



THE QUARRY

THE OLD BRICKWORKS, TOP O TH BANK, THURSTONLAND

DESIGN AND ACCESS &

PLANNING JUSTIFICATION STATEMENT

MARCH 2026

CLIENT: D. PARKER

AGENT: LARCHE DEVELOPMENTS (YORKSHIRE) LTD

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D&A and Planning Justification Statement

Kirklees Metropolitan Council

Former builders yard at The old Brickworks, top o th bank, Thurstonland HD4 6UY

Introduction

This statement supports the proposed application for the demolition and clearance of Barn building/s within a builders yard (& other commercial uses) and proposed erection of a single detached dwelling with leisure facilities and amenity garden and paddocks.

The Site and Location

The proposed application site is located on the outskirts of Thurstonland Village accessed from Top O Th bank and access through The Old brickworks.

Historic use

The site encompasses an existing builders yard, that has been in the same family since the early 1980's and was previously part of Thurstonland Quarries and Brick works which was set up to make bricks to line the tunnels of the railways that were being built in the 1800's.

There is not much information of what happened after the site was auctioned off in the late 1800's but was bought by Dudley Parker in the early 1980's as the base for his building company D.Parker Builders Ltd a very well know renowned local builder in the Holme valley area, until his retirement in 2015, with the Site then being used by L'arche Developemnts Yorkshire ltd . The site has also been used as a commercial equine facility for Tetley Shire Horses which ran along side of the building company, of which Dudley and a myriad of full time employed staff, 7 days a week, who ran the commercial Tetley shire horses and facilities from the old brickworks, where the horses were kept as their main base as well as working out of Tetley Brewery Wharf in the centre of leeds, day today use of the site included, including the storage and parking of 2 very large Articulated horsebox & trailers, traditional horse drawn drays, paint rooms, harness rooms and stabling for 22 horses. This sadly came to an end in the early 2000's when Tetleys were bought out by Carlsberg and the Horses were not required and the Equine side stopped with the builders yard continuing.

Access

The site is accessible off Top o th bank, which currently serves 7 dwellings and a Joiners shop and commercial usage of the builders yard.

Previously access was used by the very large articulated vehicles that served the Shire horse equine facility and were being used on a daily basis.

Builder lorries as well would service the yard also on a daily basis and continue to do so servicing deliveries and collection from the Joiners shop that is in use today.

Drainage & Services

Mains drain currently serve the Joiners shop and a connection from here would be taken up to the proposed dwelling. Mains water and Mains electric are also installed in the current barn that is within the area of the proposed dwelling, Mains Gas is also currently installed withing the joiners shop and again could be easily extended up the the proposed dwelling.

Landscaping

The applicant is willing to discuss landscaping with the Local Authority Planning Department. Boundaries have been shown as dry stone walling and timber fencing to complement the rural nature of the site and is shown on the proposed site plan.

Proposed Visuals of the proposed dwelling.

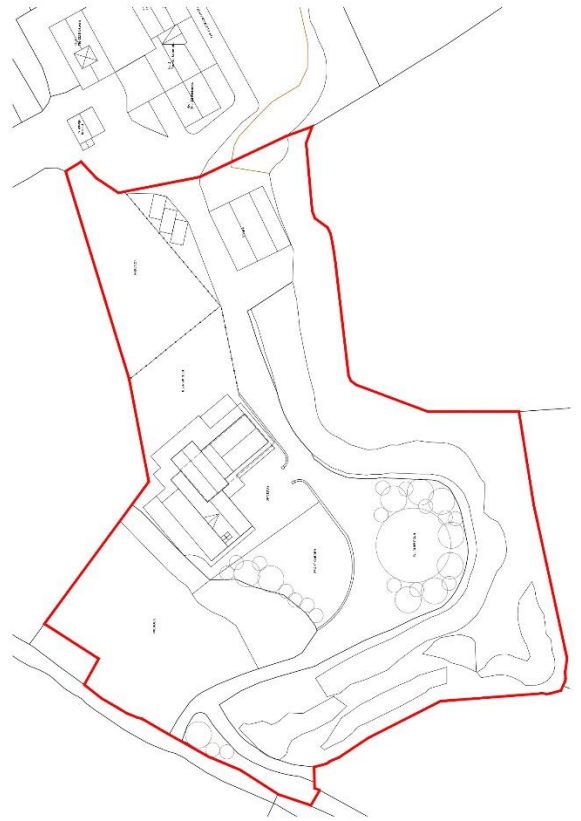
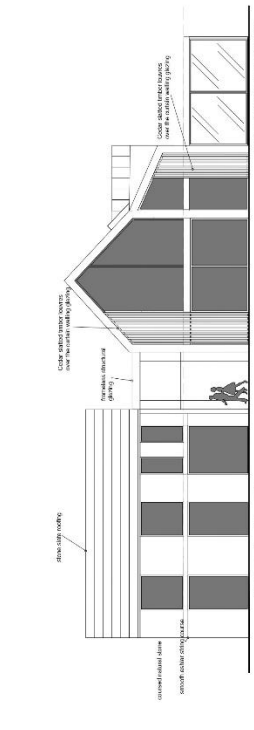
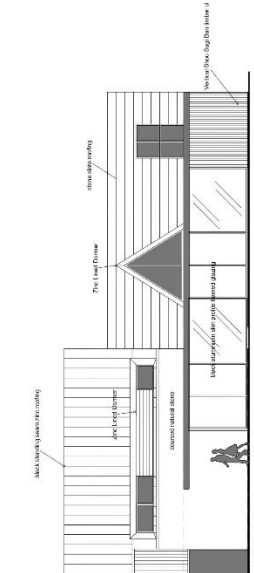
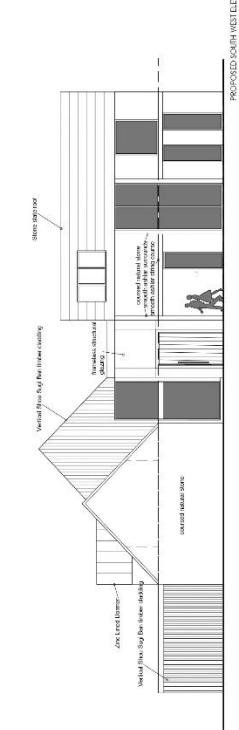
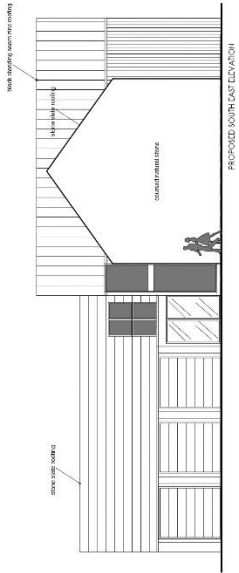


Driveway View of Proposed Dwelling



Garden View of Proposed Dwelling.

NOTES: ALL DIMENSIONS SHOWN ARE PROVISIONAL. FINISHES, MATERIALS, AND SPACE REQUIREMENTS ARE SUBJECT TO THE CLIENT CONTRACTOR. THE DRAWINGS AND DETAILS ARE FOR INFORMATION ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT PROFESSIONAL SUPERVISION.



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As the application falls within the green belt, for KMC to consider the presented proposal of a new detached dwelling, ourselves as the applicant would need to demonstrate VSC (very special circumstances), the application will also be looked at in the context of Grey Belt, as this piece of land would also fall into this classification and will be discussed in detail further on within the statement.

Planning history of the site also supports the change of use from commercial to residential with the approval of planning application 2001/62/93432/W3 which was for the demolition, extension and conversion of industrial buildings into 4 dwellings with gardens and garages, this being part of the original brick works premises, Mr Parker bought in the early 1980's and based his building company D.Parker Builders Ltd up until his retirement.

Determination: Planning Policy Position

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that development of this type is required to be determined in accordance with the statutory Development Plan for a Local Planning Authority ('LPA') unless material considerations indicate otherwise.

The present Statutory Development Plan for the area is the Kirklees Local Plan (originally adopted 2019).

The main Local Planning Policies, specifically for the purposes of this Justification Statement, pertaining to the establishment of VSCs, are:

- Policy LP7 - Efficient and effective use of land and buildings
- Policy LP11 - Housing Mix and Affordable Housing
- Policy LP24 – Design
- Policy LP26 – Renewable and low carbon energy
- Policy LP57 - The extension, alteration or replacement of existing buildings
- Chapter 19 of the Kirklees Local plan.

National Planning Policy Framework ('NPPF')

Like in many authorities around the Country, the relevant Green Belt policies within the Local Plan, as set out above, are a reflection of the requirements as set out in what is presently Chapter 13 of the NPPF.

The NPPF is a significant material consideration, particularly when assessing and determining applications within the Green Belt.

The following is set out for context.

Paragraph 152 of the NPPF states that ‘inappropriate development’ is, by definition, harmful to the Green Belt and should not be approved except in VSCs. Paragraph 153 goes on to require that when considering any planning application LPAs should ensure that substantial weight is given to any harm to the Green Belt, adding that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

More specifically, paragraph 154 of the NPPF requires that a LPA should regard the **construction of new buildings** as amounting to being inappropriate development in the Green Belt. However, a list of exceptions is provided within the said paragraph 154.

This site does not qualify for these exceptions, however the introduction of ‘grey belt’ as described in the latest updated NPPF within the glossary section is as follows;

Grey belt: *For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.*

‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

To look at the purposes set out in paragraph 143 and ascertain whether this site does contribute to these areas

143. Green Belt serves five purposes:

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

The proposed site **does not** strongly contribute to the purposes set out in a) b) or d).

Therefore, should be considered as a **grey belt** portion of land within the Green belt and that a single dwelling development as put forward in the applications for The Quarry at The old Brick works would not be inappropriate development within the green belt.

The NPPF goes on further to embellish on grey belt land in para 155 of the NPPF.

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework.

This together with the VSC's set out below present a strong case for KMC approval of this scheme together with recent appeal decisions that have been assessed under the grey belt definition as described earlier in this document.

Appeal A Ref: APP/R4408/C/24/3344454 and Appeal B Ref: APP/R4408/W/24/3344453 heard against BMC and the Appeal granted permission dealt with land that fell under the Grey belt definition, within the green belt.

Further appeals cases *Kenley Aerodrome* ([APP/M3645/W/24/3354498](#)) and *Daws Heath Road* ([APP/M1520/W/24/3351658](#)) also deal with land that is within the green belt that now comes under the Grey belt definition and subsequently have been granted planning permission on appeal.

Setting the Grey belt discussion aside we shall further discuss the site against other areas of the NPPF.

Accordingly, and for simplicity, notwithstanding also the welcome design and the proposal of the Present Application being well-designed and integrated and otherwise falling accordingly within relevant statutory Development Plan policies not pertaining to Green Belt only strengthens the case for approval of the development.

As to bolster our argument further Paragraph 152 of the NPPF states that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in VSCs. Paragraph 153 goes on to require that when considering any planning application LPAs should ensure that substantial weight is given to any harm to the Green Belt, adding that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very Special Circumstances ('VSCs')

Individually and cumulatively, the following are considered to amount to clear VSCs here. The applicant has taken it upon themselves to, where appropriate, supply as much information as possible.

Nevertheless, where any further information or clarity is required, then the LPA should as always not hesitate to reach out for further information and assistance.

VSC 1 - DESIGN

This set of VSCs pertaining to design incorporates several separate but interconnected aspects.

VSC 1.1 DESIGN: SIGNIFICANT IMPROVEMENT ON IMPACT ON OPENESS TO THE GREENBELT

'Openness' to the Green Belt is acknowledged in case law to be viewed from both a visual and spatial perspective. The proposal in the Present Application, separately is specifically designed to offer openness of the Green Belt with no more harm than as is present.

The existing building and amount of hardstanding, dilapidation of buildings have created a sad and overgrown site, somewhat tired and dilapidated in its presence, within the area of the Commercial Builders yard, Joinery manufacture facility and former commercial equine facility. The footprint and thereby volume of the existing buildings is large, with the Present Application, if granted, shall amount to a very significant improvement, both spatially and visually, in terms of the openness of the Green Belt and visual amenity of the site.

However, it very importantly does so whilst reflecting the rural/farmstead-type vernacular and backdrop. Indeed, as mentioned further above, although separate, the Present Application are deliberately designed with integration with the surrounding area in mind.

VSC 1.2 – DESIGN: SIGNIFICANT IMPROVEMENT IN THE VISUAL AMENITY.

Currently the existing site and buildings offer very low overall visual amenity. The site is low value in this specific sense and the built form is poor quality, requiring significant improvement. The existing built form and materials offer simple material choices to the site.

The proposed development will bring much needed cohesion to the materiality of built form on the site with the use of local materials to complement the local vernacular and backdrop, with a modern edge, though giving a nod to its past.

The overall design and massing of the proposals have been considered to consider varying heights, roofscapes and consistent design features, with the use of high quality robust and sustainable materials. The amenity spaces are well thought out and sensitive, with the use of drystone walling to create division between the property and its amenity space and high-quality soft landscaping to external areas balanced with small areas of hard landscaping. This shall create a softer appearance, which blends in seamlessly with its surroundings. The architectural design is more particularly set out in VSC 1.3, immediately below.

VSC 1.3 - ARCHITECTURAL GOOD DESIGN SYMPATHETIC TO THE SURROUNDING AREAS.

As stated at VSC 1.2, above, the site is specifically designed to take into account the existing built form, ensuring the positioning and massing are addressed.

Firstly, through figure ground analysis, the existing built form was identified ensuring any proposed unit largely remain within the boundaries and parameters of the existing buildings. This is to ensure the visual impact of any new development remains in similar locations to the known built form on the site. The design of the proposed dwelling takes into account, in the most comprehensive way here, local vernacular with a modern but sensitive interpretation of larger openings.

Materiality is also vital. The existing locality immediately around the site are built with natural stone, flush casement windows and natural stone slate roofing materials. The proposed dwellings will replicate materials such as these with some modern design details such as a standing seam roof and timber cladding added to ensure the proposed development is of its time and refers to its commercial roots, whilst adding exceptional architectural design details to create a modern, efficient, environmental aligned home. The addition of Solar panels and ground source/air source heating further future proof's the dwellings capabilities and energy efficiency and sustainability. Latest building technologies within the build and design of dwelling will be of a high standard.

CONCLUSION ON VSC 1 - DESIGN

Accordingly, the many-faceted aspect of design in this case will make a significant contribution and accordingly, in this particular case, falls to amount to VSCs. This again is individually, in its own right (which in this case should accommodate all of the aspects presented under this heading of VSC 1), or cumulatively alongside the rest of the VSCs promoted in this Justification Statement.

VSC 2 – CHANGING THE CLASS USAGE TO RESIDENTIAL FROM COMMERCIAL TO ALIGN WITH THE SURROUNDING PROPERTIES.

All of the properties situated and located within the vicinity of The Old brickworks are now all residential, The old brickworks originally being the base for D.Parker Builders Ltd and the base for Tetley Shire Horses, which ran under the company Bankside Shire Stud Ltd. In the early 2000's the main offices and stables were granted planning permission under 2001/62/93432/W3 to demolish and extend and convert the old buildings into 4 dwellings.

Allowing this site to be-redeveloped into a residential dwelling and its curtilage would reduce the noise, vehicular movements and disturbance to neighbours, it also follows the principle set when the application 2001/62/93432/W3 was granted.

VSC 3 - ENERGY EFFICIENT DWELLINGS WITH SUSTAINABLE ENERGY SOLUTIONS IN THE FORM OF HEAT PUMPS, SOLAR POWER, ELECTRIC CAR CHARGING & THE LATEST MODERN CONSTRUCTION METHODS IMPLEMENTED ABOVE THE CURRENT BUILDING REGULATIONS

The development will use sustainable forms of energy as much as a priority. The dwellings will be heated by heat pump technology and have PV solar panels for hot water and energy use. Electric Car charging points will be provided and calculated in accordance with the relevant Building Regulations. The build quality of the site also will be of a significantly high standard than a 'normal housing development' above current building regulation standards, and within the design team and developer are a forward thinking small local builder and sustainability are at the forefront of their mission to build quality, sustainable homes for the future occupants.

VSC 4 - INCREASE OF THE BIODIVERSITY OF THE SITE, MEETING THE REQUIRED BNG TARGET.

The NPPF chapter 11 paragraph 123(a) states that planning policies and decisions should encourage development that encourage new habitat creation and encourage public access to the countryside.

The potential for the improvement of potential habitats over and above the minimum requirement under BNG is significant. With off site improvements, which are adjacent to the application site owned by Mr Parker.

VSC 5 – THE SITE AS DESIGNED DOES NOT UTILISE ITS FULL POTENTIAL FOR RE-DEVEVELOPMENT

The site is only proposing one dwelling which could easily accommodate 5 dwellings ,in the size of the plot and its location, however to keep the harm to the green belt down to a minimum we have sympathetically chosen to go for just 1 dwelling, that takes full use of the location and its surroundings, positioning within the footprint of the existing building, so there is a like for like.

VSC 6 – POSITIVE CONTRIBUTION TO KMC HOUSING SUPPLY AND MIX OF HOMES

The proposal will contribute to achieving Kirklees Metropolitan Council ('KMC') current 5-year housing land supply targets, which as of February 2024 **cannot** supply the demand for housing over the next 5 years. This information is stated in the councils 'Kirklees Interim Housing Position Statement to Boost Supply February 2024' statement. Therefore, the Present Applications respectively offer a home within a sustainable, yet semirural location which is a legitimate need to complement more urban-based residential accommodation, which includes also the need for larger and higher value homes which this site would fall squarely within and be able to provide. The proposed development will contribute to the Borough being more appealing and prosperous place.

House of Lords Judgment in *Westminster City Council v Great Portland Estates Plc.* [1985] A.C. 661 stated:

"It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present, of course, indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance."

Whilst it is the case that what is to be considered is the character of the use of the land, not the specific requirements of a particular occupier of it. However, Lord Scarman found logically that personal circumstances, personal hardship and difficulties, were not to be ignored in the determination of planning applications.

SUMMARY ON VSCs

The VSCs promoted can be summarised as:

1. Superior Design
2. Sustainable construction on an increasingly redundant site
3. Energy efficient dwellings
4. Improved ecological position through standards beyond Biodiversity Net Gain requirements
5. Site not fully developed to its potential area.

6. Positive contribution to housing supply and mix of homes

As stated from the outset of this Justification Statement, VSCs will not be established unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

Therefore, it is submitted by this Justification Statement that the above-promoted components, both individually and cumulatively, clearly amount to VSCs in this case. It being established that no other harm subsists, then it is respectfully submitted that the Present Application may now be granted with VSCs having clearly been established.

It is also clear that this site falls within the 'grey belt' classification and would support a new dwelling being built in this location.