellings will be accessible and adaptable and will also adhere to relevant Building Regulations guidance on falls, cold homes and fire safety.
- 8.21. With regard to the location of development, the site is surrounded by other residential dwellings to the north, east and west and therefore the land use is considered to be acceptable.
- 8.22. The proposed houses will be of high quality with good insulation, inclusive of PV, air source heat pumps, timber frame, waste-water energy recovery and whole house ventilation. Please refer to the further details set out in the Climate Change Statement.
- 8.23. The density of residential development is entirely in accordance with the LPA's policies regarding density set out in the Local Plan Allocations and Designations document. Therefore, the proposed development is not considered to give rise to any issues of overcrowding.

Active Travel and Sustainable Transport

- 8.24. The site is situated in an extremely sustainable location for development and will reduce car dependency through the provision of convenient, safe and sustainable transport options.
- 8.25. Upper Cumberworth is supported by a range of facilities and services that are within walking distance of the site. These include: a post office/newsagent (150m), a primary school (290m), pub (150m) and church, (200m). Upper Cumberworth is also well served by neighbouring settlements of Denby Dale and Shepley, which are both 1.5km from the site. From these destinations various other amenities and services can be found.
- 8.26. There are two bus stops located on Barnsley Road, circa 100m to the northeast and 100m northwest of the site. The site is well served by public transport and local bus services provide frequent connections between Holmfirth, Shepley, Barnsley, Huddersfield and Wakefield.
- 8.27. The proposed development provides genuine choice of sustainable and active travel modes, including walking, cycling and public transport. This will help to reduce private car dependency while the development still supports car usage for those who are unavoidably car dependent.

Access to Open and Green Spaces

- 8.28. The proposed development looks to incorporate green spaces on site, where possible. The proposed green spaces and private amenity spaces will be high quality and safe, allowing for their effective use so prospective residents can enjoy the wide range of environmental and quality of life benefits.
- 8.29. A Landscaping Plan has been prepared to accompany the application submission. This ensures the inclusion of high-quality green spaces and open spaces which are well-distributed across the proposed development. The resultant design provides an attractive development that will encourage communal spaces, support social cohesion and promote physical activity.

Access to Healthy and Affordable Food

- 8.30. The location of the proposed development provides convenient access to local food supermarkets and the MSOA Kirklees 056, 057 and 059 has at least 8 outlets according to the Food Environment Assessment Tool.
- 8.31. It is noted that there are several supermarkets in the surrounding area and there are also local producers and allotments located in the area that will provide access to healthy and affordable food for prospective residents.

Community and Personal Safety

- 8.32. The applicant is mindful of the development's responsibility in facilitating social interaction and creating healthy, inclusive and safe communities.
- 8.33. Crime and prevention measures will be incorporated into the proposed development and can be secured through appropriately worded condition. This will ensure the proposed development results in a space that feels safe and discourage crime and antisocial behaviour.
- 8.34. The pedestrian routes within the development with effective street lighting will facilitate environments in which people can interact socially and create a strong sense of community.

Employment and Economic Vibrancy

- 8.35. The Local Plan seeks to develop a strong and thriving economy, combining great quality of life and a strong and sustainable economy in order to help communities thrive.
- 8.36. The location of the proposed development is situated in close proximity to employment opportunities and sustainable public transport links that provide access to local and regional employment opportunities.
- 8.37. The proposed development will bring more people to the area and work to encourage further

investment in upper Cumberworth and the surrounding areas and is therefore considered as a positive of the scheme.

Community cohesion

- 8.38. The proposed development layout incorporates a main estate road, with small private roads to some of the dwellings. There are also informal open spaces included across the site. This will help to create a community environment in which people can meet organically and interact socially.

Climate change

- 8.39. The applicant is mindful of the potential impacts of climate change on the health and wellbeing of future residents of the proposed development.
- 8.40. As part of the accompanying technical reports, the submitted Drainage Strategy includes appropriate management of surface water run off in order to minimise the risk of flooding.
- 8.41. The submitted Energy and Sustainability Statement incorporates various measures to ensure the scheme is as highly sustainable as possible. This includes the provision of well-insulated new homes, with the applicant exploring energy efficient boilers and solar panels. It is proposed for the development to be constructed with high quality materials that are energy efficient and reduce the potential carbon emissions of the development. Please refer to the accompanying Statement submitted with the application.
- 8.42. Green infrastructure has been incorporated into the proposed development and included in the proposed landscaping strategy. This includes the provision of street trees and other vegetation to create a high-quality living environment and provide natural shelter and shade.

9. CONCLUSIONS

9.1. This Planning Statement has been prepared by Broadgrove Planning and Development Limited ('Broadgrove') on behalf of our client, Vivly Living Limited ('the Applicant'), to support an outline planning application at Land to the south of Barnsley Road, Upper Cumberworth, HD8 8NN ('the site').

9.2. The description of development sought by this planning submission is as follows:

'Outline Planning Application for erection of up to 123no. homes with all matters reserved except access.'

9.3. This Planning Statement has demonstrated that the proposed residential scheme supports the NPPF's objective of sustainable development. The development will contribute towards the provision much-needed housing in Kirklees, to which there has been significant and demonstrable under-delivery.

9.4. The Green Belt Assessment demonstrated that the overall impact on the Green Belt including the purposes and the openness of the Green Belt, is limited. The Assessment and the supporting information has demonstrated that the site itself has a limited contribution to each of the purposes of the Green Belt. This is corroborated by Kirklees Council's published Green Belt Review SD19 (2017) which scores the site low (2 out of 5) in terms of the site's contribution to the purposes of the Green Belt. It is suggested that the site could be developed to round-off Upper Cumberworth, which is proposed in this outline planning application.

9.5. In addition, the site has assessed the harm of developing the site against the Green Belt purposes and the purpose of including land within it across the whole of the plan area. It can be concluded that the very limited harm to the Green Belt in terms of the five purposes and its openness does not provide a strong reason for refusing this residential development. This is particularly given the LPA's exceedingly low delivery of housing, with a HDT score of less than 60% and an appallingly low delivery of affordable housing (which has amounted to 16,914 households currently on the waiting list).

9.6. There is insufficient land within the settlement boundaries to accommodate the level of residential development required to support the population of the area and this necessitates the release of land from the Green Belt in this circumstance. The Green Belt policies, although given substantial weight, do not provide a strong reason for refusal. It is undisputable that there are 'very special circumstances' that exist to outweigh the minimal harm to the Green Belt. Therefore, the principle of development and the delivery of much-needed housing should be

considered favourably.

- 9.7. In a tilted balance context, the impacts, which have amounted to a limited level of harm to the purposes of the Green Belt, the Landscape Character and its openness do not provide a strong reason for refusing the proposed development, as prescribed by paragraph 11 part d) i) of the NPPF. The limited impacts of the proposed development cannot patently and logically and mathematically, outweigh the benefits of contributing to the area's chronic five-year housing land supply, provision of affordable housing and the cumulative benefits this would bring to the local area.
- 9.8. This Statement has demonstrated that there are no other technical reasons arising from landscape, flood risk, drainage, trees, heritage, archaeology, contamination, noise, ecology, highways, or design that should prevent the granting of planning permission.
- 9.9. Should there be any queries relating to this Statement or the wider planning submission, please contact Broadgrove Planning and Development (via Michael Parham mp@broadgrove.co.uk) at your earliest convenience.

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