Land off Sunny View, Batley Planning Statement

Jones Homes (Yorkshire) Limited and M62 Developments Limited

05 February 2026

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Contents

1.0	Introduction	2
2.0	Site and Surroundings	3
3.0	The Proposed Development	5
4.0	Planning Policy Context and Other Material Considerations	8
5.0	Planning Assessment	16
6.0	Assessment of Compliance with the Development Plan	21
7.0	Achieving Sustainable Development	36
8.0	Summary and Conclusions	43

1.0 Introduction

1.1 This Planning Statement has been prepared by Lichfields on behalf of Jones Homes (Yorkshire) Limited and M62 Developments Limited. It accompanies a full planning application for the residential development of Land off Sunny View, Batley to provide 37 dwellings alongside access, public realm, landscaping and extensive open space.

1.2 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, this Statement sets out the application's conformity with the Development Plan, relevant national planning policy, and other relevant material considerations.

Accompanying Documents

1.3 The planning application is accompanied the following documents which consider specific issues and the overall impact of the proposals:

1 Application form and certificates

2 Application Drawings

3 Design and Access Statement

4 Planning Statement

5 Landscape and Visual Assessment

6 Urban Greenspace Review

7 Landscape Masterplan

8 Transport Statement and Travel Plan

9 Extended Phase I Habitat Survey, Ecological Impact Assessment, Biodiversity Net Gain Metric and Ecological Conditions Assessment pre/post development

10 Arboricultural Report and Impact Assessment

11 Flood Risk Assessment and Drainage Strategy

12 Phase I and Phase II Land Contamination and additional gas monitoring reports

13 Statement of Pre-application Consultation

Structure of the Report

1.4 This Planning Statement is structured as follows:

- **Section 2.0:** Provides an overview of the site, its context and planning history.
- **Section 3.0:** Provides details of the proposed development.
- **Section 4.0:** Provides a review of planning policy relevant to the proposal.
- **Section 5.0:** Considers the presumption in favour of sustainable development.
- **Section 6.0**: Sets out an assessment of compliance with the wider Development Plan.
- **Section 7.0:** Considers the planning balance.
- **Section 8.0** Sets out the conclusions to the Statement.

2.0 Site and Surroundings

Site Location and Context

2.1 The Application Site extends to approximately 2.45 hectares (see Figure 2.1) and is located within the White Lee area of the urban settlement of Batley, one of the Town Centres identified within the Kirklees settlement hierarchy. The site occupies a highly sustainable location for future residential development, being well related to the surrounding built form and within convenient proximity to a comprehensive range of local facilities, services and public transport opportunities.

Figure 2.1 Site Location



Source: Google Earth

2.2 The site itself comprises grassland with several small trees located along its north western boundary and additional vegetative areas along parts of the western and south eastern boundaries. The site is situated on a plateau, sloping down towards the east. The site is private land and is not publicly accessible.

2.3 The site adjoins existing residential development to the north, east and west; a play area (Asquith Fields) to the south west; agricultural land to the south east; and a Public Right of Way (PRoW) to the south with agricultural land beyond.

2.4 The site is accessed from White Lee Road via Sunny View (Jones Homes' existing development[1]) and is well connected by a range of transport options, including private car, public transport, walking and cycling. Bus stops offering regular services are within 300m. Local services, such as a convenience store, public house, schools, employment opportunities and recreational facilities are nearby, with Batley and Heckmondwike town centres also just 30 minutes on foot or five minutes by car or public transport.

2.5 The site is at low risk of flooding from rivers and the sea. A stretch of land in the southern part of the site is at medium to high risk of surface water flooding, although this area is proposed as open space.

2.6 The site is located within a coal mining 'Development High Risk Area' and a "Surface Coal Resource with Sandstone and/or Clay and Shale" mineral safeguarding area.

2.7 There are no trees with preservation orders within or adjacent to the site. It is not in a Conservation Area, and no listed buildings or designated heritage assets are in the immediate vicinity.

2.8 Two sewers cross the site with associated manholes; one is a foul sewer serving White Lee Gardens and the other is a combined sewer serving recent development adjacent to Asquith Fields. The north western part of the site contains an underground surface water storage tank. Shallow mine workings also exist beneath the site; these are currently stable but would be grouted as part of the proposed development to provide further stability.

Planning Context

2.9 The site is allocated as Urban Greenspace (UGS) in the Kirklees Local Plan (2019) and falls within the Natural and Semi-Natural (N&SN) Greenspace typology. It forms a small part (5%) of a larger 48ha UGS allocation, which extends towards the south and south east.

2.10 There are no formal public rights of access over the Application Site, and it provides no functional community use or benefit beyond comprising an area of open land.

Relevant Planning History

2.11 A planning application proposing 66 homes on this site was refused in June 2016 (2015/92944) and was dismissed at appeal in July 2017 (APP/Z4718/W/16/3162164). The appeal was dismissed due to concerns that the development would cause visual harm to users of the adjacent public footpath, impairing their enjoyment and experience of the openness of the UGS along with wider views and the site's sense of rurality. This was deemed to undermine the role and function of the UGS which outweighed the scheme's benefits. This decision was made under the 2012 National Planning Policy Framework and the Kirklees UDP (1999). The revised planning policy context is discussed below.

2.12 In determining the previous appeal, no objections were raised in relation to highways, accessibility, amenity, biodiversity, flood risk, drainage, contamination, noise, crime prevention, open space, education contributions and the extent of affordable housing.

2.13 In 2018, a further application (2018/92456) was submitted proposing the construction of 29 dwellings on the site but this was later withdrawn.

[1] On Housing allocation HS108

3.0 The Proposed Development

3.1 The application proposes the residential development of the site to provide 37 new homes, alongside suitable access, public realm, landscaping and an extensive area of multi-functional open space located to the south. The scheme will provide a mix of house types, including semi-detached and detached homes, and a small apartment block.

3.2 The scheme proposes 4 x 2 bedroom apartments, 15 x 3 bedroom semi-detached and detached properties and 18 x 4 bedroom detached properties. Nine different house types are proposed, all of which are two-storey properties of artificial stone and tile construction with areas of render where appropriate, in line with the adjacent dwellings on White Lee Gardens. The scheme will achieve a density of 34 (net) dwellings per hectare[2].

3.3 The proposals include the provision of 9 affordable homes (24%), which exceeds the Kirklees Local Plan policy requirement by 4%.

Figure 3.1 Proposed Site Layout and Landscape Masterplan



Source: Pegasus Group

[2] Based on the net developable area of 1.09ha

3.4 A 1.18ha public open space is proposed within the southern part of the site, this will enhance the existing low-quality Urban Greenspace and create a high-quality open space. This area will also provide a substantial green buffer between the proposed dwellings and the Public Right of Way (PRoW) along the site's southern boundary. The open space significantly exceeds local planning policy requirements and would be available for use by the wider community. Provision within this area would include:

- Greenspace
- A kickabout area for informal recreation with mown grass
- New accessible routes alongside improved surfacing of the footpath to the south
- An attenuation pond with timber viewing platform, forming part of the SUDS strategy
- New landscaping, hedgerow and buffer planting, potential allotments and a community orchard
- Pedestrian links to the adjacent Asquith Fields play area
- Footpath connections into the surrounding Urban Greenspace
- A design to ensure inclusive access for all users, including those with limited mobility

3.5 This new public open space will provide recreation and amenity space for existing and future residents and users of the public footpath to the south of the site in line with Local Plan Policy LP50.

3.6 Landscape proposals will supplement the public open space to ensure a coherent and integrated approach to landscaping both within the development and along its boundaries. As is set out in the supporting Landscape and Visual Assessment, careful consideration has also been given to views from the adjacent Public Right of Way.

3.7 Footpath connections will run through the site and will join the existing public right of way to the south and Asquith Fields play area to the west. At 319sqm of public open space per dwelling, the amount of on-site public open space significantly exceeds the Council's policy requirements.

3.8 A Section 106 contribution could also be made towards improving the existing public right of way to the south (if required), which would further enhance opportunities for pedestrian permeability and connectivity with the wider area in line with Policy LP23.

3.9 Vehicular access to the site would be taken from White Lee Road to the west via an extension to the estate road serving Sunny View (White Lee Gardens), the Applicant's recently constructed residential development. Parking provision within the scheme accords with national and local guidance.

3.10 The site is accessible by public transport with bus stops located on White Lee Road offering regular services, within walking distance of the site.

3.11 The scheme differs materially from that considered by the 2017 appeal Inspector in that:

- The extent of the built development has been substantially reduced.
- Built form is set back from the public footpath, avoiding close proximity.

- The scheme incorporates extensive multifunctional public open space, enabling active public use of the site while providing a generous landscape buffer to the adjacent public footpath, preserving and enhancing its setting and visual amenity for users.
- As a result, impacts on the users of the footpath and the experience enjoyed, would be significantly reduced compared with the 2017 scheme.
- The proposal would deliver affordable housing in excess of policy requirements.

3.12 This planning application fully addresses the previous reasons for refusal through a substantially reduced scheme and goes beyond this by providing a substantial amount of usable public open space not afforded by the site at the present time.

Delivery

3.13 Joint applicant, Jones Homes, is a leading housebuilder and has full control over the site. Jones Homes has assembled a professional team of designers, technical experts, and planners and the required survey work has already been completed. The Applicant is committed to bringing this site forward and is in a position to begin delivering homes on this site quickly. The site could be fully delivered within 2 years of the commencement of development. This development would therefore make a meaningful contribution towards addressing the housing land supply shortfalls identified in this application.

4.0 Planning Policy Context and Other Material Considerations

4.1 Since the 2017 appeal decision, the national planning policy context has changed considerably. The Labour government has committed to building 1.5 million new homes by 2030 to address the UK's housing crisis, with a focus on accelerating the construction process through reforms to the planning system and increasing investment in housing development. This timeline aims to address the housing crisis in a timely manner while ensuring that homes are built sustainably and meet the growing demand for affordable housing.

4.2 This Section sets out the relevant planning policy context for the proposed development, alongside other relevant national and local planning guidance. A more detailed summary is contained within Appendix 1.

Approach to Determining the Planning Application

4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes the legal requirement for planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

4.4 Section 70(2) of the Town and Country Planning Act 1990 specifies that '*in dealing with such an application, the authority shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations*'.

Statutory Development Plan

4.5 The statutory Development Plan for Kirklees consists of the Kirklees Strategy and Policies Document (2019) and the Allocations and Designations Document (2019); both of which have been adopted since the previous appeal decision, which was based on the Kirklees UDP (1999).

4.6 As the Kirklees Local Plan is over five years old, it was reviewed in 2023, and it was concluded that a full update would be required. The Emerging Kirklees Local Plan is at an early stage of preparation, with submission for examination anticipated in January 2028. The Plan is therefore at least three years from adoption.

4.7 The first step in determining whether a proposal complies with the Development Plan is to identify all relevant policies, including those which are 'most important for determining the planning application'. The relevant policies are listed below.

Kirklees Strategy and Policies Document (2019)

4.8 The following policies are of relevance to the determination this planning application. These, and other relevant policies, are set out in further detail within Appendix 1.

- LP1: Presumption in favour of Sustainable Development
- LP2: Place Shaping (alongside the Batley and Spen Character Area Statement)
- LP3: Location of New Development (alongside the Spatial Development Strategy)

Urban Greenspace

4.9 The Kirklees Local Plan[3] allocates green spaces of 0.4ha or more of identifiable open space value within urban areas as Urban Greenspace. This includes a wide range of public and private sites, including parks, sports and recreation grounds, allotments, woodlands, natural and semi-natural areas, play areas, amenity greenspace and cemeteries.

4.10 The 'Urban Greenspace and Local Green Spaces Technical Paper 2017' which forms part of the evidence base to the adopted Local Plan, identifies over 500 protected and allocated greenspace sites across the authority, totalling over 1,631 hectares (an increase from the 1999 UDP). The purpose of Urban Greenspace is to maintain an appropriate balance between the extent of undeveloped and built-up land within urban areas.

4.11 **Policy LP61 (Urban Greenspace)** is of particular relevance to this application, this permits development that results in the loss of UGS where one of the following criteria is met:

(a) An assessment shows the open space is no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value

(b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users

(c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space

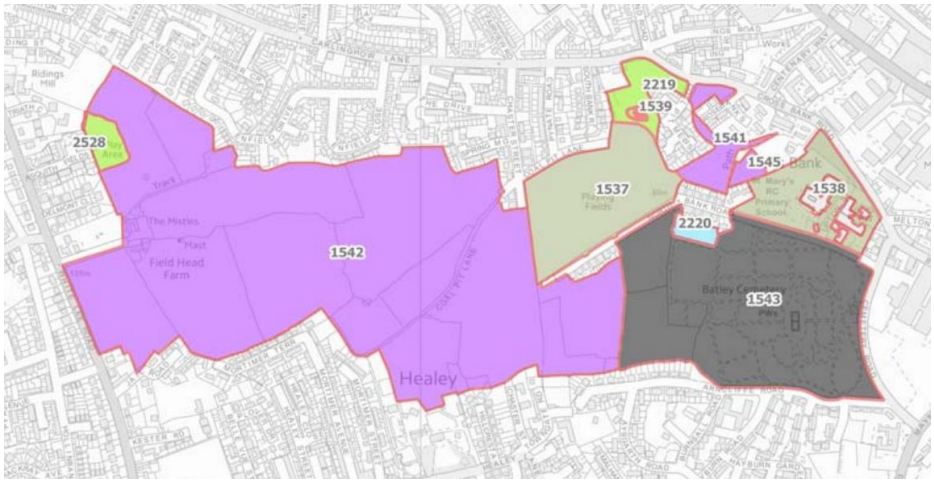
Kirklees Allocations and Designations Document (2019)

UG282: Field Head Farm, Batley Cemetery, Carters Fields, St Mary's Primary School & North Bank Rd Allotments, North Bank Road, Carlinghow, Batley

4.12 The site forms a small part (5%) of a larger 48ha Urban Greenspace allocation which extends towards the south and south east (Ref. UG282[4]). 28.76ha of this wider allocation falls within the Natural and Semi-Natural (N&SN) Greenspace typology.

[3] paragraph 19.42
[4] Labelled as 1542 on Figure 4.1 below

Figure 4.1 Urban Greenspace Typologies within allocation UG282

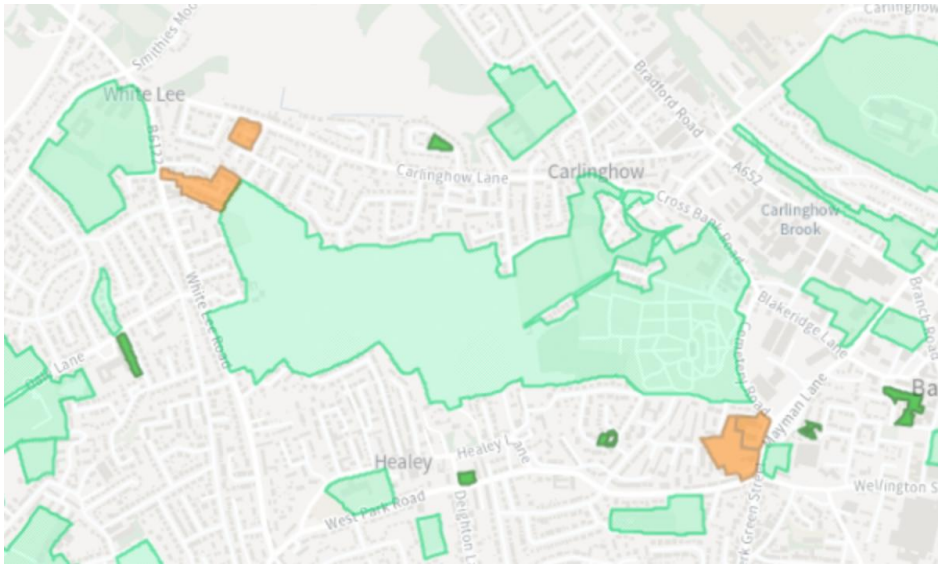


Source: Kirklees Local Plan Open Space Study 2015 (Revised 2016) Appendix 1.1: Site Assessments and Plans

4.13 The **Kirklees Open Space Study 2015 (revised 2016)** suggests that the wider site performs an important strategic role as a "green lung" within a densely developed area. It also suggests that the site forms attractive open hillside land, visible from a wide area, and contributes significantly to the appearance and semi-rural character of the locality. Overall, it is a large area of agricultural grazing land which is valued both for its landscape contribution and for informal recreation, with several public footpaths crossing the site.

4.14 The **2018 'Information on Natural / Semi Natural Greenspaces'** document produced by Kirklees Council for the Local Plan examination, described the N&SNG part of the wider allocation as high-quality, strategically important urban greenspace forming a green wedge within Batley. It is valued for its attractive semi-rural character, openness, views, and use for informal recreation along existing footpaths.

Figure 4.2 Kirklees Policies Map Extract (Urban Greenspace shown in green, Housing Allocations in orange)



Source: Kirklees Local Plan Policies Map 2019

Supplementary Planning Documents (SPD)

4.15 The following SPDs have been adopted by the Council and are relevant to this proposal:

- Affordable Housing and Housing Mix SPD (2023)
- Kirklees Housebuilders Design Guide SPD (2021)
- Kirklees Open Space SPD (2021)
- Kirklees Highway Design Guide (2019)

National Planning Policy

National Planning Policy Framework (2024)

4.16 The NPPF contains the Government's planning policies for England; it promotes sustainable growth and gives significant weight to supporting housing delivery through the planning system. The NPPF is a material consideration in the determination of planning applications.

4.17 The 2024 NPPF supports the Government's aim to deliver 1.5 million new homes. Key changes include a revised standard method for assessing housing needs (raising requirements for Kirklees), along with a stronger focus on delivering housing and affordable homes.

4.18 The NPPF outlines that the planning system seeks to achieve sustainable development, including housing provision, through three main objectives: **economic** (building a strong, responsive and competitive economy), **social** (supporting vibrant and healthy communities) and **environmental** (protecting and enhancing the natural, built and historic environment). Planning policies and decisions should guide development towards sustainable solutions, considering local circumstances and needs. At its core, the NPPF has a presumption in favour of sustainable development to ensure that sustainable development is pursued in a positive way[5].

Presumption in Favour of Sustainable Development

4.19 Paragraph 11 sets out that decisions should apply a presumption in favour of sustainable development, confirming that for decision taking this means:

c) approving development proposals that accord with an up-to date development plan without delay; or

d) where there are no relevant development plan policies, or the <u>policies which are most important for determining the application are out-of-date[8]</u> [our emphasis]*, granting permission unless:*

i *the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed; or*

[5] NPPF paragraphs 7 – 10

ii *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*[9].

4.20 In relation to housing applications, footnote 8 defines 'out-of-date' as: situations where: the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

4.21 Footnote 7: confirms that the policies referred to in paragraph 11(d) are those in the NPPF (rather than the Development Plan) relating to: habitats sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, National Landscape, National Park, Heritage Coast, irreplaceable habitat, heritage assets and areas at risk of flooding or coastal change.

4.22 Footnote 9 confirms that the policies referred to in paragraph 11(d) ii are those in NPPF paragraphs 66, 84, 91, 110, 115, 129, 135 and 139 (affordable and rural housing, sequential approach to town centre uses, sustainable transport, efficient use of land and design quality).

4.23 Paragraph 34 sets out the legal requirement[6] for policies in Local Plans and Spatial Development Strategies to be reviewed at least every five years to assess if updates are needed, considering changes in local circumstances or national policy. Policies should be updated in circumstances where the local housing need figure changes significantly.

4.24 In relation to decision making, paragraph 39 states that Local Planning Authorities should approach development decisions positively, working proactively with applicants to secure developments that enhance an area's economic, social and environmental conditions.

Delivering a Sufficient Supply of Homes

4.25 With regards to housing delivery, the NPPF is clear that the Government aims to "significantly boost the supply of homes" (paragraph 61).

4.26 Paragraph 61 also highlights the need to ensure that sufficient land is available in the right locations and that the needs of groups with specific requirements are addressed. The aim is to meet the area's housing needs with a suitable mix of housing types for the local community.

Maintaining Housing Supply and Delivery

4.27 Regarding housing land supply, NPPF paragraph 78 requires Local Planning Authorities to:

Identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement

4.28 Paragraph 78 goes on to confirm that this housing requirement will be set against either:

[6] Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

- Adopted strategic policies (where these are less than 5 years old or have been reviewed and found not to require updating); or
- Local housing need (LHN) where strategic policies are more than five years old.

4.29 NPPF Annex 2 confirms that 'local housing need' should be calculated through the application of the Standard Method set out in national planning practice guidance.

4.30 Alongside the 2024 NPPF, the Government published a revised Standard Method for calculating local housing need which aims to help achieve its 1.5 million homes target. This moves away from a reliance upon demographic projections towards a method that begins with the current number of homes in an area. The calculation for Kirklees amounts to **1,873**[7] homes per annum, representing a considerable uplift on the Kirklees Local Plan target of **1,730** dpa.

4.31 Paragraph 78 confirms that the supply of specific deliverable sites should include a 5% buffer to ensure choice and competition in the market for land, with a 20% buffer where there has been significant under delivery of housing over the previous three years (measured against the housing delivery test), to improve the prospect of achieving the planned supply.

4.32 Paragraph 78 also requires Local Planning Authorities to identify a 5 year supply of specific deliverable sites against the established housing requirement. Annex 2 provides further guidance on the assessment of such sites including a definition of "deliverable".

4.33 Together, these updates provide a strong context to support housing delivery, reinforcing the government's clear priority to increase housing supply.

Open Space and Recreation

4.34 In relation to Open Space and Recreation, NPPF paragraph 104 establishes that existing open space should not be built on unless:

a An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

4.35 Paragraph 105 supports the enhancement of public rights of ways, including opportunities to provide better facilities for users.

4.36 Kirklees Council has previously confirmed that the site (and the Urban Greenspace allocation) does not comprise Local Green Space in relation to the NPPF definition.

[7] Note: the Kirklees AMR suggests a standard method requirement of 1,840 for Kirklees but 1,873 is the latest figure, accounting for the latest affordability ratios

National Planning Practice Guidance (PPG)

4.37 The PPG provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF and is a material consideration in the determination of planning applications.

Other Material Considerations

Kirklees Authority Monitoring Report (2025)

4.38 The most recent housing land supply position for Kirklees is outlined in the 2024/2025 Authority Monitoring Report (AMR) (dated December 2025), which claims a **4.18** year supply based on a requirement of **1,840 dpa** plus a **20%** buffer.

4.39 Applying the most up to date standard method derived requirement for Kirklees of **1,873** dpa (plus a 20% buffer) reduces the Council's claimed supply to **4.11 years**[8].

Affordable Housing Delivery

4.40 In relation to affordable housing, the 2016 Kirklees Strategic Housing Market Assessment (SHMA) identifies a net annual affordable housing imbalance of **1,049** dpa. The 2024/2025 Authority Monitoring Report provides affordable housing delivery figures (Table 4.1 below), which demonstrate that delivery has fallen well short of the need outlined in the 2016 SHMA in all years. Given these poor delivery rates, the need for affordable housing has likely increased over time, suggesting a chronic and severe affordable housing crisis.

Table 4.1 Kirklees Affordable Housing Completions

Year	Affordable Housing Completions
2014/15	180
2015/16	155
2016/17	121
2017/18	100
2018/19	118
2019/20	155
2020/21	89
2021/22	109
2022/23	127
2023/24	256
2024/25	223

Source: Kirklees Annual Monitoring Report 2024/35 (table 28)

Emerging Local Plan

4.41 Kirklees Council is in the early stages of updating its Local Plan which will guide development until 2043. The next Draft Plan Consultation is currently scheduled for late

[8] Untested supply of 1,846 homes deduced from the Council's five year housing land supply calculation

2026, with the Plan expected to be submitted for examination in January 2028. Given the supply shortage and increased housing requirements, the Council will need to identify additional housing allocations to meet its long-term needs.

4.42 With the Local Plan still in its very early stages and at least 3 years from adoption, there is no short to medium term plan to address the severe and chronic housing shortfall.

Revised Housing Policy Context - Summary

- Kirklees' housing requirement has increased since the 2019 Local Plan and is significantly higher than the figure used in the 2017 appeal.
- Housing delivery has consistently fallen short of targets, never reaching the current level of local housing need.
- The authority continues to fail the Housing Delivery Test, with a 2023 result of just 54%, triggering the presumption in favour of sustainable development and 20% buffer.
- Affordable housing delivery remains poor, with progress below the net annual affordable housing imbalance of 1,049 dpa. This figure, established in 2016, is expected to have worsened over time.
- Poor delivery rates have persisted since the 2017 appeal, indicating a severe and chronic problem that has not been resolved, even with a new Local Plan in 2019.
- This highlights the failure of the previous spatial strategies set out in both the UDP and also the 2019 Local Plan, necessitating a revised approach.
- With the emerging Local Plan still in its early stages, Kirklees lacks a short to medium term plan to tackle the housing crisis and needs to take urgent action.

4.43 The housing context for this planning application has therefore strengthened significantly since the 2017 appeal.

5.0 Planning Assessment

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

5.2 The Kirklees Local Plan is therefore the starting point for determining this planning application, with the 2024 NPPF also being a material consideration in the decision-making process. The scheme's compliance with the policies of the Kirklees Local Plan is set out in Section 6.

Presumption in Favour of Sustainable Development

5.3 Aligned with the NPPF's overarching aim to achieve sustainable development, **Local Plan Policy LP1** sets out a presumption in favour of sustainable development reflective of the NPPF. This confirms that planning applications consistent with the Local Plan will be approved without delay. In cases where no relevant policies exist or where relevant policies are out of date, planning permission will be granted unless material considerations indicate otherwise. This includes considering whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, or if specific NPPF policies indicate that development should be restricted.

5.4 The Local Plan, adopted in 2019, references an earlier version of the NPPF's presumption. However, it states that the Council will apply the NPPF when determining planning applications. For this application, the 2024 NPPF presumption has been used as it represents the most current version.

5.5 NPPF Paragraph 11 (d) sets out that decisions should apply a presumption in favour of sustainable development, confirming that for decision taking, this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8] [our emphasis]*, granting permission unless:*

i *the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed; or*

ii *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[9].*

5.6 In relation to housing applications, footnote 8 defines 'out-of-date' as: situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test is failed.

5.7 In relation to this planning application, NPPF paragraph 11(d) is engaged for the following reasons:

- Kirklees Council cannot demonstrate a 'deliverable' five-year housing land supply[9]; and
- Kirklees Council fails the Housing Delivery Test (54%)[10].

5.8 These elements are discussed in further detail below.

Kirklees' Local Housing Need: Lack of a Five-Year Housing Land Supply

5.9 NPPF paragraph 78 requires Local Authorities to:

Identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement

5.10 The latest standard method derived Local Housing Need calculation for Kirklees is 1,873[11] dpa. With the addition of a 20% buffer due to the failure of the housing delivery test (outlined below), land will need to be found to accommodate 2,248 dpa.

5.11 Table 5.1 shows how this figure has changed over the last 25 years, demonstrating that Kirklees is currently facing its highest level of housing need to date. This also indicates that local housing need in Kirklees is now considerably higher than when the 2017 appeal was decided (+ 796 dpa). Given the chronic lack of delivery (outlined below), this further strengthens the case in support of housing delivery.

Table 5.1 Housing Need in Kirklees over time

Source	Requirement
Kirklees UDP (1999)	1,077
Kirklees Local Plan	1,730
2024 NPPF	1,873

Source: Kirklees UDP, Kirklees Local Plan, Government

Five Year Housing Land Supply

5.12 The most recent housing land supply position for Kirklees is outlined in the 2024/2025 Authority Monitoring Report (AMR) (dated December 2025), which claims a **4.18** year supply based on a requirement of 1,840 dpa plus a 20% buffer.

5.13 Applying the most up to date standard method derived requirement for Kirklees of **1,873** dpa (plus a 20% buffer) reduces the Council's claimed supply to **4.11 years**[12].

5.14 It is therefore evident that there is a significant shortfall, which is exacerbated by applying the latest Standard Method derived local housing requirement. This is before the Council's supply is interrogated, which we are aware continues to draw upon sites such as the large Bradley Park allocation, the majority of which is in Council ownership and there is no clear evidence of those parts coming forward.

[9] NPPF footnote 8
[10] 2023 measurement
[11] This is the latest standard method derived figure for Kirklees using the latest affordability ratios, the Council suggests 1,840 which is not up to date.
[12] Untested supply of 1,846 deduced from the Council's five year housing land supply calculation

5.15 A focused review of the Council's supply position would provide a more accurate understanding of the scale of the need for housing delivery. It is anticipated that such a review would demonstrate that housing land supply is Kirklees is far less than 4.11 years.

5.16 With a new Local Plan still some time away, this situation is expected to worsen, and there is no short to medium term solution to this supply issue without intervention. Kirklees Council must address this crisis urgently by granting permission for deliverable housing sites.

5.17 Land at Sunny View is one such site that could deliver housing quickly to help to meet this need. The joint applicant, Jones Homes, a leading housebuilder, has full control over the site and has assembled a professional team of designers, technical experts, and planners. The required survey work has already been completed. The applicant is committed to bringing this site forward and is in a position to deliver the full scheme over a 2-year period.

5.18 As Kirklees Council cannot demonstrate a 'deliverable' five-year housing land supply, the 'tilted balance' outlined in NPPF paragraph 11 (d) is engaged for the purposes of determining planning applications for housing, including Jones Homes' proposals for Land off Sunny View.

Significance of the degree of shortfall

5.19 Notwithstanding the binary nature of engaging NPPF Paragraph 11(d), the scale of any five-year housing land supply shortfall is also material and impacts upon the weight to be attached to the matters to be considered in the tilted planning balance in the determination of an application. It is therefore important to address, at least in broad terms, the scale of the shortfall. This approach is consistent with the High Court judgment in Gladman v SoS Housing Communities and Local Government [2019] EWHC 128,14[13]. Generally, the greater the degree of shortfall, the more weight it must be given in the balancing exercise and Secretary of State decisions have consistently found that either: substantial, very significant or very substantial weight should be given to the delivery of housing where an LPA is unable to demonstrate a five-year housing land supply

5.20 In Kirklees' case, the claimed **shortfall** is approximately **0.89**[14] years for the five-year period from 1st April 2024 to 31st March 2029. This is based upon Kirklees Council's own supply figures which have not been subject to interrogation at this stage. In reality, Kirklees Housing Land Supply position is likely to be far lower than **4.11** years. Nonetheless, this is an acute and **'substantial**[15]**'** shortfall in the context of the overall weight to be given to housing provision.

Failure of the Housing Delivery Test

5.21 Housing Delivery Test (HDT) results show that housing delivery in Kirklees has been consistently poor. The 2023 HDT score for Kirklees is just **54%**, down from **67%** in 2022 and **87%** in 2021.

[13] https://www.bailii.org/ew/cases/EWHC/Admin/2019/128.html

[14] Based upon the latest Standard Method housing need figures for Kirklees

[15] Policy HO7 of the consultation draft NPPF confirms that 'substantial' weight should be given to the benefits of providing housing that will contribute towards meeting the evidenced needs of the local community.

5.22 As a consequence, the NPPF paragraph 11(d) presumption of sustainable development is engaged. Kirklees must also apply a 20% buffer to its identified supply of deliverable sites, meaning land to accommodate **2,248 dpa**[16] will need to be found.

5.23 The 2024/2025 Kirklees Authority Monitoring Report (AMR) provides delivery figures for the last 10 years which shows that the Kirklees Local Plan 2019 target of 1,730 dwellings per annum was not met in any year following the Plan's adoption. In fact, delivery consistently fell significantly short of this target each year.

Table 5.2 Kirklees Housing Delivery Figures and Affordable Housing Completions

Year	Net Additional Dwellings	Affordable Housing
2014/2015	666	180
2015/2016	1,143	155
2016/2017	983	121
2017/2018	1,330	100
2018/2019	1,550	118
2019/2020	1,131	155
2020/2021	1,021	89
2021/2022	704	109
2022/2023	985	127
2023/2024	1,204	256
2024/2025	988	223

Source: Kirklees Authority Monitoring Report 2024/2025

5.24 The AMR also shows that Kirklees Council has failed to deliver anywhere near the number of homes required to meet the current local housing need (**1,873 dpa**[17]) in any of the past years. This highlights a severe and persistent housing delivery problem and ultimately a failure of the Local Plan to address housing needs.

5.25 Turning to affordable housing, the 2016 Kirklees Strategic Housing Market Assessment (SHMA) identifies a net annual affordable housing imbalance of 1,049 dpa. The 2024/2025 Authority Monitoring Report also provides affordable housing delivery figures, which demonstrate that delivery has fallen well short of the need outlined in the 2016 SHMA. Given these poor delivery rates, the need for affordable housing has likely increased over time, suggesting a chronic and severe affordable housing crisis.

5.26 This highlights the failure of the previous spatial strategies set out in both the UDP and 2019 Local Plan, necessitating a revised approach. The Council has acknowledged the need for Green Belt release and sustainable non-Green Belt sites (such as Land at Sunny View) should be considered first.

5.27 With severe and chronic levels of under delivery throughout the plan period, an increased housing requirement for Kirklees and a lack of any effective plan to address the housing and affordable housing shortfalls, the situation is expected to worsen in coming years unless immediate action is taken.

[16] Latest SM derived housing need figure used
[17] Latest SM derived housing need figure used

Summary

5.28 As Kirklees Council cannot demonstrate a 'deliverable' five-year housing land supply, and the Housing Delivery Test is failed, the 'tilted balance' outlined in NPPF paragraph 11 (d) is engaged for the purposes of determining planning applications for housing, including Jones Homes' proposal on Land off Sunny View.

5.29 An assessment of the scheme against criteria i) and ii) of NPPF paragraph 11(d) is therefore set out in Section 8 below.

6.0 Assessment of Compliance with the Development Plan

6.1 While the policies which are 'most important for determining the application' are already deemed to be out-of-date as a consequence of the conclusions reached in Section 5[18], to ensure robustness, this Section assesses the application proposals against the relevant local planning policy context contained within the statutory Development Plan as set out within Section 4 and Appendix 1.

Policy LP2: Place Shaping & Policy LP3: Location of New Development

6.2 Policy LP3 requires development to align with the Local Plan's Spatial Development Strategy, the principles of sustainable development (Policy LP1) and place shaping (Policy LP2). It directs growth to sustainable locations that reflect a settlement's size, function and spatial priorities, while supporting overall housing and employment objectives. Proposals should respond to identified housing needs and deliverability requirements, and ensure appropriate access to infrastructure, green and blue networks, a range of transport choices, and local services.

6.3 The reasoned justification to Policy LP3[19] confirms that windfall development should be consistent with the Spatial Development Strategy and place-shaping objectives of the Local Plan, recognising that windfall sites (including smaller sites and ad hoc redevelopment opportunities) make an important contribution to housing delivery.

6.4 The Application Site lies within the urban area of White Lee which forms part of Batley, within the Batley and Spen Character Area. The site is located in close proximity to the centres of Batley, Cleckheaton, Heckmondwike, Gomersal and Birstall. This area benefits from strong connectivity, including direct access to the M62 and an extensive greenway network that supports walking and cycling. A well-established hierarchy of centres provides access to employment, shopping, leisure and services, with Batley acting as a key cultural and service hub supported by nearby centres and the Birstall retail and leisure park. The Local Plan identifies this area as accommodating a significant proportion of the Authority's housing growth.

6.5 The Application Site is therefore located within an urban area identified as a sustainable location for housing development in accordance with Policy LP2 and the Batley and Spen Character Area Statement, benefitting from good accessibility to services, employment opportunities, sustainable transport options and existing infrastructure.

6.6 The Spatial Development Strategy identifies Batley as a focus for housing delivery, with an indicative requirement of around 725 dwellings (2.3% of the housing need), alongside significant growth directed to nearby Cleckheaton (1,295 homes), Heckmondwike (340), Gomersal (270) and Birstall (375). These figures are based on the Local Plan housing requirement of 1,730 dpa, which is lower than the current Standard Method derived requirement of 1,873 dpa.

[18] Lack of five year housing land supply and housing delivery test failure as confirmed by NPPF footnote 8
[19] paragraph 6.8

6.7 Applying the revised Standard Method and a 20% buffer (due to Housing Delivery Test failure), increases the annual requirement to 2,248 dpa, representing a substantial uplift over the Spatial Development Strategy target.

6.8 The Kirklees AMR 2025 confirms that identified sources of housing supply are insufficient to meet this level of need. Under-delivery is also expected to persist, as Local Plan allocations are not delivering as anticipated and are unable to address the short to medium term supply gap. On this basis, Kirklees can demonstrate only a **4.11** year supply of deliverable housing land, with a shortfall equivalent to **2,008** dwellings[20] (**0.89** years) prior to the interrogation of supply assumptions.

6.9 There is also a significant shortfall in affordable homes, amounting to 1,049 dwellings per year. This position is likely to have worsened since the publication of the 2016 SHMA, given persistent under-delivery. This places added pressure on the Kirklees housing market, with social consequences including overcrowding, delayed household formation, and impaired labour mobility.

6.10 In the absence of an up-to-date Local Plan and with no short or medium term solution to address the supply deficit, there is an urgent need to approve deliverable housing sites. Land off Sunny View represents a sustainable and accessible opportunity that would efficiently utilise land, integrate with the existing urban area, and be well connected to infrastructure and public transport. The proposal would support the Spatial Development Strategy and deliver much-needed market and affordable housing in a location identified for growth. This would accord with Policies LP1, LP2 and LP3[21].

Proposed Residential Development

6.11 The application proposes the residential development of the site to provide 37 new homes.

Housing Mix

6.12 The scheme will provide a mix of house types, including semi-detached and detached homes, and a small apartment block. It proposes 4 x 2 bedroom apartments, 15 x 3 bedroom semi-detached and detached properties and 18 x 4 bedroom detached properties. Nine different house types are proposed.

6.13 The application is accompanied by a Housing Mix Assessment which considers the proposed housing mix in the context of adopted policy and guidance and is informed by an analysis of wider housing market factors, evidence on local housing market characteristics and a review of relevant planning permissions in the area.

6.14 The housing market analysis demonstrates that the site sits within a predominantly family-oriented area, with a higher-than-average proportion of households containing dependent and non-dependent children and strong growth in family households since 2011. Families in the area are least likely to under-occupy, indicating an ongoing need for larger homes. The proposed development responds directly to these characteristics by providing a housing mix that reflects local demand and supports the delivery of family housing, aligning

[20] Accounting for the 20% buffer

[21] Notwithstanding that policies LP2 and LP3 are out-of-date by virtue of footnote 8 of NPPF paragraph 11d)

with the objective of Policy LP11 of the Kirklees Local Plan to provide an appropriate mix of homes having regard to local circumstances.

6.15 Policy LP11 does not prescribe a fixed housing mix and instead refers to evidence such as the Strategic Housing Market Assessment (SHMA). However, the SHMA dates from 2016 and is now substantially out of date, it also does not distinguish adequately between different character areas across the Borough, therefore applying a largely standardised approach to housing need. While the Affordable Housing and Housing Mix SPD (2023) provides further guidance, case law confirms that SPDs cannot introduce new policy requirements and must be applied flexibly. This approach is reinforced by a review of recent planning decisions in the area, which shows that departures from the SPD have been accepted where justified by site-specific factors and wider planning benefits. The proposed scheme broadly aligns with the SPD, with only limited and justified deviations. These deviations would have a negligible impact on the wider housing mix, increasing the proportion of larger 4 bedroom homes in the local area by only 0.3 percentage points.

6.16 The proposal therefore accords with the NPPF, which seeks to significantly boost the supply of homes, deliver a mix of housing types to meet the needs of different groups, and give **substantial** weight to the benefits of affordable housing provision. Taken together, the scheme represents a sustainable and policy-compliant response to local housing needs, with any limited deviations from guidance clearly outweighed by the benefits delivered.

Affordable Housing

6.17 The proposals include the provision of 9 affordable homes. This will comprise 4 x 2 bedroom and 1 x 3 bedroom homes for social rent and 4 x 3 bedroom properties as first homes. This equates to 24% provision which exceeds the Kirklees Local Plan policy requirement set out in Policy LP11 by 4%.

6.18 The overall tenure split accords with the Affordable Housing and Housing Mix SPD and the 2016 SHMA, achieving the preferred balance of 55% affordable/social rent and 45% intermediate tenure, whilst delivering 25% of the intermediate provision as First Homes.

6.19 The proposed size mix of affordable rented homes complies with the SPD requirements for the Batley and Spen sub-area.

6.20 The affordable intermediate element comprises four x 3-bed homes, representing a minor numerical divergence from the preferred mix set out in the SPD. However, given the small scale of the intermediate provision overall, this variation is limited in impact and justified by the analysis undertaken in the accompanying Housing Mix Assessment which recognises a need for larger family homes in the local area.

Density

6.21 The scheme would achieve a net density of 34 dwellings per hectare[22].

6.22 Local Plan Policy LP7 (Efficient and Effective use of Land and Buildings) seeks to achieve a net density of 35 dwellings per hectare, while allowing for lower densities where necessary to secure particular house types to meet local housing needs or to ensure compatibility with surrounding development.

[22] Based on the net developable area of 1.09ha

6.23 The NPPF similarly confirms that density should be considered in the round, having regard to factors such as local housing needs, site constraints, character and design quality.

6.24 In this case, the proposed density reflects an efficient and proportionate use of the site, informed by the identified housing mix set out in the accompanying Housing Mix Assessment and shaped by site constraints and the need to respond sensitively to local character.

6.25 The proposed density is reflective of the site coming forward for family housing in accordance with the character of the local area and the identified need for this type of housing as set out within the accompanying Housing Mix Assessment. Such properties (which will comprise of larger semi-detached and detached homes), will include well-proportioned gardens, garages and in-curtilage parking. In addition, the layout and density have also been shaped by the importance of ensuring appropriate separation distances for amenity and the over-provision of open space[23].

6.26 The proposed development represents an efficient and effective use of the site, which has been informed by the identified housing mix and shaped by site constraints and the need to respond sensitively to local character. Whilst it deviates very slightly from Policy LP7 in quantitative terms this is justified by the local need for larger family housing. Furthermore, it is clear that, when considered in the round, it fully accords with the objectives of Policy LP7 and the NPPF in terms of density and delivering a high-quality, design-led residential development.

6.27 The scheme therefore achieves an appropriate balance between efficient land use and providing a housing mix aligned with evidenced local needs in accordance with Policy LP7 and Chapter 11 of the NPPF.

Urban Greenspace

6.28 The site forms a small proportion (5%) of a larger 48ha Urban Greenspace allocation which extends towards the south and south east (ref UG282). 28.76ha of this wider allocation is classified as Natural and Semi-Natural (N&SN) Greenspace which includes scrubland and grassland, as well as unmanaged and unused sites.

6.29 Under Local Plan Policy LP61, the development of such sites will be permitted where:

a An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value; or

b Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or

c The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.

6.30 Criteria (a) of Policy LP61 requires the consideration of two elements:

[23] This equates to 319sqm per dwelling against a policy requirement of 14.58sqm as set out in the Kirklees Open Space SPD

1 Whether the open space is required to meet local needs; and

2 Whether the open space makes an important contribution in terms of visual amenity, landscape or biodiversity value [our emphasis].

Is the Open Space Required to meet Local Needs?

6.31 Kirklees Council has not adopted a locally derived quantitative standard for Natural and Semi-Natural Greenspace and therefore applies a district-wide minimum standard of 2 hectares per 1,000 population based on Natural England's recommended notional standard.

6.32 The Kirklees Open Space Assessment Report[24] assesses provision against this standard and identifies deficiencies on a ward by ward basis. The Application Site lies partly within the Batley West and Heckmondwike wards, both of which are suggested to be deficient in Natural and Semi-Natural Greenspace. Batley West is identified as having a shortfall of 5.97 hectares, with provision of 1.7 hectares per 1,000 population, while Heckmondwike has a deficit of around 22.68 hectares, providing 0.67 hectares per 1,000 population.

6.33 However, it is important to note that the methodology applied in reaching these conclusions excludes extensive areas of Green Belt within these wards, despite many of these areas meeting the Council's definition of this typology and providing equal or greater amenity value than the Application Site.

6.34 The exclusion of Green Belt land is not clearly justified. Paragraph 6.2 of the 2016 Open Space Assessment simply confirms that Natural and Semi-Natural Greenspace within the Green Belt was not included, except for local nature reserves and a small number of wetlands with formal public access arrangements. While this approach may reflect an assumption by the Council that Green Belt land is generally remote from urban areas, this does not apply in the case of Land at Sunny View, where Green Belt land lies within approximately 200m of the site and forms a common and accessible feature in views from the urban area.

6.35 Previous appeal decisions[25] and Local Plan examination commentary[26] has also consistently highlighted shortcomings in the Council's approach to assessing Natural and Semi-Natural Greenspace, particularly the exclusion of Green Belt land. Inspectors have confirmed that there is no clear justification for this exclusion and that accessible Green Belt areas make a meaningful contribution to visual amenity, openness and the perception of greenspace, reducing the significance of identified quantitative deficiencies. These findings support a more rounded assessment of greenspace provision that properly accounts for the contribution of Green Belt land.

6.36 This includes the 2017 appeal on the Application Site (APP/Z4718/W/16/3162164) where the Inspector acknowledged that the Council had not sufficiently explained why the Open Space Study Assessment Report did not include Green Belt sites and agreed that this limitation reduced the robustness of the Council's assessment by restricting its scope to land within urban boundaries. The Inspector also observed that there was insufficient information before him at that time to assess the availability or contribution of such land.

[24] 2015, revised 2016
[25] APP/Z4718/W/16/3162164, APP/Z4718/W/17/3174217
[26] October 2017 Local Plan Inquiry Inspector

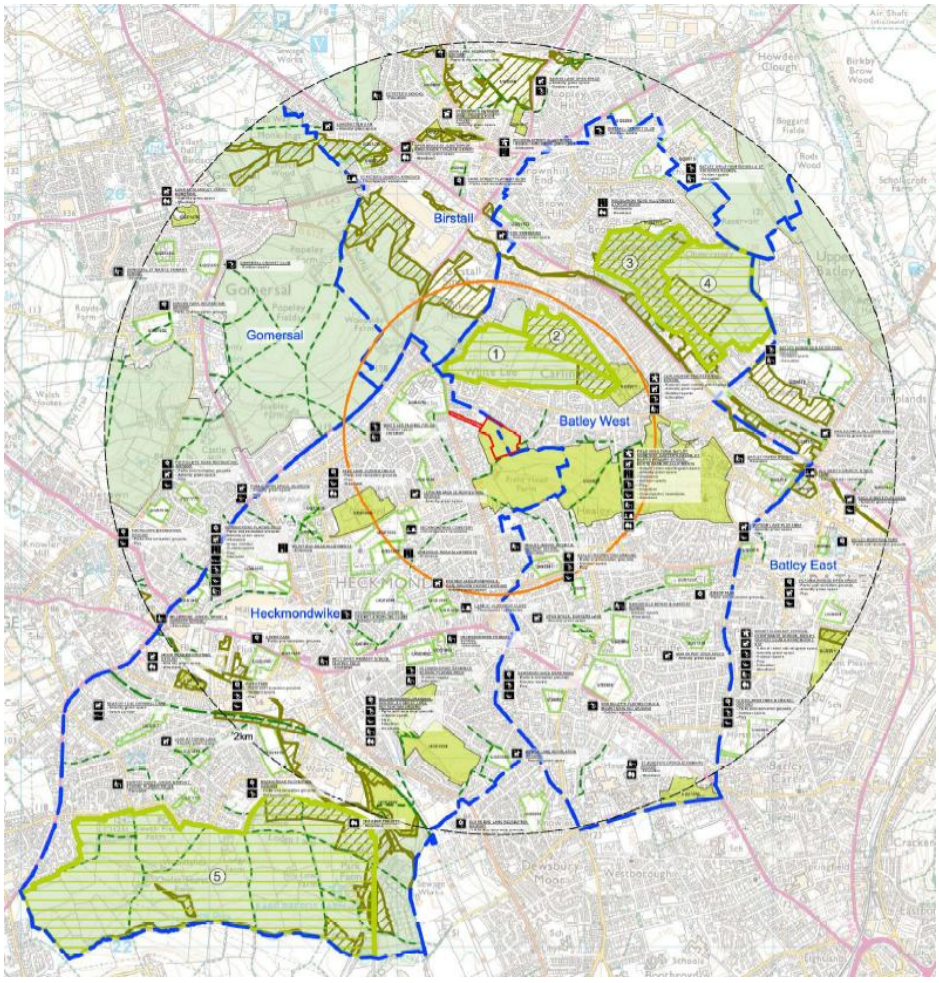
In response, the following section undertakes this assessment and provides a comprehensive and objective evaluation of provision.

6.37 To establish whether the site is required to meet local needs for open space, the Applicants have commissioned an Urban Greenspace Review, the findings of which are summarised below. This addresses the evidential gap noted by the 2017 appeal Inspector.

6.38 The first stage of this Review has been to undertake an assessment of the land falling within the Natural and Semi Natural Greenspace Typology within both the Batley West and Heckmondwike wards.

6.39 The Council's Open Space Study identifies shortfalls of approximately 5.97 hectares in Batley West and 22.68 hectares in Heckmondwike against the standard of 2 hectares per 1,000 population. However, Batley West contains approximately 72 hectares of Green Belt and Heckmondwike approximately 128 hectares, much of which is in close proximity to the urban area and centres of population and does meet the Council's definition of Natural or Semi-Natural Greenspace. The contribution this land makes to local amenity and as open space and Urban Greenspace should therefore be taken into account. These areas, lying close to and in some cases within the urban area, amount to approximately 63 hectares within Batley West and 113 hectares within Heckmondwike.

Figure 6.1 Green Belt and Urban Greenspace Areas



Source: Pegasus Urban Greenspace Review 2026

6.40 Figure 6.1 identifies areas of Natural and Semi-Natural Greenspace within Batley West and Heckmondwike, including areas of Green Belt which fulfils this criteria. Green Belt beyond the ward boundaries has not been included, although additional large areas falling within the typology also lie within 2km of the site.

6.41 When Green Belt land that displays the characteristics of Natural and Semi-Natural Greenspace is properly taken into account, there is **no deficiency** in either the Batley West or Heckmondwike wards. This demonstrates that the identified shortfalls arise from artificial distinctions based solely on policy designation rather than an objective assessment of available greenspace. On this basis, there is more than sufficient land within the Natural and Semi-Natural Greenspace typology within both wards to offset the proposed development at Sunny View, and no meaningful deficiency would arise.

Accessibility

6.42 The Kirklees open space accessibility standards[27] also establish that residents should have access to Natural and Semi-Natural Greenspace within a 15 minute walk (720m) and access to a 20 hectare site within 2km. Figure 6.1 demonstrates that post development, residents would still have access to quality Natural and Semi-Natural Greenspace within a 15 minute walk (720m) and a 20 hectare site within 2km.

6.43 The Urban Greenspace Review therefore evidences that in respect of Local Plan Policy LP61(a), there is not a deficiency in Natural and Semi-Natural Greenspace in the locality and the site is not required to meet local needs for open space.

Does the Open Space make an important contribution in terms of visual amenity, landscape or biodiversity value?

6.44 Policy LP61(a) also requires a qualitative assessment to demonstrate that the site, as open space, does not make an important contribution in terms of visual amenity, landscape or biodiversity value.

6.45 The Council has previously agreed that that the site does not make a notable contribution in terms of biodiversity value and is not located within a Valued Landscape.

6.46 To assess whether the site makes an important contribution to visual amenity or landscape, a detailed Landscape and Visual Assessment has been prepared. This provides an objective evaluation of the site's function and contribution within the wider Urban Greenspace designation, and the extent to which any visual amenity or landscape value would be retained or enhanced as part of the proposed development.

6.47 The Assessment identifies that in terms of landscape fabric, the site currently comprises rough, unmanaged grassland, historically used for horse grazing, and more recently partially as a construction compound, with three sides bounded by existing residential development. The Application Site is private land and is not publicly accessible.

6.48 In landscape character terms, the Assessment notes that while the character would experience some changes, as part of the site would be developed for housing, the southern portion would be made publicly accessible via the adjacent footpath and enhanced as recreational open space. The balance of public open space to built development on the site

[27] Set out in Tabe 4.5 of the Kirklees Open Space Assessment Report 2015 (revised 2016)

is strong. The Landscape Masterplan places strong emphasis on habitat creation and enhanced natural greenspace, including species-rich grassland, new tree planting, wetland areas, productive landscapes, play and fitness provision, and new pedestrian routes.

6.49 In terms of visual amenity, the site has a very limited visual envelope, largely contained to the extents of the current area of Urban Greenspace. Key visual receptors are local residents immediately surrounding the site and footpath users immediately adjacent to the southern boundary. The residential development of the northern site area would bring built form forward, in views across an area of not particularly notable rough grassland, particularly from the adjacent footpath.

6.50 The southern section of the site would become publicly accessible and form an area of enhanced greenspace with a natural and ecological emphasis. While current views over the rough grassland would change, a notable proportion of the site would remain as greenspace and would become more visually rich in landscape terms. As set out on the Landscape Masterplan, in addition to management of the remaining grassland to be a species rich habitat, there would be substantial new tree planting and complementary new hedgerows and scrub established. This change to the nature of the greenspace areas would not be at odds with the remaining Natural and Semi-Natural Greenspace to the south of footpath BAT/23/20, indeed the availability of public access into the site (including pathways and seating areas) would allow views over the land to the south that are not currently publicly available.

Specific Consideration of any Impact upon Visual Amenity for Footpath Users

6.51 The key issue in the 2017 appeal related to visual amenity impacts upon users of the adjacent public footpath. The Inspector concluded that this footpath benefits from a semi-rural setting, bordered by Natural and Semi-Natural Greenspace, providing visual relief, a sense of openness and rurality within a relatively dense urban context. No concerns were raised in relation to longer range views of the proposed development.

6.52 While the Inspector acknowledged the need to the balance preservation of this character against the delivery of housing, his concern in relation to the 2017 scheme focussed on its scale and layout. This would (in his opinion) have introduced built form across almost all the site and in close proximity to the footpath, resulting in adverse visual effects for users.

6.53 The revised scheme has been specifically designed to address these concerns, with early input on the proposed extent of development provided by the Landscape Architect. Development has been reduced and significantly set back from the footpath, with a carefully considered landscaping and public open space strategy introduced to create a clear spatial separation between built form and the footpath corridor.

6.54 The site is currently private land and does not function as active public open space, instead contributing passively through visual amenity and a perceived sense of openness. The accompanying Landscape and Visual Assessment therefore considers the indirect effects of the development on users of the publicly accessible parts of the Urban Greenspace, including the footpath. This concludes that while views will change from the footpath, in that views of the residential edge will be brought forward, in this scheme, a substantial area of open greenspace will remain between the footpath and the proposed properties (up to 75m). While the nature of this greenspace will change from part of a rough grassland field

to a substantial area of public open space, this has been designed to be ecologically and recreationally rich and create a space that would buffer views of the proposed new properties, complement the interface between the site area and the substantial area of remaining Natural and Semi-Natural Greenspace that the area of public open space within the site would remain part of.

6.55 The revised proposals retain and reinforce the perceived sense of openness and semi-rural character experienced from the footpath through enhanced landscaping, the creation of accessible open space, and the upgrading of the Public Right of Way. This approach would maintain, and improve, the quality of the Urban Greenspace and experience of it for footpath users and strengthen connections between the built-up area and the wider Urban Greenspace network.

6.56 It is also important to note that the extent of public open space provided in this scheme is substantially greater than that presented in the appeal scheme and substantially exceeds that which is required to meet the needs of the development itself, representing a clear additional benefit in line with policy LP50 and further reducing any potential harm to visual amenity.

6.57 Overall, the Landscape and Visual Assessment demonstrates that, as an area of rough grassland with no public access, the site does not make an important contribution in landscape or visual value terms. Although the greenspace would be reduced in size (without resulting in a local deficiency, as set out above), its limited qualitative contribution could be retained and enhanced through the proposals, as illustrated on the Landscape Masterplan, within the new public open space in the southern part of the site.

6.58 The Landscape Visual Assessment therefore evidences that in respect of Local Plan Policy LP61 (a), the Application Site does not make an *important* contribution as open space in terms of visual amenity, landscape or biodiversity value.

Urban Greenspace Summary

6.59 The above assessment demonstrates that the Application Site is not required to meet local needs for open space and it has previously been agreed that its open space value does not relate to biodiversity or as a Valued Landscape. Although the site does make a limited contribution as open space in terms of visual amenity and landscape, this is not an important contribution, which is the threshold set out in policy LP61. Criteria (a) of policy LP61 is therefore met.

6.60 In line with NPPF paragraph 11, the localised effects of the proposed development on character and views are balanced against the benefits of the proposed development in the overall planning balance exercise set out in Section 7.

Other Design and Technical Considerations

Design Approach and Landscape Masterplan

6.61 The design, location and scale of the dwellings and their relationship with neighbouring buildings and properties has been given careful consideration and a high quality design has been achieved which sits well within the surrounding context. The proposed development will provide appropriate amenity space for future residents and will not adversely impact

upon the amenity of existing occupiers. Similar house types have previously been agreed by the Council as appropriate within this location and the proposed palette of materials complements the surrounding area.

6.62 A landscape masterplan accompanies the planning application, establishing the street patterns and public realm strategy for the site and illustrates how a high quality and sustainable development can be achieved.

6.63 A key feature of the scheme is the delivery of a substantial area of accessible public open space (1.18ha) in the southern part of the site. This will comprise multifunctional greenspace including an informal kickabout area, SuDS features such as an attenuation pond with viewing platform, new landscaping and planting with potential for allotments and a community orchard, pedestrian links to Asquith Fields and the wider Urban Greenspace network, and inclusive access for all users. This will be of visual and recreational benefit to new residents, the existing community and users of the adjacent PRoW, and will improve access to green spaces for health and wellbeing. The POS will also complement and tie in with the character of the wider Urban Greenspace.

6.64 At 319sqm of public open space per dwelling, the amount of on-site POS significantly exceeds the policy requirement of 14.58sqm per dwelling as set out in the Kirklees Open Space SPD and represents a very substantial benefit of the scheme.

6.65 A Section 106 contribution could also be made towards improve the existing public right of way to the south of the POS if required. This will provide a contribution towards new surfacing and drainage and will further improve opportunities for pedestrian permeability and connectivity with the wider area.

6.66 The scheme differs materially from that considered by the 2017 appeal Inspector in that:

- The extent of the built development has been substantially reduced.
- Built form is set back from the public footpath, avoiding close proximity.
- The scheme incorporates extensive multifunctional public open space, enabling active public use of the site while providing a generous landscape buffer to the adjacent public footpath, preserving and enhancing its setting and visual amenity for users.
- As a result, impacts on the users of the footpath and the experience enjoyed, would be significantly reduced compared with the 2017 scheme.
- The proposal would deliver affordable housing in excess of policy requirements.

6.67 This planning application fully addresses the previous reasons for refusal through a substantially reduced scheme and goes beyond this by providing a substantial amount of usable public open space not afforded by the site at the present time.

6.68 On this basis, the proposal complies with the requirements of Local Plan policies LP24, LP32, LP47, LP50 and LP63 and the NPPF, all of which seek to ensure that high quality design standards are achieved.

Landscape and Visual Considerations

6.69 The site's contribution to landscape and visual amenity is assessed in the accompanying Landscape and Visual Assessment. The site currently comprises rough, unmanaged

grassland, historically used for horse grazing, and more recently partially as a construction compound, with three sides bounded by existing residential development. The site is not publicly accessible.

6.70 The Assessment notes that while the landscape character would experience some changes as part of the site would be developed for housing, the southern portion would be made publicly accessible via the adjacent footpath and enhanced as recreational open space. The Landscape Masterplan emphasises habitat creation and enhanced natural greenspace, including species-rich grassland, new tree planting, wetland areas, productive landscapes, play and fitness provision, and new footpaths.

6.71 In terms of visual amenity, the site has a very limited visual envelope, largely contained to the extents of the current area of Urban Greenspace. Key visual receptors are local residents immediately surrounding the site and footpath users immediately adjacent to the southern boundary. The residential development of the northern site area would bring built form forward in views across an area of not particularly notable rough grassland, particularly from the adjacent footpath. The southern section would become publicly accessible and form an area of enhanced greenspace with a natural and ecological emphasis.

6.72 Overall, the site's current landscape, visual, and biodiversity contribution is modest and is fully replaced and enhanced by the proposed area of public open space in the southern section of the site.

6.73 On this basis, the proposals accord with sections 12 and 15 of the NPPF and Local Plan Policies LP23, LP24 and LP32.

Ecology and Biodiversity

6.74 The supporting Ecological Impact Assessment confirms that there are no statutory designated ecological sites within 2km of the site. While several non-statutory sites form part of the Kirklees Wildlife Habitat Network, these are separated from the site such that the proposed development would not result in any direct or indirect impacts. The site itself is predominantly comprised of grassland with areas of scrub, and no watercourses are present. Ecological impacts are addressed through a clear strategy of avoidance, mitigation and enhancement in accordance with Local Plan Policy LP30.

6.75 A significant area of public open space is proposed, incorporating new habitats such as species-rich grassland, native scrub planting, allotments and informal recreational space, alongside extensive new tree planting.

6.76 Construction activities will be managed to protect wildlife, including timing vegetation clearance to avoid the nesting bird season and implementing appropriate safeguards where protected species may be present. Sensitive lighting design and habitat connectivity will be incorporated to support bats and other wildlife, alongside specific mitigation for reptiles and hedgehogs. In addition, biodiversity enhancements such as integrated bird and bat boxes will be provided across a substantial proportion of the new dwellings, ensuring the development delivers ecological benefits in line with the NPPF and Local Plan Policy LP30.

6.77 The submitted Biodiversity Net Gain (BNG) assessment identifies an on-site shortfall of 23.82%. However, this deficit will be appropriately addressed through off-site biodiversity

units, ensuring that the scheme delivers biodiversity net gain in accordance with national policy requirements.

6.78 The Council's Ecologist has previously concluded that there is no habitat of significant value on the site and the biodiversity measures proposed will provide an opportunity for biodiversity enhancement of the site.

6.79 On this basis, the proposals minimise impacts upon biodiversity and will provide net gains in accordance with the NPPF and Local Plan Policy LP30.

Trees

6.80 The Arboriculture Report confirms that there are no trees on site subject to Tree Preservation Orders and the site does not lie within a conservation area. An Arboricultural Impact Assessment accompanies the report, setting out the relationship between the proposed development and existing trees and identifying protection and management measures. The proposals demonstrate compliance with Local Plan policies relating to the retention of valuable trees, avoiding impacts on ancient woodland or veteran trees and the protection of trees with amenity value (policies LP24 and LP33). Where appropriate, new tree planting and landscaping will be incorporated to enhance visual amenity and environmental quality, including the provision of street trees.

Residential Amenity

6.81 The scheme provides adequate amenity for existing and future residents.

6.82 In relation to separation distances, the Housebuilders Design Guide SPD sets out the following typical minimum distances:

- 21m between facing habitable room windows;
- 12m between a habitable room window and a facing non-habitable room window;
- 10.5m between a habitable room window and the boundary of adjacent undeveloped land; and
- 2m between the side wall of a dwelling to a shared boundary.

6.83 The SPD states that reduced distances will be allowed where design solutions can be put in place to ensure that there will be no detriment to existing or future occupiers or potential development land.

6.84 A Site Sections Plan accompanies the application, providing further context on the relationship between the proposed properties and existing properties along the northern boundary. Dimensions are also shown on the Proposed Site Layout Plan.

6.85 The relationship between the proposed small apartment block (Plots 31-32) and the existing dwelling at 9 Shibden Drive to the north is acceptable given their degree of physical separation due to the steeply sloped land here. The existing and proposed landscape planting between the properties will provide further screening, as well as the proposed 1.8m timber fencing.

6.86 The relationships between plots 25 and 24 and the existing properties at 22 and 31 Oakwell Avenue to the north are acceptable given their degree of physical separation and the fact

that the proposed dwellings on plots 25 and 24 will present a blank gable elevation to these neighbouring properties, save for the ground floor toilet and upstairs bathroom window in the case of plot 24. An established hedgerow and proposed landscape planting between the properties will provide further screening, as well as the proposed 1.8m timber fencing.

6.87 The relationships between plots 15, 14 and 13 and the neighbouring dwellings at 99 and 95 Enfield Drive to the north east are also acceptable. This is due to the oblique orientation of these neighbouring properties, the degree of physical separation. An existing dry stone wall along the boundary and proposed landscape planting and fencing between properties will provide further screening.

6.88 The proposed development therefore provides appropriate amenity for new residents and will not adversely impact upon the amenity of existing occupiers. The proposal accords with the SPD and the NPPF in terms of protecting residential and general amenity.

Highways and Accessibility

6.89 The Transport Statement and Travel Plan demonstrate that the development is well located in terms of accessibility and sustainable travel. The site benefits from good connectivity to local services, with many everyday amenities within walking and cycling distance and good access to public transport, including bus services and rail connections. Bus stops providing regular services to a variety of destinations are located within a 300m walking distance. A range of local services, facilities and employment opportunities are found close by and Batley and Heckmondwike town centres are also 30 minutes on foot or five minutes by car or public transport. The site therefore occupies a sustainable location.

6.90 The Transport Statement concludes that the site can be safely accessed and traffic generation associated with the development is predicted to be low and would not result in any material impact on the local highway network. Swept path analysis confirms that service vehicles, including refuse vehicles, can safely access and exit the site with adequate turning provision. Parking provision within the scheme accords with national and local guidance. The Travel Plan sets out a package of proportionate measures aimed at encouraging residents to utilise sustainable travel modes, reducing reliance on private car use and supporting the objectives of both local policy (LP20, LP21 and LP22) and national planning policy (Section 9 of the NPPF). Overall, the development would not result in unacceptable impacts on highway safety or network capacity and is therefore acceptable in transport terms.

Flood Risk and Drainage

6.91 A detailed Flood Risk Assessment (FRA) and drainage strategy has been undertaken in accordance with Local Plan policies LP24, LP27 and LP28. This takes into account the NPPF and Planning Practice Guidance on Flood Risk and Coastal Change. This confirms that the site is in an area identified as having a low risk of flooding on the EA Flood Map and is located in Flood Zone 1.

6.92 A small area in the southern part of the site is at low risk of surface water flooding and this is associated with a depression in the existing topography. Notwithstanding this, the site layout accommodates the areas shown to be at risk of pluvial flooding by keeping the

alignment of the surface water flood risk path free of built development (including access or escape routes, land raising or other potentially vulnerable elements).

6.93 There is no requirement for a Sequential or Exception Test to be conducted for the proposed development as no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

6.94 Soakaway testing has shown that the site is not suitable for infiltration as the primary means of discharging surface water from the development. The closest watercourse is Batley Beck approximately 600m to the north east of the site. The proposed surface water drainage strategy has been designed in accordance with the drainage hierarchy and best practice. The Surface water system will be split into two, draining to the north and south. The northern part of the site will store surface water within an existing attenuation tank and then discharge into the adopted surface water network within Shibden Drive. In the southern part of the site, flows will be attenuated within a SuDS network comprising a detention basin. Surface water run-off from the southern part of the proposed development will then discharge into the local combined sewer south of the site. Both networks will be designed to accommodate 1:100 + 45% climate change scenarios. Flows will be restricted to the equivalent greenfield runoff rate.

6.95 Foul flows will discharge into the existing public combined sewer to the south of the site.

6.96 All means of flood risk at the site have been assessed and it has been demonstrated that the site is at low risk of flooding. The site has also been assessed to not increase flood risk to adjacent land following development, subject to the outlined drainage strategy being implemented which manages and mitigates the increase in impermeable area that the development will result in.

6.97 The Council has previously concluded that the site is suitable for the residential development having regard to flood risk and has accepted that an appropriate foul and surface water drainage solution can be provided.

6.98 The proposal has considered and sought to manage flood risk and drainage. The accompanying Flood Risk Assessment confirms that the development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. The scheme therefore accords with the NPPF and Kirklees Local Plan policies LP24, LP27 and LP28.

Ground Conditions

6.99 Ground conditions are addressed in the supporting Phase 1 Geo-environmental and Geotechnical Assessment and Phase II Intrusive Investigation which demonstrate that there is no contamination risk at the site and in terms of stability, it is suitable for development. This also addresses the site's location within a Mineral Safeguarding Area which covers a large part of Kirklees.

6.100 Furthermore, the Council's Environmental Health team has previously assessed these documents and raised no objections to the residential development of the site subject to a number of standard planning conditions.

6.101 Subject to mitigation, the site is suitable for the proposed use and the development complies with the requirements of Local Plan Policy LP38, LP53 and Chapter 15 of the NPPF, both of which seek to ensure that land is suitable for development and is free from contamination.

Summary

6.102 The application is accompanied by a suite of technical reports which demonstrate that there are no technical constraints which would prevent the site coming forward for development and that the scheme will not result in any significant adverse impacts in accordance with local and national planning policy set out in Section 4 and Appendix 1.

6.103 Where recommendations have been made within these reports for required mitigation or potential improvements, these are provided as part of the proposed development or, where necessary, can be secured via a suitably worded planning condition. Any resultant harms arising from the development of the site for housing are therefore considered to be extremely limited and in overall terms compliant with all relevant technical policy considerations.

6.104 The application proposals therefore fully comply with the relevant policies of the statutory Development Plan. The presumption in favour of sustainable development is therefore triggered by the scheme's compliance with Paragraph 11c) and planning permission should be granted without delay.

7.0 Achieving Sustainable Development

7.1 NPPF Paragraph 11c) states that applying the presumption of sustainable development means *"approving development proposals that accord with an up-to-date development plan without delay"*.

7.2 As set out in Section 6, the development of the Application Site for residential use accords with the adopted statutory Development Plan and, therefore, the presumption in favour of sustainable development is triggered by the scheme's compliance with Paragraph 11c).

7.3 If the Council does not agree that the proposals should be assessed under the provisions of NPPF paragraph 11c) (i.e. being in accordance with the Development Plan), then it follows that the proposals should instead be considered under the provisions of Paragraph 11d). Section 5 has conclusively demonstrated that NPPF paragraph 11d) is engaged through the following routes:

a Kirklees not being able to demonstrate a 'deliverable' five-year housing land supply

b Failure of the Housing Delivery Test

7.4 An assessment of the scheme against criteria i) and ii) of NPPF paragraph 11d) is therefore set out below.

7.5 The NPPF outlines that the planning system seeks to achieve sustainable development, including housing provision, through three main objectives: **economic** (building a strong, responsive and competitive economy), **social** (supporting vibrant and healthy communities) and **environmental** (protecting and enhancing the natural, built and historic environment). Planning policies and decisions should guide development towards sustainable solutions, considering local circumstances and needs. At its core, the NPPF has a presumption in favour of sustainable development to ensure that sustainable development is pursued in a positive way[28].

Presumption in Favour of Sustainable Development

7.6 NPPF Paragraph 11 d) sets out that decisions should apply a presumption in favour of sustainable development, confirming that for decision taking, this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:

i *the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed; or*

ii *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[9].*

[28] NPPF paragraphs 7 – 10

Part i) Areas of Particular Importance

7.7 Part i) sets out that permission should be granted unless 'the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed'.

7.8 Footnote 7: confirms that the policies referred to are those in the NPPF (rather than the Development Plan) relating to: habitats sites, Sites of Special Scientific Interest, Green Belt, Local Green Space[29], National Landscape, National Park, Heritage Coast, irreplaceable habitat, heritage assets and areas at risk of flooding or coastal change.

7.9 The only matter of relevance to this application is a small area of the site at risk of surface water flooding which falls within the landscape area and it has been demonstrated within the accompanying Flood Risk and Drainage Assessment that this can be mitigated.

7.10 Therefore there are no relevant NPPF policies relating to assets of particular importance which provide a strong reason for refusing the development proposed.

Part ii) The 'Tilted Balance'

7.11 The 'tilted' planning balance set out in NPPF paragraph 11 d) (ii) is triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as a whole. Particular regard must be given to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes[30]. This balancing exercise is set out below.

7.12 Where an LPA cannot demonstrate a five-year supply of deliverable housing sites, **substantial**, **very significant** or even **very substantial** weight should be given to the delivery of housing.

7.13 In undertaking this exercise, consideration has been given to the detailed review of technical considerations in individual reports, which are considered against planning policy in Section 6.

Benefits of the Scheme

7.14 The proposed development will deliver the following social, economic and environmental benefits which weigh **substantially** in favour of the proposals:

7.15 In relation to housing development, the proposals would contribute to the NPPF objective to boost significantly the supply of housing to meet the identified needs for market and affordable homes. The proposed dwellings could be delivered in the short term (and over a 2 year period) to meet a 5 year housing requirement.

[29] Kirklees Council has previously confirmed that the site and allocation do not form Local Green Space in relation to the NPPF definition

[30] Footnote 9 confirms that the policies referred to in paragraph 11d) ii are those in NPPF paragraphs 66, 84 91, 110, 115, 129, 135 and 139 (affordable and rural housing, sequential approach to town centre uses, sustainable transport, efficient use of land and design quality).

7.16 The proposed housing mix would help meet the evidenced need for larger family homes in this strongly family-oriented area, where continued growth in the number of families is anticipated and the proposals exceed affordable housing requirements.

7.17 The scheme would deliver '**substantial'** housing benefits, and this position has strengthened since the previous application and appeal due to the acute and persistent housing and affordable housing delivery crisis in the authority. This position is now long standing and has not been addressed by the Local Plan that was adopted in 2019. Furthermore, due to the timing of the Local Plan Review, Kirklees has no short term plan-making 'remedy' to solve its housing issues. It therefore needs to take urgent action and start approving planning applications.

7.18 The proposals occupy a highly sustainable, accessible and appropriate location for residential development with good levels of connectivity to key facilities, services and employment opportunities, including by sustainable modes of transport.

Social Benefits

7.19 The development could achieve the following benefits which are directly relevant to the social dimension of sustainable development:

- The delivery of 37 high-quality new homes to meet Kirklees Council's severe and chronic housing delivery problem. This will make a significant contribution to meeting Kirklees' increased housing requirement.
- Delivery of 24% on-site affordable housing (4% above policy requirements) in the context of affordable housing delivery across the Authority having been consistently below the level of need identified in the Strategic Housing Market Assessment. As such, the proposals will play a crucial role in offering local people the opportunity to own their own home, addressing their exclusion from the housing market.
- The affordable homes would deliver clear social benefits by providing safe, modern and energy-efficient housing, improving physical and mental health, reducing overcrowding, and supporting wellbeing—particularly for families and young people. More stable housing also brings wider benefits by reducing homelessness costs and educational disruption, generating measurable long-term social and economic value for the community and local authorities.
- Delivery of a housing mix aligned with local needs, comprising a range of high-quality 2 to 4 bedroom homes. The development would provide modern dwellings ranging from smaller starter homes to larger detached properties, meeting the needs of households of all sizes and supporting the creation of a mixed and sustainable community in line with identified local requirements. The proposed mix reflects current and expected future occupancy patterns and the demands of different households. The delivery of larger family homes would help meet the clear need for this type of housing given the local area is family-focussed. New larger family homes will also play an important role in providing a mechanism for people to move around within the market and free housing up along the housing ladder. Through this, new housing can also help to address overcrowding issues in the local area.
- Provision of multifunctional greenspace (1.18ha), including an informal kickabout area, SuDS features such as an attenuation pond with viewing platform, new landscaping and

planting with potential for allotments and a community orchard, pedestrian links to Asquith Fields and the wider Urban Greenspace network, and inclusive access for all users. This will be of visual and recreational benefit to new residents and the existing community and will improve access to green spaces for health and wellbeing.

- Provision of residential opportunities within a sustainable and accessible location close to local services and amenities and employment opportunities that are highly accessible by non-car modes of transport.
- The integration of sustainable transport measures, including the provision of pedestrian routes which will provide a genuine choice of modes of transport and encourage active travel.
- Generation of employment opportunities (direct, construction, supported and supply chain) which will benefit the existing and future local population.

Environmental Benefits

7.20 The following benefits are directly relevant to the environmental dimension of sustainable development:

- The creation of a sustainable development, close to existing shops, employment opportunities, services, leisure and community uses, that is accessible by a range of sustainable transport modes including on foot, by cycle, public transport and private car.
- Provision of extensive, maintained and accessible green infrastructure and public open space which will be of visual and recreational benefit to new residents and the existing community.
- Delivery of a high quality scheme which makes efficient use of land.
- Enhancement of high-quality landscaping and provision of sustainable drainage solutions to reduce the risk of surface water flooding on site and in the surrounding area. This could also support further ecological benefits.
- Improvements to a section of the existing public right of way to the south of the site to improve accessibility and connectivity.
- New landscaping, hedgerows and buffer planting to support biodiversity, delivering Biodiversity Net Gain, including a net gain through a combination of onsite and offsite measures. The proposals deliver an onsite gain of 0.41 hedgerow units (a net gain of 1,219%).
- Delivery of a highly energy-efficient development incorporating air source heat pumps, enhanced insulation, low-energy LED lighting, low-E glazing, smart energy metering, low-water appliances, and smart electric vehicle charging points.
- The access arrangements are appropriate and traffic can be accommodated on the highway network. The site is accessible by sustainable transport options.
- There are no concerns in respect of any other technical considerations including land contamination, flood risk and drainage, ecology and residential amenity.

Economic Benefits

7.21 Significant economic benefits would be expected from a new residential development of 37 homes, many of which would benefit the wider local community. **Substantial** weight is ascribed to the following economic benefits within the context of the NPPF objective to secure economic growth and boost housing delivery:

- Delivering £9m Construction Value (total construction cost).
- Delivering £4.5m of Gross Value Added (GVA) (economic output) per annum throughout the construction period.
- Creating construction jobs (FTE) over the 2 year build period plus additional jobs in the supply chain (indirect / induced 'spin-off' jobs).
- Providing a boost to Local Authority revenue. Once complete, the proposed development would generate New Homes Bonus and Council Tax Revenues per annum.
- Specific s106 payments towards any necessary additional works.
- Generating additional expenditure in the local area, including one-off first occupation spend (spending to make a house 'feel like a home') and ongoing net additional expenditure per annum created by new residents.
- The proposed affordable housing will support financial stability by providing genuinely affordable, high-quality homes, easing cost pressures and improving health, wellbeing and educational outcomes. Stable living conditions reduce homelessness and reliance on temporary accommodation, delivering a net present social value of around £8,475 per year from five affordable rented homes. The delivery of stable affordable homes also supports educational continuity and employment prospects, generating an additional net present social value of approximately £5,100 per year from five affordable rented homes.

Harms from the scheme

7.22 The potential harm caused by the scheme is very limited and by no means constitutes an 'adverse impact'.

7.23 Regarding harms, the 2017 appeal identified only one such harm: impact upon the visual amenity of users of the public footpath to the south, which was deemed to outweigh the benefits within the prevailing planning policy context at that time.

7.24 This planning application demonstrates that previous concerns regarding the indirect impact of the development on users of the adjacent public footpath, and the proximity of built form to that footpath, have been addressed, thereby justifying a fresh planning judgement. Material changes to the scheme include a reduction in the overall development area and the incorporation of an extensive, multifunctional area of public open space. This includes land falling within the Natural and Semi-Natural Greenspace typology (amongst a range of other uses) and serves to maintain the amenity and sense of openness experienced from the footpath.

7.25 Although views from the public footpath would change, the revised scheme would continue to provide a substantial intervening buffer of open greenspace, extending to approximately 75 metres between the footpath and the proposed dwellings. While the character of this

land would change from rough grassland to a publicly accessible open space, it has been designed to be ecologically, visually and recreationally rich. This space would provide an effective visual and spatial buffer to views of the proposed dwellings and create a strong transition between the residential edge and the wider area of retained Natural and Semi-Natural Greenspace, of which the public open space would remain part.

7.26 It is therefore concluded that the revised proposals would not result in an unacceptable impact on the visual amenity of footpath users. The quality, scale and function of the intervening public open space would mitigate changes in views and consequently, this matter no longer constitutes a significant harm.

7.27 Turning to wider harms, Section 6 of this Planning Statement provides a detailed review of all relevant design and technical considerations and a review of such considerations against the relevant Development Plan policies. Importantly, this demonstrates that the potential harm caused by the scheme (either individually or cumulatively) is very limited, can be mitigated, and by no means constitute an 'adverse impact'. This includes:

- The scheme will result in the loss of a small amount of Urban Greenspace within the Natural and Semi-Natural Greenspace typology. Compliance with policy LP61 has been demonstrated above and evidence is provided to show that the Application Site is not required to meet local needs for open space in relation to quantitative or qualitative provision or access to such land. It has also been demonstrated that the Application Site does not make an important contribution in terms of visual amenity, landscape or biodiversity value. As the loss of this small area of Urban Greenspace has been fully justified in relation to Local Plan policy LP61, any harm arising can be no more than 'very limited'.
- The landscape and visual impacts of the proposal are localised, primarily limited to changed views from nearby residential receptors and the adjacent PRoW due to the replacement of open land with built form. Given the attention to the siting and layout of the development, including separation distances and the incorporation of a substantial area of Greenspace into the scheme (featuring an informal kickabout area, SuDS features, grassland, new landscaping and planting with potential for allotments and a community orchard, pedestrian links to Asquith Fields and the wider Urban Greenspace network, and inclusive access for all users), the proposals will integrate well into the local context. The effects will be limited in both extent and magnitude and overall will not give rise to any unacceptable landscape and visual harm. Compliance with policies LP61, LP23, LP24 and LP32 has been demonstrated in this respect.
- The scheme will result in the removal of a small amount of habitat and vegetation alongside an area of grassland to allow proposed access and built form. Impacts have been minimised and mitigation measures have been built into the scheme.

7.28 Should the Council not agree with the conclusions on compliance with Policy LP61, any harm arising from such a policy conflict could only be 'very limited'. This reflects the extent, quality and accessibility of land within the Natural and Semi-Natural Greenspace typology in the vicinity of the site, together with the findings of the Landscape and Visual Assessment, which concludes that effects would be limited in extent and magnitude and would not result in unacceptable landscape or visual impacts. Furthermore, any future Local Plan review will almost inevitably result in Urban Greenspace being required to meet

local housing needs. The key issue is therefore the timing of its release, which in the context of the substantial shortfall in deliverable housing land supply relative to needs and the absence of progress with the Local Plan, justifies bringing the site forward for development now.

7.29 Overall, any harm arising would be minimal, especially within the context that relevant Local Plan policies are complied with and there is an urgent need for additional housing land, as evidenced by Kirklees AMR (2025), which shows a significant market and affordable housing delivery shortfall in Kirklees. The minimal harm caused will be far outweighed by the significant need for market and affordable housing in Kirklees. Therefore, only **limited** weight can be given to these harms.

The Planning Balance

7.30 In applying the overall planning balance, the potential adverse impacts of the proposals have been identified and are considered to be **limited**. In contrast, the material considerations weighing in favour of the development range from moderate to substantial and, taken together, carry '**substantial'** weight[31].

7.31 **Substantial** weight is afforded to the delivery of housing in the context of Kirklees Council's significant and chronic shortfall of deliverable housing land, currently estimated at 0.89 years for the period 1 April 2024 to 31 March 2029. The delivery of 24% affordable housing, together with an appropriate mix of dwelling sizes, in the context of the Council's acute shortfall should also be afforded **substantial** weight. This position has not been resolved by the adopted Kirklees Local Plan (2019), and there is no realistic short-term plan-making solution given the anticipated timescales for the emerging Local Plan.

7.32 While the development may be seen to give rise to a conflict with policy LP61 of the adopted Kirklees Local Plan (2019), any harm arising from this conflict would be **limited** and is clearly outweighed by the **substantial** benefits of the scheme.

7.33 There are materially changed circumstances since the previous determination which justify a different conclusion. In particular, the worsening housing position and the reduction of previously identified harm to the visual amenity of users of the adjacent public footpath. The proposals achieve an appropriate balance between safeguarding Urban Greenspace and meeting identified housing needs.

7.34 Land off Sunny View represents a sustainable and accessible opportunity that would efficiently utilise land, integrate with the existing urban area, and be well connected to infrastructure and public transport. The proposal would support the Spatial Development Strategy and deliver much-needed market and affordable housing in a location identified for growth.

7.35 On this basis, the adverse impacts of granting planning permission would fall short of significantly and demonstrably outweighing the benefits, which include the delivery of much-needed market and affordable housing, together with wider social, economic and environmental benefits. Planning permission should therefore be granted in accordance with paragraph 11(d)(ii) of the NPPF, subject to appropriate conditions and obligations.

[31] Policy HO7 of the consultation draft NPPF confirms that 'substantial' weight should be given to the benefits of providing housing that will contribute towards meeting the evidenced needs of the local community.

8.0 Summary and Conclusions

8.1 This Planning Statement has been prepared by Lichfields on behalf of Jones Homes (Yorkshire) Limited and M62 Developments Limited. It accompanies a full planning application proposing the residential development of Land off Sunny View, Batley to provide 37 homes.

8.2 The site is located within the White Lee area of the urban settlement of Batley, a Town Centre within the Kirklees settlement hierarchy. The site occupies a highly sustainable location for future residential development, being well related to the surrounding built form and within convenient proximity to a comprehensive range of local facilities, services and public transport opportunities

8.3 The proposed development would deliver 37 homes, including 24% affordable housing. This proposal will make a meaningful contribution to meeting Kirklees Council's housing requirement of **1,873**[32] new homes per annum and will help address the acute housing delivery problem currently faced by the Council. The accompanying Housing Mix Assessment demonstrates how the proposed mix of homes will help to meet the identified needs of the local area and in particular, how the delivery of larger family homes will meet demand and help reduce over-crowding, whilst freeing up more homes on the housing ladder.

8.4 Jones Homes is a housebuilder with an established track record in delivering residential developments across Kirklees and Yorkshire. The developer is committed to bringing the site forward at the earliest opportunity, with the potential to commence and complete development within the next five years[33]. This would enable the delivery of homes in line with the urgent housing needs in Kirklees.

Sustainable Development

8.5 The proposed development represents sustainable development in social, economic, and environmental terms. The site benefits from its location in close proximity to key facilities, services, and employment opportunities, and is well-connected to transport networks. The proposal will contribute to the local economy by providing a mix of housing types, with private and affordable homes that cater to a range of needs as evidenced in the accompanying Housing Mix report. The development will also offer social benefits by contributing to the supply of affordable housing, which is particularly crucial given the ongoing affordable housing shortfall in Kirklees. Environmentally, the site will be developed with a careful and sensitive approach to landscaping, ensuring that the site integrates with its surroundings.

8.6 The proposal will deliver high-quality multifunctional greenspace, providing visual, recreational and health benefits through enhanced landscaping, sustainable drainage, inclusive access, and strong pedestrian connections to Asquith Fields and the wider Urban Greenspace network, benefiting both new residents and the existing community.

[32] Latest SM figure
[33] With a 2 year build period

Housing Land Supply Shortfall and Housing Delivery Test Failure

8.7 Kirklees Council's Annual Monitoring Report (2025) claims that the Council currently has a deliverable housing supply of only **4.18** years, creating a shortfall of approximately **0.82** years in the five-year period from April 2024 to March 2029. Applying the most up to date standard method derived requirement for Kirklees of **1,873** dpa (plus a 20% buffer) reduces the Council's claimed supply to **4.11 years**[34]. It is therefore evident that there is a significant shortfall, which is exacerbated by applying the latest standard method derived local housing requirement. This is before the Council's supply is interrogated – this continues to draw upon sites such as the large Bradley Park allocation, the majority of which is in Council ownership and there is no clear evidence of those parts coming forward. The reality is that supply of deliverable housing sites within Kirklees will be much lower than the stated figure. This shortfall is **"substantial"** and underscores the urgency of addressing the housing crisis in Kirklees.

8.8 Housing Delivery Test results show that housing delivery in Kirklees has also been consistently poor. The 2023 HDT score for Kirklees is just **54%**, down from **67%** in 2022 and **87%** in 2021.

8.9 The Council is also facing an ongoing shortfall in affordable housing, with the identified annual need for affordable homes not being met for several years.

8.10 The patterns of past delivery suggest that Kirklees is likely to continue to miss its housing targets for each of the coming years, with no short or medium-term solutions to this issue without intervention. The lack of meaningful progress on the new Local Plan further exacerbates the situation. As such, urgent action is required to address the housing land supply shortfall, and the Application Site provides a suitable, deliverable site for development in the short term. The site can begin to deliver homes within the next five years, making it a crucial part of the solution to meet Kirklees' housing needs.

Policy Context

8.11 Existing planning policy is supportive of the principle of residential development. Section 6 demonstrates that the proposed development would comply with the Development Plan in principle. In such circumstances, paragraph 11c) of the NPPF states that planning permission should be granted.

8.12 Notwithstanding the above, if it is not considered that the proposals should be assessed under the provisions of NPPF Paragraph 11c) (due to any perceived Development Plan conflict which goes to the heart of the application), the presumption in favour of sustainable development set out in NPPF Paragraph 11d) should be engaged instead. The Application Site is not affected by any footnote 7 constraints contained in the NPPF, and this Statement demonstrates that the proposals represent sustainable development, through which a number of planning and public benefits will be secured for the local community and future residents including those set out in Section 7 above.

1 The delivery of 37 new homes (including 9 affordable homes) across a range of house types, sizes and tenures within an area identified to accommodate housing growth. This will make a significant contribution to meeting the area's housing need and five year

[34] Supply of 1,846 deduced from the Council's five year housing land supply calculation

housing land supply within the context of a chronic and acute shortfall in supply and delivery.

2 The delivery of a high-quality development that includes an extensive area of multi functional public open space.

3 A range of social, environmental and economic benefits, including the creation of useable open space and pedestrian routes, as well as the creation of direct jobs relating to the construction of the scheme and increased expenditure captured by local businesses as a result of new residents living in the area.

8.13 It is acknowledged that the site is currently designated as Urban Greenspace. However, Policy LP61 directs that this can be released for development where it is not required to meet local needs for open space and does not make an important contribution in terms of visual amenity, landscape or biodiversity value. Compliance with this policy has been demonstrated.

8.14 Previous concerns regarding the impact of the development on users of the adjacent public footpath have been addressed, justifying a fresh planning judgement. The revised scheme reduces the developable area and provides a substantial, multifunctional area of public open space, including Natural and Semi-Natural Greenspace, which would retain the sense of openness and semi-rural character experienced from the footpath. Although views would change, a buffer of open greenspace of up to approximately 75 metres would be maintained between the footpath and the proposed dwellings, providing effective visual and spatial mitigation. On this basis, the proposals would not result in an unacceptable impact on visual amenity and this matter no longer constitutes a significant harm in the planning balance.

8.15 Given the significant housing shortfall and the Council's failure to progress a Local Plan review, the development of Land off Sunny View is both an appropriate and necessary measure to address the authority's immediate housing needs. Any future Local Plan review would almost certainly confirm the need to develop Urban Greenspace, such as the Application Site, as part of a broader solution to address this shortfall.

8.16 The application proposes the development of 37 dwellings, including a mix of two, three, and four-bedroom homes, with a maximum height of two storeys. The Site Layout Plan demonstrates how the site could accommodate this level of development while addressing site constraints and incorporating mitigation measures such as extensive greenspace, structural landscaping, drainage requirements, and public right of way buffer zones.

8.17 The proposal also includes 24% affordable housing, which is 4% in excess of Kirklees Council's policy requirements, a further significant benefit. The 2023/24 Authority Monitoring Report shows persistent under-delivery against identified need, indicating that affordable housing pressures have intensified into a chronic and severe affordable housing crisis. Against this context, the provision of additional affordable homes is of considerable importance in its own right and represents a notable social benefit. The provision of affordable housing improves financial stability by allowing lower- and middle-income households to access good-quality homes at genuinely affordable rents, reducing housing cost pressures and freeing up income for other essential needs. It also delivers clear health, educational and wider social benefits by providing stable, high-quality living conditions,

reducing homelessness costs, and supporting children's wellbeing and educational outcomes, generating measurable long-term social value.

8.18 The site's location offers excellent connectivity to local facilities, services, and employment opportunities, making it an ideal location for residential development. The proposed development will not result in any significant adverse impacts on the highway network and will be designed to integrate with the surrounding area in a sustainable and sensitive manner.

Summary

8.19 This Planning Statement demonstrates that the proposed development of 37 homes on Land off Sunny View is a sustainable and necessary response to the acute housing supply shortfall in Kirklees. The application is supported by a range of technical assessments which confirm that there are no significant technical constraints to the site's development and the scheme will not result in any significant adverse impacts. The proposal will deliver much-needed market and affordable housing and provide significant social, economic, and environmental benefits.

8.20 The application proposals comply with the statutory Development Plan and, in accordance with paragraph 11(c) of the NPPF, the presumption in favour of sustainable development applies. Planning permission should therefore be granted without delay.

8.21 As Kirklees Council does not have a five year supply of deliverable housing sites, the most important policies for determining the planning application are out-of-date and the proposals benefit from a presumption in their favour and the 'tilted' planning balance set out in paragraph 11(d) is also engaged.

8.22 Upon applying this tilted planning balance, it is demonstrated that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

8.23 Very significant weight should be afforded to the delivery of housing in the context of Kirklees Council's substantial **0.89**[35]-year shortfall in deliverable housing land, and the acute affordable housing crisis in the authority.

8.24 Overall, this Statement has established that irrespective of whether Paragraph 11c) or 11d) of the NPPF is triggered by the subject application, the development proposals represent sustainable development and should be approved without delay.

[35] Latest SM figure

Appendix 1 Planning Policy Review

Kirklees Local Plan Strategy and Policies (2019)

1.1 **Policy LP1 (Presumption in Favour of Sustainable Development)** sets out a presumption in favour of sustainable development reflective of the NPPF. This confirms that planning applications consistent with the Local Plan will be approved without delay. In cases where no relevant policies exist or where relevant policies are out of date, planning permission will be granted unless material considerations indicate otherwise. This includes considering whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, or if specific NPPF policies indicate that development should be restricted.

1.2 **Policy LP2 (Place Shaping)** requires development proposals to build on the strengths and opportunities, and respond to the challenges, identified in the Local Plan, in order to protect and enhance the qualities that contribute to local character, as defined in four sub-area statements.

1.3 **Batley and Spen Character Area:** Batley benefits from strong connectivity, including direct access to the M62 and an extensive Greenway network supporting walking and cycling. A well-established hierarchy of centres provides access to employment, shopping, leisure and services, with Batley acting as a key cultural and service hub supported by nearby centres and the Birstall retail and leisure park. Attractive townscapes, high-quality parks and countryside, strong local employment, a robust housing market, gentle topography and opportunities to enhance river corridors collectively underpin the area's overall strengths.

1.4 **Policy LP3 (Location of New Development)** requires development to align with the Local Plan's Spatial Development Strategy and the principles of sustainable development and place shaping. It directs growth to sustainable locations that reflect a settlement's size, function, and spatial priorities, while supporting overall housing and employment objectives. Proposals should respond to identified housing needs and deliverability requirements, and ensure appropriate access to infrastructure, green and blue networks, a range of transport choices, and local services.

1.5 The **Spatial Development Strategy** establishes Kirklees' growth strategy, identifying Batley as a focus for housing delivery with an indicative requirement of around 725 dwellings (2.3% of the housing need), reflecting its role within the Authority's overall growth strategy.

1.6 The reasoned justification to Policy LP3 (paragraph 6.8) confirms that windfall development should be assessed for consistency with the Spatial Development Strategy and place-shaping objectives of the Local Plan, recognising that, alongside allocated sites, windfall sites (including smaller sites and ad hoc redevelopment opportunities) will continue to make an important contribution to housing delivery.

1.7 **Policy LP7 (Efficient and Effective use of Land and Buildings)** promotes the efficient use of land and buildings by encouraging development that makes the best use of available land, particularly within sustainable locations. It supports appropriate densities,

the reuse of previously developed land and buildings and development that responds positively to its context while avoiding overdevelopment or harm to local character and amenity.

1.8 **Policy LP11 (Housing Mix and Affordable Housing)** ensures that new housing developments deliver a balanced mix of dwelling types, sizes and tenures that respond to identified local housing needs. The policy also requires the provision of affordable housing in accordance with established thresholds, viability considerations and the Council's adopted guidance.

1.9 **Policy LP20 (Sustainable Travel)** promotes sustainable travel choices by prioritising walking, cycling and public transport. Development proposals are required to minimise the need to travel by private car, improve access to services and facilities and support a modal shift through appropriate location, design and travel planning measures.

1.10 **Policy LP21 (Highways and Access)** requires development proposals to provide safe, suitable and convenient access for all users. It seeks to ensure that development does not negatively impact highway safety or the efficiency of the transport network and that access arrangements are appropriate to the scale and nature of the development.

1.11 **Policy LP22 (Parking)** sets out requirements for vehicle and cycle parking provision associated with new development. It seeks to ensure that parking levels are appropriate to the proposal and avoid adverse impacts on highway safety or residential amenity while also supporting sustainable travel objectives.

1.12 **Policy LP23 (Core Walking and Cycling Network)** protects and enhances the Core Walking and Cycling Network. Development proposals are required to safeguard existing routes and, where appropriate, deliver improvements that enhance accessibility and promote active travel.

1.13 **Policy LP24 (Design)** requires all development to achieve a high standard of design that responds positively to its context. Proposals should respect surrounding uses and deliver high-quality public and private spaces.

1.14 **Policy LP27 (Flood Risk)** seeks to manage and reduce flood risk by directing development away from areas at highest risk of flooding where possible. Where development is proposed in areas of flood risk, it must incorporate appropriate mitigation measures.

1.15 **Policy LP28 (Drainage)** requires development proposals to manage surface water effectively, prioritising sustainable drainage systems (SuDS). Development should reduce runoff rates where possible, avoid increasing flood risk and ensure long-term maintenance of drainage infrastructure.

1.16 **Policy LP30 (Biodiversity and Geodiversity)** to protect and enhance biodiversity and geodiversity assets. Development proposals should avoid harm to designated sites, protected species and habitats. Where possible, they should deliver a net gain for biodiversity.

1.17 **Policy LP32 (Landscape)** requires development to protect and enhance landscape character and quality. Proposals should respond to local landscape features, topography and views and avoid unacceptable harm to the wider landscape setting.

1.18 **Policy LP33 (Trees)** seeks to protect existing trees, woodland and hedgerows that make an important contribution to amenity, biodiversity and character. Development proposals should retain significant trees where possible and provide appropriate replacement planting where loss is unavoidable.

1.19 **Policy LP38 (Minerals Safeguarding)** safeguards mineral resources from unnecessary sterilisation by non-mineral development. Development within Minerals Safeguarding Areas must demonstrate that it will not prejudice the future extraction of economically important mineral resources.

1.20 **Policy LP47 (Healthy, Active and Safe Lifestyles)** promotes development that supports healthy, active and safe lifestyles. Proposals should encourage physical activity, provide safe and inclusive environments and contribute positively to health and wellbeing outcomes.

1.21 **Policy LP50 (Sport and Physical Activity)** provides support for the provision of new open space where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all.

1.22 **Policy LP53 (Contaminated and Unstable Land)** requires development proposals on contaminated or unstable land to ensure that risks to human health, property and the environment are properly assessed and addressed. Appropriate remediation measures must be secured to ensure land is suitable for its proposed use.

1.23 **Policy LP61 (Urban Greenspace)** permits development that results in the loss of Urban Greenspace where one of the following criteria is met:

a An assessment shows the open space is no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value

b Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users

c The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space

1.24 **Policy LP63 (New Open Space)** requires new residential development to provide new open space, sport and recreation facilities in accordance with local standards, unless it can be demonstrated that existing provision is sufficient or that a financial contribution is more appropriate.

Kirklees Local Plan Allocations and Designations (2019)

UG282: Field Head Farm, Batley Cemetery, Carters Fields, St Mary's Primary School & North Bank Rd Allotments, North Bank Road, Carlinghow, Batley

1.25 The site forms a small part (5%) of a larger 48ha Urban Greenspace allocation which extends towards the south east (ref UG282[1]). 28.76ha of this wider allocation falls within the Natural and Semi-Natural (N&SN) Greenspace typology.

1.26 The **Kirklees Open Space Study 2015 (revised 2016)** identifies the wider Natural and Semi-Natural area within this wider Greenspace allocation as performing an important strategic role as a "green lung" within a densely developed area. It also suggests that the site forms attractive open hillside land, visible from a wide area, and contributes significantly to the appearance and semi-rural character of the locality. Overall, it is a large area of agricultural grazing land which is valued both for its landscape contribution and for informal recreation, with several public footpaths crossing the site.

1.27 The **2018 'Information on Natural / Semi Natural Greenspaces' document** produced by Kirklees for the Local Plan examination, described the N&SNG part of the wider allocation as high-quality, strategically important urban greenspace forming a green wedge within Batley. It is valued for its attractive semi-rural character, openness, views, and use for informal recreation along existing footpaths.

Supplementary Planning Documents (SPD)

1.28 The following SPDs have been adopted by Kirklees Council and are relevant to this proposal:

1.29 **Affordable Housing and Housing Mix SPD (2023)** – This provides guidance to support the implementation of Local Plan Policy LP11. It sets out expectations for the provision, type, size, tenure and mix for housing, along with guidance on responding to identified local needs. The document also outlines requirements for affordable housing within new developments.

1.30 **Kirklees Housebuilders Design Guide SPD (2021)** – This provides guidance to support high-quality residential design across the Borough. It sets out design principles covering layout, scale, massing, materials, streets, parking, public realm and sustainability. The aim is to ensure new development responds positively to local character and creates safe, attractive and functional living environments.

1.31 **Kirklees Open Space SPD (2021)** – This provides guidance on the provision of open space in connection with new development. It sets out standards for open space and identifies circumstances where on-site provision or financial contributions are required. It supports the implementation of Local Plan policies relating to open space and green infrastructure.

1.32 **Kirklees Highway Design Guide SPD (2019)** - This provides guidance on the design and delivery of highways and access arrangements associated with new development. It covers matters such as street hierarchy, access design, parking, servicing, pedestrian and cycle infrastructure and standards. This is to ensure safe and efficient movement networks.

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