



Planning Statement

DEMOLITION OF EXISTING DWELLING HOUSE AND CONSTRUCTION OF A REPLACEMENT DWELLING HOUSE

**SUMMERHILL, 86 HOPTON LANE, LOWER HOPTON, MIRFIELD,
WF14 8JS**

**PREPARED FOR: MRS AND MR GORDON
PREPARED BY: TOM SHIELS MRTPI
CHECKED BY: JAMES ROBERTS MRTPI**

1.0 INTRODUCTION

This statement has been prepared to support a full planning application for the demolition of an existing residential property and the construction of a new two storey dwelling. The proposal comprises the redevelopment of previously developed land in the Green Belt that would not cause substantial harm to openness. As such, the proposal is a type of development that is not inappropriate within the Green Belt and accords with both the NPPF and Local Plan policy.

Furthermore, the new dwelling has been sensitively designed in order to respect and reflect the natural and built environments that form the setting of the site. The proposal is for the creation of a high quality and sustainable property.

This statement should be read in conjunction with the supporting plans supplied by Orange Design Studio which demonstrate the credentials of the scheme in more detail. It is anticipated that the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal is not inappropriate development in the Green Belt, that it will have no adverse impact on visual and residential amenity and that it would result in the creation of a high-quality, well-designed property. Furthermore, the proposal will have no impact on highways safety, biodiversity or neighbouring amenity. Finally, the conclusion is reached that planning permission should be granted for the proposed development.

2.0 THE SITE

The existing dwelling is a substantial two storey 20th century building of red brick construction. The building, whilst in no way out of keeping with its surroundings, is not of any particular architectural or historic merit.

The site also comprises a hard surfaced parking area to the front of the existing building, and a garden area to the rear.

The property is accessed directly from Hopton Lane, and forms part of a ribbon development fronting the highway. The site lies in very close proximity to the main built area of the Mirfield settlement.

The site lies within the Green Belt.

3.0 THE PROPOSAL

Full planning permission is sought for the demolition of the existing house and the construction of a new two storey dwelling. The key elements of the proposal are as follows:

- The scheme comprises the redevelopment of an enclosed piece of previously developed land that would not cause substantial harm to Green Belt openness.
- The position of the proposed house is similar to that of the existing dwelling, thereby maintaining the frontage to Hopton Lane and the established building line.
- The proposal would create a high-quality dwelling suitable for family accommodation.
- The design of the new dwelling is rooted in traditional form, with contemporary elements creating an architecturally pleasing building that would sit very comfortably in this mixed-character area.
- The development would cause no impact to visual amenity or residential amenity.

4.0 PLANNING HISTORY

The planning history for the site relates to applications for lawful development certificates for an outbuilding within the curtilage of the existing dwelling. As these applications were all a test of the lawfulness of the proposed development, and not based on any assessment of planning policy and material planning considerations, they are of no relevance to the consideration of the current application.

5.0 ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Kirklees Local Plan

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) as updated in December 2024 and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site lies within the Green Belt as identified under the development plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 11 – Making efficient use of land
- Section 12 - Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Kirklees Local Plan (2019)

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP30 – Biodiversity and geodiversity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP57 – The extension, alteration or replacement of existing buildings (in the Green Belt)

Other Material Considerations

- Housebuilders Design Guide SPD
- Highway Design Guide

Emerging Policy

Kirklees Council have set out their timetable for a Local Plan Review. Early engagement consultation took place between 25/11/2024 and 28/02/2025.

The Local Development Scheme (September 2025) states the target submission date to the secretary of state for the Local Plan Review is January 2028. Limited weight can therefore be afforded to the emerging policies or modification of policies forming part of the review.

6.0 ASSESSMENT

Principle of Development in the Green Belt

The revised NPPF is a crucial part of the Government's overarching agenda of delivering 1.5m new homes along with enhancing the sustainability of local communities during this parliament. The NPPF places great importance on sustainable development across the UK and is accompanied by recent press releases ("back the builder's, not the blocker's") and written ministerial statements. All of these place heavy emphasis on the need to reform the planning system so that developments can be delivered as quickly as possible.

It should be emphasised that the NPPF was revised in December 2024, which is after all relevant Local Planning Policy Documents were adopted or last reviewed. This renders local policies that relate to development in the Green Belt out of date where they clearly conflict with the NPPF.

This specifically relates to Policy LP57 (parts c and d), which states:

Proposals for the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable provided that:

- c. the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access; and*
- d. the design and materials should have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting.*

It should be noted that the definition of previously developed land is:

"land which has lawfully been developed and is or was occupied by a permanent structure, including the curtilage of the developed land".

The proposal constitutes the development of previously developed land, which is supported by paragraph 154g of the NPPF.

One of the most significant changes in the revised NPPF in respect of Green Belt policy is the clear and deliberate loosening of restrictions on the redevelopment of previously developed land. Under the last iteration of the NPPF, the redevelopment of previously developed land was not inappropriate providing that it would not have any greater impact on openness. This like-for-like requirement has now been abolished. Instead, Paragraph 154 part (g) now allows for the redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.

There can be no doubt that the change in this respect has been made in order to allow for more development on previously developed sites in the Green Belt and to ensure land use efficiencies. There is no longer any policy requirement for arbitrary volumetric calculations between the existing and proposed developments. A new development that is larger than the existing development is policy compliant up until the point where the substantial harm threshold is crossed.

A legal opinion obtained by JR Planning (enclosed) confirms the exemption provided in 154(g) from inappropriate development has been intentionally broadened to be more permissive of development on previously developed land in the Green Belt. It states that the threshold of harm contained in this exemption is the highest threshold of harm contained in the NPPF - “substantial harm”. For substantial harm to openness to be caused it must be at such a level that it in some way undermines the essential functioning of the Green Belt which arises as a result of its openness.

Due to the change in the threshold of appropriateness for redevelopment of previously developed land in the revised NPPF, local plan policy LP57 is out of date, since it quotes from the previous version of the NPPF. It follows that the supporting text of LP57 where it states *‘While the essential characteristic of the Green Belt is its openness it follows that no harm to openness should be caused if a building that is already there is altered or replaced, provided that the new or altered building does not have a greater impact on openness than the one it is replacing’* should also be called into question.

In this instance, the proposed dwelling is larger than the existing dwelling. However, it follows a similar layout with the built form occupying the southern part of the site and maintaining a frontage with Hopton Lane. The massing of the proposed dwelling is broken up by the part two storey and part single storey design. The two-storey element is actually more compact than the existing dwelling. The additional size and width of the proposed dwelling compared to the existing is mainly derived from the single storey element, which takes the form of a low-profile link and hipped roof single storey wing. Taking into account the strong sense of containment provided by the existing neighbouring buildings to either side, along with the close proximity of the proposed dwelling to Hopton Lane at the front, there would be very little impact on openness as a result of the increased width (especially considering the additional width is single storey in scale).

The proposed dwelling would sit very comfortably within the boundaries of the well-contained site, amalgamating seamlessly into the grain and pattern of the roadside development along Hopton Lane.

There is clear scope to accommodate a larger dwelling within this building cluster without tipping the substantial harm to openness threshold. The proposed dwelling would occupy a very similar position within the site. There is no expansion whatsoever of the existing curtilage, and no encroachment into the surrounding open land. Car parking and garden areas would occupy the same areas as they do now. The overall visual and spatial impact would remain similar to the existing situation. Because of this, although the new dwelling would be larger than the existing one, the visual impact of it will not be significantly different. As such, whilst there would also be some additional impact on visual openness, this would also be moderate, and not substantial.

Overall, taking into account both spatial and visual considerations, the impact of the development on Green Belt openness would be moderate. This is, therefore, an acceptable form of redevelopment as it would not cause substantial harm to openness.

A number of recent and relevant appeal decisions confirms that the assessment of the impact on openness as set out above is sound.

Appeal reference APP/J1535/W/24/3345568 considered the issue of whether substantial harm to Green Belt openness would be caused by the introduction of a dwelling house on a site that does not contain any existing buildings. The Inspector noted:

“The site is largely devoid of any buildings or structures, but includes an area of hardstanding comprising the foundations of the former building and is enclosed by timber fences. Consequently, any new buildings would have a significantly greater impact on the spatial openness of the Green Belt than the existing development. Nevertheless, the single- storey dwelling would have a modest footprint and would have a low ridge height. Whilst the dwelling be more visible than the existing development at the site, the presence of the neighbouring properties and the established hedgerow to the rear of the site would limit the visual effect on the openness of the Green Belt.

The dwelling would be located within the context of the surrounding development, which is enclosed from the surrounding open fields by a hedgerow and mature trees. While the development would be visible from outside the site, the proposal would be largely visually contained and would not unacceptably impact the function and purpose of the Green Belt. Accordingly, although the proposal would harm the openness of the Green Belt, the adverse effects would be moderate. The proposal would therefore accord with Paragraph 154 g) of the Framework.”

Bearing in mind that this was for a site that did not contain any existing buildings, there is clearly scope for replacing the existing building at the current application site without resulting in substantial harm to openness.

Appeal APP/R1038/C/24/3342342 considered a detached two storey outbuilding that had been constructed on an area of hard surfacing. North East Derbyshire Council had served an enforcement notice requiring the removal of the building.

The Inspector allowed a ground a) appeal on the basis that the outbuilding fell under paragraph 154 g), noting:

The outbuilding has a large footprint and is two-storey in height. Thus, it has a significantly greater impact on openness than the area of hardstanding on which it has been constructed. However, its visibility is generally limited to views from the lane at the site entrance, with existing vegetation/mature hedgerows and buildings otherwise, restricting views from adjoining land. Moreover, when viewed from the lane the outbuilding appears as part of a group of buildings which form a courtyard, thus, its relationship to existing development limits its visual effect on the openness of the Green Belt.

This decision bears relevance to the application site in regard to its contained nature and the presence of hardstanding within the curtilage of the existing dwelling.

These decisions clearly reflect the significance of the changes to the NPPF in respect of proposals that are appropriate in the Green Belt provided they do not result in substantial harm to openness, and the high threshold that substantial harm entails.

The proposal is an appropriate form of development in the Green Belt as defined by paragraph 154 (g) of the NPPF, and therefore complies with local plan policies LP1 and LP57 in so far as those policies remain up to date. The principle of development is wholly acceptable and policy compliant.

Impact upon Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Whilst the existing dwelling sits comfortably enough in the street scene without causing visual harm, it is a building that is no of any particular historic or architectural merit. The redevelopment offers a clear opportunity for architectural enhancement.

The proposed dwelling is based on a traditional design, with two front facing gables sitting below a hipped roof. This approach is entirety reflective of and compatible with the character roof the existing built environment that surrounds the site.

Contemporary notes and architectural interest (that is lacking from the existing dwelling) are achieved through the use of glazing, wall and roofing materials and the central linking element. Overall, the scheme provides a well-balanced and attractive dwelling that will blend very well with both the built and natural environments that surround the site. The proposed building would form an appropriate piece of contemporary rural architecture that would relate well to its surroundings and would not appear in any way discordant.

The proposal would respect and preserve the landscape character of the surrounding area, and is fully compliant with policies LP1, LP2 and LP24 of the Local Plan and section 12 of the NPPF.

Impact upon Residential Amenity

Section B of Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring: *“They provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings”*.

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The design size and scale of the new dwelling will ensure it meets residential amenity standards for its future occupiers. The increased size of the dwelling will not compromise external amenity space, which is generous.

The proposed dwelling will project slightly further north beyond the rear elevation of the existing neighbouring dwelling at 84 Hopton Lane. However, the proposed dwelling will be set in further from the shared boundary, ensuring there is little material change overall. The separation distance from the boundary, along with the relevant projection being to the north, will mean that there is no material harm by way of overlooking, overshadowing or oppressive impacts.

The position of the dwelling means there will be no impact on the residential amenity of occupiers of any other existing dwellings in the locality.

The proposal is therefore in accordance with Policy LP24 of the Local Plan and the NPPF.

Highways Safety

Policies LP21 and LP22 of the Kirklees Local Plan and the Council’s adopted Highway Design Guide are relevant as they seek to ensure acceptable levels of off-street parking, adequate waste storage facilities are provided.

The proposal would not result in any material intensification in traffic generated by the site. Appropriate access and parking provision will continue to be made. The development would

have no adverse impact on highways safety or efficiency, and the application is fully policy compliant in this regard.

Ecological Impact

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Paragraphs within Chapter 15 of the National Planning Policy Framework are also relevant.

The existing dwelling is in daily use. It is maintained in a very good condition, with no cracks or crevices in the walls and roof. The existing building provides no habitat opportunities for protected species, and there will be no adverse impact as a result of its demolition.

None of the trees within of close to the site will be affected by the development.

The development is a self-build project, and is therefore exempt from statutory Biodiversity Net Gain requirements. Furthermore, the site area does not exceed 0.2ha and will also become immune from BNG requirements on this basis when the imminent changes to the exemptions come into effect. The proposal is therefore in accordance with Policy LP20 of the Local Plan and section 15 of the NPPF.

Drainage

The proposal is for a new dwelling on previously developed land. The amount of hardstanding will not increase as a result of the proposal, and it is therefore considered the proposal will not lead to flood risk issues.

Existing drainage and service connections will be re-purposed for the new dwelling.

7.0 CONCLUSION

The proposed scheme represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above. The proposal would deliver a sensitively designed, contemporary dwelling suitable for its rural and built setting.

The development is proposed in a manner that is fully compliant with Green Belt policy. The development is not inappropriate by virtue of the fact that it re-uses previously developed land, replacing an existing dwelling in a manner which does not undermine the essential functioning of the Green Belt and therefore does not cause substantial harm to the openness of the Green Belt.

The proposal would have no adverse impact in respect of visual, amenity, highways and environmental considerations. The proposal is fully policy compliant in all other respects.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.