

15 Gatehead Bank,
Marsden, HD7 6LE

The Case Officer
Planning Services
Kirklees Council

30th June 2026

Dear Mr Holmes,

OBJECTION — Application ref 2026/60/91251/W

I write to OBJECT to the above application. My objection is made on planning policy grounds, by reference to the National Planning Policy Framework and the adopted Kirklees Local Plan: Strategy and Policies (2019), which together form the statutory development plan for the district. For the reasons set out below, the proposal conflicts with the development plan, and the material considerations relied upon by the applicant, principally the asserted “grey belt” status of the site and the Council’s current housing land supply position do not justify a departure from it.

1. The site is washed-over Green Belt and the proposal is, under the development plan, inappropriate development

The application site is open meadow, bounded by drystone walls, lying within the Green Belt as defined on the adopted Local Plan Policies Map and beyond the settlement limit of Marsden. The applicant accepts this.

Section 19 of the Local Plan, and in particular Policies LP55 and LP56, restrict new building in the Green Belt to a limited range of exceptions (such as agriculture and forestry, and appropriate facilities for outdoor sport and recreation) and only where the openness of the Green Belt is preserved and the purposes of including land within it are not harmed. The construction of up to nine dwellings, an adoptable access road, parking, retaining walls and associated domestic development falls within none of those exceptions. Under the adopted plan the proposal is therefore inappropriate development which is, by definition, harmful to the Green Belt. That conflict with the development plan is the correct starting point for the Council’s assessment.

2. The “grey belt” case is asserted rather than established, and is open to serious question

The applicant seeks to escape the development plan’s Green Belt protection by re-characterising the site as “grey belt” under paragraphs 154 & 155 and Annex 2 of the Framework. That case is not made out:

- (a) It rests on informal pre-application correspondence in which the case officer is said to have “suggested” the site “could potentially be regarded as ‘Grey Belt’” (Planning Statement, paragraph 4.3). A pre-application view is not a determination. As the Planning Practice Guidance makes clear, whether land is grey belt is a matter for the Council to assess on the evidence through the application process; it is not established by an applicant’s assertion or by preliminary officer comments.
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(b) “Grey belt” is defined as land that does not strongly contribute to Green Belt purposes (a), (b) or (d) in paragraph 143 of the Framework. The applicant’s own assessment concedes that the site does contribute to purpose (a) — checking the unrestricted sprawl of built-up areas — albeit characterising that contribution as “weak” (paragraph 8.15). The site is presently open and undeveloped; its drystone-walled field pattern, rising up the valley side, forms part of the open, rural setting on the eastern approach to Marsden, and the existing boundary wall is a logical, long-standing and durable Green Belt boundary. The proposal would push the built edge of the village beyond that boundary into open countryside. Whether the site’s contribution to Green Belt purposes is genuinely no more than “weak” is, at the least, a matter on which the Council should reach its own evidence-based judgment rather than accept the applicant’s characterisation.

(c) Even if the threshold definition were met, paragraph 155(a) additionally requires that the development “would not fundamentally undermine the purposes (taken together) of the remaining Green Belt.” The purposes taken together include purpose (c) — to assist in safeguarding the countryside from encroachment. The development of currently open countryside is, on any view, encroachment, and it would cause a permanent loss of openness. These matters weigh against the proposal and should not be overlooked merely because purpose (c) is excluded from the threshold “grey belt” definition.

3. This is “major development” and the Green Belt “Golden Rules” are engaged — and are not met

The applicant repeatedly describes the scheme as “minor” development and asserts, at paragraph 8.32, that the “Golden Rules” in paragraph 156 of the Framework do not apply because fewer than ten homes are proposed. That assertion is incorrect, or at the very least unresolved, and it is internally contradicted by paragraph 8.35 of the same statement, which states that the Golden Rules “are applicable in this instance.”

The Framework’s Glossary (Annex 2) defines “major development”, for housing, as “development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.” The application site has a gross area of 0.6 hectares (Planning Statement, paragraph 8.24). On the Framework’s own definition, the site area alone makes this major development, irrespective of the number of dwellings, and the Golden Rules apply to major development involving the provision of housing on grey belt land (paragraph 155(d) and paragraphs 156–157).

The Golden Rules require such development to deliver, among other things: affordable housing at the level set by the Framework; necessary improvements to local or national infrastructure; and new or improved green space that is accessible to the public. This scheme delivers none of these. It provides no affordable housing at all, no infrastructure contributions, and no publicly accessible green space (the proposed “open space” is required for drainage attenuation and biodiversity net gain). A grey belt scheme that does not meet the Golden Rules does not satisfy paragraph 155(d), and accordingly it remains inappropriate development in the Green Belt, for which very special circumstances would be required and have not been demonstrated. The Council should not accept the “minor development” characterisation without resolving this point.

4. No affordable housing, and a skewed market mix, on a Green Belt release site (Policy LP11)

Whether or not the Golden Rules apply, the scheme delivers no affordable housing on a greenfield Green Belt site, and a market mix weighted heavily towards larger detached homes — seven of the nine units are three- or four-bedroom detached houses (Planning Statement, paragraph 3.2). Policy LP11 requires the housing mix on sites of at least 0.4 hectares (which this 0.6-hectare site exceeds) to reflect identified local needs, using the market housing shares in the supporting evidence as a starting point, and requires 20% affordable housing on qualifying developments. By proposing up to 9 dwellings on a 0.6-hectare site, the applicant seeks the benefit of releasing Green Belt land while avoiding the affordable housing and mix obligations that would otherwise apply.

The justification for releasing Green Belt land is that it helps meet genuine housing need, including affordable need. A scheme that contributes only a small number of larger open-market homes, and nothing to affordable need, secures little of the public benefit that is supposed to flow from Green Belt release. This materially weakens the applicant's case and conflicts with the purpose of Policy LP11.

5. Inefficient use of land and unjustified low density (Policy LP7; Framework Chapter 11)

Policy LP7 requires the best and most efficient use of land, with residential schemes generally expected to achieve around 35 dwellings per hectare on the net developable area. The scheme proposes approximately 22 dwellings per hectare (Planning Statement, paragraph 8.53) — well below that expectation. Chapter 11 of the Framework (including paragraph 129) likewise requires the effective use of land and discourages low-density development where there is an identified need for housing.

If, as the applicant contends, there is an acute shortage of housing land such that Green Belt should be released, it follows that any land so released should be used efficiently. A low-density layout of mainly large detached houses is the opposite of efficient use. The applicant cannot consistently rely on housing need to justify Green Belt release while simultaneously under-using the site. The low density is, in substance, a product of capping the scheme below the major-development and affordable-housing thresholds rather than of any planning imperative.

6. Harm to openness, landscape character and the setting of Marsden (Framework Chapter 13; Policies LP24 and LP32)

The site is currently entirely open. The proposal would introduce up to nine dwellings, an access road, hardstanding, parking, engineered changes in level and retaining walls onto rising open land, materially reducing the openness of the Green Belt in both spatial and visual terms. Because layout and landscaping are matters for determination now (only scale and appearance being reserved), the fundamental relationship of built form to this open valley-side site is fixed by this application.

Marsden lies in the Colne Valley within the South Pennines, a sensitive upland landscape. Policy LP32 requires development to take into account, and to seek to enhance, the landscape character of the area and the setting of settlements; Policy LP24 requires high-quality design that responds to its context. The applicant concedes that the development

“will have a landscape impact” but characterises the harm as “short-term” (paragraphs 8.81 and 8.85). That characterisation should be rejected: the built development is permanent. Only the proposed screen planting matures over time, and even at maturity the dwellings, the engineered levels and the access remain. The proposal would erode the open, rural character of the eastern approach to the village, contrary to Policies LP24 and LP32 and to the landscape policies in Chapter 15 of the Framework (including paragraph 187).

7. Conflict with the spatial strategy, and premature, piecemeal release of Green Belt (Policies LP1–LP3)

The spatial strategy of the Local Plan (Policies LP1, LP2 and LP3) directs new development to sustainable locations within the settlement framework. This site is unallocated and lies outside Marsden’s settlement limit, in the Green Belt. The applicant acknowledges that the site has been promoted for allocation through the emerging Local Plan’s “Call for Sites” process (paragraph 7.18).

Decisions about which Green Belt land should be released are properly taken through the plan-making process, where a site can be assessed against reasonable alternatives, the cumulative impact of releases across the district, infrastructure capacity, and an up-to-date Green Belt review, not piecemeal, on a site-by-site basis, through a single planning application. The Council’s Local Plan review is underway (the applicant notes that submission for examination is not expected until late 2028) and a revised version of the Framework is expected in 2026. Granting permission now for an unplanned Green Belt extension would preempt that process and risk an ad hoc release that prejudices the strategy. It is acknowledged that the current Framework permits grey belt development through decision-taking; but that is a matter of weight, and the weight to be given to it should be limited where, as here, the grey belt case is not robustly established.

8. South Pennine Moors SPA / SAC / SSSI and the Habitats Regulations

The site lies within approximately 2 kilometres of the South Pennine Moors Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest (Planning Statement, paragraph 8.19): areas of particular importance within footnote 7 of the Framework. As the competent authority under the Conservation of Habitats and Species Regulations 2017, the Council must be satisfied, through an appropriate assessment informed by Natural England, that the development would have no adverse effect on the integrity of these European sites, including from increased recreational disturbance associated with new housing, considered both alone and in combination with other development.

The published consultee responses do not include a response from Natural England, and the scheme makes no provision for recreational impact mitigation. This matter must be resolved before any grant of permission. If a likely significant effect on the European sites cannot be excluded on the evidence, the application of footnote 7 policy provides a strong reason for refusal under paragraph 11(d)(i) of the Framework, independent of the housing land supply position.

9. The overall planning balance favours refusal (Framework paragraph 11)

I acknowledge that the Council’s published position is that it cannot currently demonstrate a five-year supply of housing land (3.96 years) and that the Housing Delivery Test result

engages the presumption in favour of sustainable development under paragraph 11(d) (the “tilted balance”). The tilted balance is, however, not a blank cheque. It requires permission to be granted unless the application of policies protecting areas or assets of particular importance — which include the Green Belt and the footnote 7 habitats sites — provides a strong reason for refusal, or unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The benefits of the scheme are real but limited: a small number of open-market homes, modest and temporary construction-related economic activity, and on-site biodiversity net gain and tree planting that are, in the main, the minimum required by policy or are deferred to reserved matters. Against them stand the harms set out above: conflict with the development plan’s Green Belt policies (LP55 and LP56); a “grey belt” case that is not made out; major development that fails the Golden Rules; the complete absence of affordable housing on a Green Belt site; an inefficient, low-density use of released land contrary to LP7; permanent harm to the openness of the Green Belt and to the landscape character and setting of Marsden contrary to LP24 and LP32; conflict with the spatial strategy and the premature, piecemeal release of Green Belt; and an unresolved Habitats Regulations issue.

Taken together, these adverse impacts significantly and demonstrably outweigh the benefits of the proposal. Further, and independently, to the extent the site is not properly to be regarded as grey belt meeting all the conditions of paragraph 155, the Council’s Green Belt policies and the footnote 7 habitats policies provide a strong reason for refusal under paragraph 11(d)(i). On either route, permission should be refused.

Conclusion

For the reasons above, the proposal conflicts with the adopted Kirklees Local Plan and with national planning policy in the Framework, and the material considerations relied upon by the applicant do not justify a departure from the development plan.

I should be grateful if you would: (i) confirm receipt of this representation and register my objection; (ii) notify me of the decision in due course; and (iii) given the Green Belt principle, the fact of this being major development, and the public interest in the proper, plan-led release of such land, refer the application to the relevant Planning Committee for determination rather than dealing with it under delegated powers.

Yours sincerely,
