

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Tel: 01484 686322 e mail: nick@roberthalstead.co.uk

Planning Development

Planning Statement – Permission in Principle

Land adj. to Delves Gate, Slaithwaite, Huddersfield, HD7 5AD

Introduction

Government Guidance states: “The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed.”¹

This application relates to the first stage or ‘permission in principle’ for three dwellings (indicatively shown as a row of terraced dwellings).

Site Description

The application site currently forms part of a grassed field located off Delves Gate, Slaithwaite. Directly south of the site is a former car park, beyond which is four cottages situated on the corner of Delves Gate / Chain Road. To the west of the site is a haulage yard with open land / fields located to the north and east of the site. The application site is 1.1 miles to the edge of Slaithwaite and Meltham, and 1.3 miles to the edge of Marsden.

Planning History

2023/93742 – Erection of two detached dwellings – Refused (prior to Grey Belt policy).

Note: The red line boundary of this refused application extends into the red line boundary for the current application. However, the two sites are not the exact same site.

Policy Designation

The application site is located in the Green Belt in accordance with the Kirklees Local Plan Policies Map.

¹ Paragraph 001

The Proposals – Permission in Principle

This application seeks permission in principle for the erection of three dwellings (although the form specifies a range of 1 to 3 in order to provide flexibility at the technical details stage).

The proposal fulfils the criteria in Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) for the following reasons:

- It is not a major development
- It is not a habitats development
- It is not a householder development
- It is not a Schedule 1 development requiring an Environmental Impact Assessment

A Location Plan and Proposed Site with 3D visual accompany the application.

Assessment of the Proposals

Government Guidance states: “The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.”²

Principle

The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement. As such, NPPF paragraph 11 states that decisions should apply a presumption in favour of sustainable development, where the policies most important for determining the application are out of date³, unless policies in the framework protecting areas or assets of particular importance (including Green Belt) provides a strong reason for refusing the development. This will be addressed below as part of the Grey Belt assessment. However in summary, it will be submitted the application site comprises Grey Belt land and is therefore within the category of ‘appropriate development’ in the Green Belt. As such, permission ought to be granted under NPPF Paragraph 11 unless any adverse impact would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Location and Land-Use

The application site is located in the Green Belt. Paragraph 155 of the NPPF states:

‘The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

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

² Paragraph 012

³ Footnote 8 confirms this includes situations where the LPA cannot demonstrate a five year supply of deliverable housing sites, or where the housing delivery test is below 75%.

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

The starting point with any Grey Belt assessment is the NPPF glossary definition which states:

'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

Addressing each of the relevant points in turn:

- 1) The site currently forms part of a grassed field and is therefore not classed as previously developed land but nevertheless comprises "any other land" and therefore passes this part of the glossary definition.
- 2) The development does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143.

Government Guidance 'Green Belt' provides categories of assessment for assessing these purposes and sets out categories: strong, moderate, and weak or none.⁴

Sites that make a weak or moderate contribution to purposes a, b and d are therefore acceptable (i.e. those that do not 'strongly contribute' to the relevant purposes).

Referring to Purpose A, the application site is not adjacent to a large built-up area⁵ and therefore makes a 'weak or none' contribution as per the Green Belt Government guidance at Paragraph 005 – i.e. Purpose A is not engaged by this proposal.

Referring to Purpose B, the application site also makes a 'weak or none' contribution as it does not form a gap between towns (again as per the assessment criteria at Paragraph 005 of the Guidance). Again, it is asserted that Purpose B is not engaged by the current proposals.

Similarly, the application site does not "form part of the setting of a historic town" (as per the Guidance wording) and therefore makes no contribution to Purpose D.

- 3) In terms of footnote 7 – i.e. areas or assets (other than Green Belt) that would provide a strong reason for refusing or restricting development, the application site is not located within any of the following relevant areas / assets listed:
 - Habitat sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest
 - Local Green Space

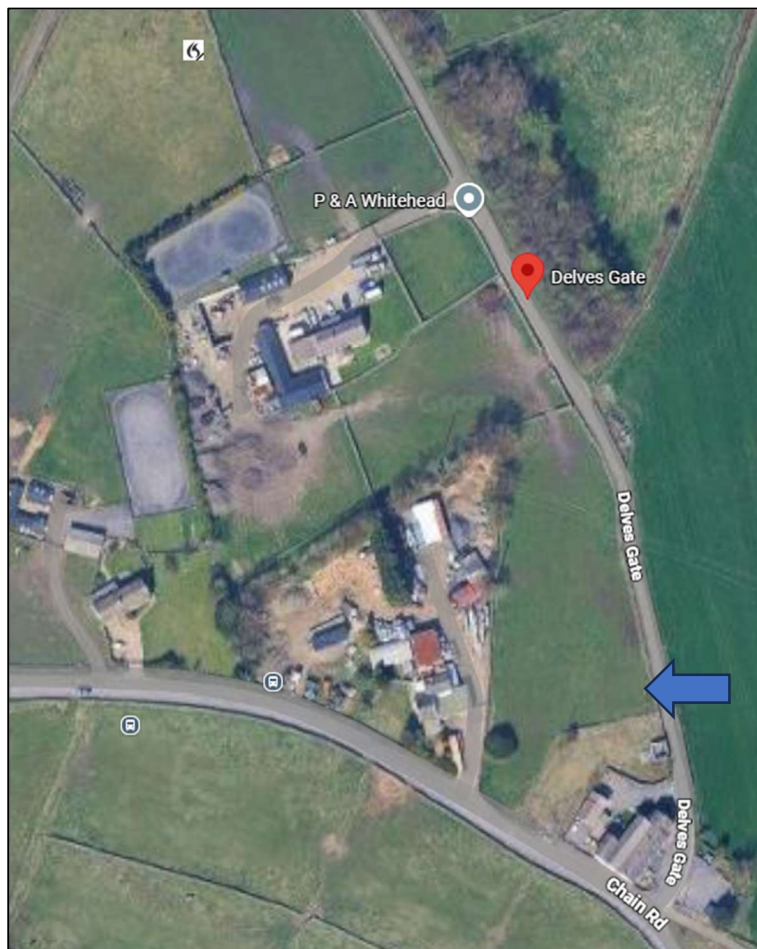
⁴ Government Guidance 'Green Belt' Paragraph 005.

⁵ The nearest large built-up area is Holmfirth which is approximately 1.4 miles away. The nearest relatively small village Wooldale is not a 'large built-up area'.

- A National Landscape
- A National Park (or within the Broads Authority)
- Heritage Coast
- Irreplaceable habitats
- Designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)
- Areas at risk of flooding or coastal change

It is therefore concluded that the site falls within the definition of Grey Belt.

Turning back then to Paragraph **155** in the NPPF, referring to part **(a)**, the application site currently comprises of an area of agricultural land immediately adjoining the former car park of the now converted former White House public house (converted to cottages).



Site location indicated with blue arrow

The location of the proposed dwellings together with their proposed compact nature, in keeping with the former White House pub building, would allow the development to be visually associated with these existing buildings when viewed from the surrounding area. In addition, the close proximity of other sprawling developments to the west and north-west, together with the site being bounded by Delves Gate to the east, would limit the degree of encroachment into the surrounding countryside to a minor visual level.

It is also important to note from Paragraph 014 of the Government's Guidance 'Green Belt' that:

...if development is considered to be not inappropriate development on previously developed land or grey belt land, then it is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.

This is consistent with rulings from the courts on these matters that, where development (of any kind, now including development on grey belt or previously developed land) is not considered to be inappropriate in the Green Belt, it follows that the test of impacts to openness or to Green Belt purposes are addressed⁶ and that therefore a proposal does not have to be justified by “very special circumstances”.

As a result, the proposals are considered to create minor conflict with Purpose C of paragraph 143 – in respect of safeguarding the countryside from encroachment.

The application site is not located within an urban area and therefore Purpose E of paragraph 143 – to assist in urban regeneration, by encouraging the recycling of derelict and other urban land is not engaged in this case.

The proposals also comply with Green Belt Purposes A, B and D as discussed above.

In summary therefore on Paragraph 155(a), whilst there would be a minor encroachment into the countryside as a result of this development (but mitigated by the close proximity of existing developments, and the backdrop of others to the west, all other four Paragraph 143 purposes are considered to be passed or not engaged. As such, taken together, the proposals *would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan*. It is therefore considered that the proposals comply with Paragraph **155(a)**.

Referring to **155 (b)** the proposed development is for three dwellings and as explained in Footnote 56 in the NPPF, the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years, is considered to be a demonstrable unmet need for housing.

The Local Plan now exceeds five years old and the confirmed position for Kirklees Council is that there is no longer a five-year supply of specific deliverable sites. Housing delivery in Kirklees has also fallen below 75% of the Local Authority’s housing requirement over the previous three years and is at 54%.

⁷

The proposed development therefore complies with point b.

Regarding **155 (c)**, the application site is located close to several local towns:

- 1.1 miles from Slaithwaite which contains one primary school, two supermarkets and a range of smaller shops and local amenities, and five public houses / bars.
- 1.1 miles from Meltham which contains two primary schools, two supermarkets and a range of smaller shops and local amenities, and three public houses.
- 1.3 miles from Marsden which contains an Infant and a Junior School, one small supermarket and a range of smaller shops and local amenities, and four public houses.

⁶ Our emphasis

⁷ Latest 2023 measurement

An hourly bus service runs from Chain Road to Meltham and Holmfirth.

The proposal site also provides immediate proximity to a wide and useful network of public footpaths, which would encourage walking and cycling.

Paragraph 110 in the NPPF states that “Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

Since the Grey Belt policy was introduced, the Council has approved other applications where it was recognised that “future occupants of the dwelling would be reliant on the use of private vehicles for most day-to-day journeys” as “the proposal relates to a single dwelling and associated trip generation would be minimal” (LPA ref: 2025/92361). In that case, the Council concluded that, “Taking into account the sites rural setting, the site proximity to local facilities and services, and the limited scale of development, it is considered that the development would be in a reasonably accessible and sustainable location for the purposes of paragraph 155 c of the NPPF.”

There are a number of other rural cases similar to this proposal in Kirklees that have been approved under Grey Belt policy in the past 12 months. Other cases can therefore be cited if needed.

A recent appeal decision⁸ for two detached dwellings also concluded the location was sustainable for the purposes of Paragraph 155, stating at Paragraph 29: “Future occupants would therefore be dependent on use of a private car to meet their day-to-day needs. However, paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.”

The proposals are therefore considered to comply with point c.

Paragraph 155 (d) relates to major planning applications, and it is therefore not applicable in this case.

The proposed development is therefore considered to be appropriate development in the Green Belt in principle, in accordance with Paragraph 155 in the NPPF.

Amount of Development

Local Plan Policy LP7 states:

‘Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:

- a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.
- c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.’

The site is of sufficient size for three terraced / town in terms of the area of land available, and would comply with the target adopted by Policy LP7. This density would also be compatible with its surroundings given that the adjacent former White House public house has been converted to four adjoining cottages (including back to back elements).

⁸ Appeal Decision APP/M3645/W/24/3347328

Other Matters

Highway Considerations

Local Plan Policy LP21 states:

'New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of the development are not severe.'

The proposed dwellings would be accessed via a new access arrangement from Delves Gate which comprises a separate egress and exit point to allow cars to enter and exit the site in a forward gear. Visibility at the site entrance is good in both directions. It is also considered that the addition of three dwellings would not result in a material increase in traffic volumes in the vicinity of the site.

It is envisaged that parking provision would be provided by way of a parking court within the application site which would accommodate two cars per dwelling (six spaces in total). The parking court would be screened by soft landscaping planted along Delves Gate. The proposed dwellings would be situated to the rear of the parking court with private gardens beyond.

Whilst it is acknowledged that highway considerations cannot strictly speaking be assessed at this stage (and are instead deferred to the Technical Details stage) nevertheless, the proposals are considered to provide comfort that an acceptable development can be achieved in respect of highway safety and accord with Local Plan Policy LP21 and the aims of Chapter 9 in the NPPF.

Conclusion

This application seeks permission in principle for the erection of three dwellings.

As discussed in the preceding paragraphs of this report, the proposals are considered to constitute appropriate development in the Green Belt in accordance with paragraph 155 in the NPPF (Grey Belt).

Moreover, because the development is contended to constitute *appropriate development* in the Green Belt, it is considered that permission ought to be concluded to be acceptable under NPPF Paragraph 11, because the minor adverse impacts identified in relation to Green Belt purposes 143(c) ⁹ would not be judged to significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole.

It is therefore respectfully requested that permission in principle is approved.

Robert Halstead Chartered Surveyors & Town Planners

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⁹ And considering that the assessment under Paragraph 155 needs to assess the purposes 'taken together'