



JohnsonMowat
Planning & Development Consultants

Yorkshire Land Limited

Land off Penistone Road (A629), Birdsedge

Outline application for erection of residential development including associated infrastructure works. All matters reserved except means of access into (but not within) the site from Penistone Road.

Planning Statement (including Statement of Community Involvement, Climate Change Statement, Open Space/Sport and Recreation Building and Land Assessment and Draft Heads of Terms)

Johnson Mowat References

Client	Yorkshire Land Limited
Site	Land off Penistone Road (A629), Birdsedge
Development	Outline application for erection of residential development including associated infrastructure works. All matters reserved except means of access into (but not within) the site from Penistone Road.
Local Planning Authority	Kirklees Council
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Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Limited during our investigations.

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1. Introduction

- 1.1 This Planning Statement (including Statement of Community Involvement, Climate Change Statement, Open Space/Sport and Recreation Building and Land Assessment and Draft Heads of Terms) has been prepared upon the behalf of Yorkshire Land Limited (the Applicant) in relation to Land off Penistone Road (A629), Birdsedge (the site).
- 1.2 The purpose of the planning system is to positively promote the spatial organisation of land to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.
- 1.3 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

The Proposal

- 1.4 This planning statement has been prepared in support of an outline application for the erection of residential development including associated infrastructure works. All matters reserved except means of access into (but not within) the site from Penistone Road.
- 1.5 This planning statement should be read alongside the technical drawings and documents which comprise this planning submission. These are as follows: -
- **Design and Access Statement (including Parameters Plan and Location Plan)** – S+SA Architects.
 - **Topographical Survey** – MT Surveys.
 - **Transport Statement** – Andrew Moseley Associates.
 - **Residential Travel Plan** – Andrew Moseley Associates.
 - **Flood Risk Assessment & Drainage Strategy** – Andrew Moseley Associates.
 - **Infiltration Testing** – Eastwoods Consulting.
 - **Arboricultural Impact Assessment** – AWA Tree Consultants Ltd.
 - **Preliminary Ecological Appraisal (PEA)** – Estrada Ecology Ltd.
 - **Biodiversity Net Gain (BNG) Statement (including Biodiversity Metric)** – Estrada Ecology Ltd.
 - **Landscape and Visual Appraisal (LVA) (including illustrative Landscape Masterplan)** – DRaW (UK) Ltd.
 - **Built Heritage Statement** – CLB Heritage.
 - **Noise Impact Assessment** – Environmental Noise Solutions Ltd.
 - **Air Quality Assessment** – Redmore Environmental Ltd; and,
 - **Phase 1 Geotechnical & Geo-environmental Site Investigation** – Eastwoods Consulting.
- 1.6 This Planning Statement identifies the site location and describes the surrounding area relevant to the planning application. It details the proposed development, outlines the community engagement exercises undertaken to date, presents the relevant planning policy context and associated material

considerations and concludes by setting out the planning case in support of the proposed development.

2. Site Location and Characteristics

- 2.1 The site comprises approximately 3.17 hectares of greenfield land situated off Penistone Road (A629), on the northeastern edge of Birdsedge, Huddersfield. The site lies within the administrative boundary of Kirklees Council (the Council).
- 2.2 The site currently comprises two grazed pasture fields enclosed predominantly by stone walls and has historically remained undeveloped. The wider surrounding area is characterised by a mix of agricultural land, residential development and buildings historically associated with Birdsedge Mill.
- 2.3 The site's southwestern boundary fronts Penistone Road (A629), a single carriageway accommodating two-way traffic through Birdsedge. Beyond Penistone Road lies existing residential development including properties along Highfield Avenue and Primrose Cottages.
- 2.4 The northwestern boundary adjoins ancillary buildings and structures historically associated with Birdsedge Mill together with vegetation and dry-stone walling. The eastern and northeastern boundaries adjoin open agricultural land enclosed by existing field boundaries, hedgerows and dry-stone walls. Immediately beyond the northern boundary are areas of woodland and vegetation associated with the River Dearne corridor.
- 2.5 The site is currently accessed from Penistone Road (A629). The proposed development would be served via a new vehicular access from Penistone Road together with associated pedestrian infrastructure and a pedestrian refuge island crossing.
- 2.6 The site is designated as green belt within the Kirklees Local Plan (KLP).
- 2.7 The site is sustainably located and benefits from access to a range of local services and community facilities within Birdsedge. These include Birdsedge First School, Birdsedge Village Hall, nearby bus stops and an established network of Public Rights of Way (PRoW) providing pedestrian connectivity beyond the adopted highway network.
- 2.8 A broader range of services and amenities is available in nearby settlements and towns including Huddersfield, Holmfirth and Penistone. These include supermarkets, healthcare facilities, secondary schools, employment opportunities and wider leisure services.
- 2.9 The nearest bus stops are located approximately 100 metres from the proposed site access along the A629 Penistone Road. Both stops are equipped with standard bus stop flags and timetable information, as well as seating and bins, with the southbound stop additionally benefiting from a sheltered waiting area.
- 2.10 The bus stops are served by the D3 bus service, which provides services between Huddersfield and Denby Dale every 120 minutes on weekdays and Saturdays. The stops also provide access to the 77 Meadowhall–Holmfirth service, as well as the 421 Shelley High School–Birdsedge and 424 Scissett Middle School–Birdsedge school services.
- 2.11 The site is also served by rail, with Shepley Railway Station located approximately 3.1 kilometres north of the site on Station Road. The station is served by regular Northern services on the Penistone Line, providing connections between Huddersfield and Sheffield. Services generally operate on an hourly basis in each direction throughout the day, offering access to key centres including Huddersfield, Barnsley and Sheffield. The station also benefits from cycle parking facilities and provides opportunities for onward travel by sustainable transport modes.
- 2.12 According to the Environment Agency's Flood Map for Planning, the entire site lies within Flood Zone 1, indicating a low risk of flooding from rivers and the sea. The site is also identified as being at low risk of surface water flooding.
- 2.13 The site does not lie within a designated Conservation Area. However, Birdsedge Mill, a designated heritage asset, is located to the northwest of the site beyond existing vegetation, dry-stone walls and

ancillary buildings. The mill has limited prominence due to its low lying position adjacent to Penistone Road, screening by later buildings and the undulating topography of the surrounding area.

- 2.14 With the exception of the green belt designation, the site is not located within any areas or assets listed in footnote 7 of the National Planning Policy Framework (NPPF).
- 2.15 There is no recent planning application history pertaining to the site.

3. Proposed Development

3.1 This application seeks outline permission for the following development:

"Outline application for erection of residential development including associated infrastructure works. All matters reserved except means of access into (but not within) the site from Penistone Road".

3.2 Matters such as housing mix will be addressed at the reserved matters stage.

3.3 The Applicant is not seeking to fix a quantum of development. That said the technical reports supporting this application have assessed the impacts of delivering up to 70 no. residential dwellings. Given the current five-year housing land supply shortfall any future outline planning permission should remain flexible to ensure that the site remains attractive to a range of housebuilders and market conditions moving forward.

3.4 In line with national and local planning policy 35% of the dwellings will be provided as affordable units.

3.5 The red line boundary extends to approximately 3.17 hectares and incorporates areas of landscaping, landscape buffer areas and public open space (POS). A separate designated area of Biodiversity Net Gain (BNG) provision is identified outside of the application boundary within the blue line area.

3.6 The outline application is supported by a comprehensive Design and Access Statement (D&A).

3.7 The Parameters Plan establishes the spatial framework for the proposed development, defining the site boundary, access point, pedestrian connection to nearby bus stop, pedestrian crossing, developable areas, public open space (POS), landscaping areas, landscape buffers, pedestrian routes and a designated BNG area. This framework will guide future reserved matters submission(s). The key elements of the Parameters Plan are discussed below: -

Developable Areas

3.8 The Parameters Plan identifies multiple developable parcels across the site, with the following approximate areas: -

- 0.06 ha.
- 0.146 ha.
- 0.256 ha.
- 0.301 ha.
- 0.307 ha; and,
- 0.331 ha.

3.9 These parcels collectively total approximately 1.40 hectares and are distributed across the site in response to the surrounding context.

Access and Movement

3.10 A primary vehicular route through the site is indicated, providing internal circulation and access to the developable areas. A proposed access point from Penistone Road (A629) and a proposed pedestrian crossing are also identified on the Parameters Plan.

3.11 Further the Parameters Plan also identifies pedestrian routes and a pedestrian connection to the existing bus stop location, supporting pedestrian connectivity across the site and encouraging sustainable modes of travel.

Public Open Space (POS)

- 3.12 The Parameters Plan allocates approximately 1.48 hectares of public open space distributed across the site. The majority of this is located within the eastern and central areas of the site and provides recreational and amenity value.
- 3.13 A Locally Equipped Area of Play (LEAP) measuring 938m², together with a 20 metre buffer zone, is proposed within the eastern area of the site.

Landscaping

- 3.14 Landscape buffer areas are proposed around the site boundaries adjoining surrounding residential properties and adjoining land.
- 3.15 Additional landscaping is proposed throughout the site, including around the perimeter, POS areas and pedestrian routes.

Biodiversity Net Gain Area

- 3.16 A BNG area of approximately 0.89 hectares is designated outside of the red line application boundary within the blue line area.

Drainage

- 3.17 An attenuation tank is identified on the Parameters Plan, with the size and precise location to be confirmed through detailed design and technical input.

Topography and Views

- 3.18 The Parameters Plan responds to the site's layout and topography, with development parcels, internal routes and areas of POS arranged throughout the site to create distinct development parcels separated by green infrastructure and open space.

4. Statement of Community Involvement

4.1 In line with national and local policy guidance, community and stakeholder engagement has been carried out during the preparation of the development proposals.

4.2 Pre-application engagement activities have included: -

- Seeking engagement with the elected Member of Parliament (MP) for the Ossett and Denby Dale constituency and the Denby Dale Ward Councillors.
- Posting a leaflet to nearby residents; and,
- A consultation website for the local community.

Engagement with the Elected Member of Parliament and Ward Councillors

4.3 The elected Member of Parliament (MP) for the Ossett and Denby Dale constituency and the Denby Dale Ward Councillors were notified of the proposals in March 2026 and were invited to view the consultation website. At the time of writing, no formal response has been received from either the elected MP or the Denby Dale Ward Councillors.

4.4 It is noted that, following the local elections held on 7 May 2026, that some of the Ward Councillors consulted are no longer in office.

Public Consultation

4.5 To provide the local community with a pre-submission opportunity to review and provide feedback on the proposals, a consultation webpage was developed and launched in April 2026 – Land off Penistone Road, Birdsedge. Screenshots of the consultation website page can be found within Appendix 1.

4.6 More than 130 no. leaflets were hand delivered to properties surrounding the site. The leaflet, shown in Appendix 2, included an overview of the proposals, the website address and relevant contact details for anyone experiencing difficulties accessing the website or wishing to discuss the proposals.

4.7 A form was available on the website, allowing visitors to submit feedback and comments.

4.8 A significant advantage of the website was that it allowed residents to view the proposals at their convenience, resulting in the completion of 17 no. forms.

Consultation Feedback

4.9 A summary of the comments received, and how these have been addressed, is set out below. Comments gathered through the consultation, encompassing the leaflet drop and online submissions, have been grouped together into key themes. Each theme is summarised below and is followed by the Applicant's response to the comments raised.

Planning Policy Designation

Comments Raised:

- Residents stated that the site is not allocated for residential development within the KLP.

Response:

4.10 The Applicant acknowledges the comments raised regarding the site not being allocated for residential development within the adopted KLP.

4.11 The Council cannot currently demonstrate a five-year housing land supply. Although the Council's latest published position identifies a housing land supply of 4.18 years, applying the most up-to-date

standard method figure of 1,915 dwellings per annum, together with the required 20% buffer, reduces the supply to approximately 4.02 years.

- 4.12 The Planning Statement also identifies that the Council's latest Housing Delivery Test result is 54%, which triggers the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.
- 4.13 In this context, the Applicant considers that sustainable sites for residential development, including land considered capable of meeting the definition of 'Grey Belt', will play an important role in contributing towards housing delivery and addressing identified housing needs across the Borough.

Green Belt

Comments Raised:

- Objections were raised regarding development on designated Green Belt land.
- Concerns were expressed that the proposal would constitute inappropriate development within the Green Belt; and,
- Residents stated that the development would conflict with the purposes of Green Belt designation, including preventing urban sprawl and safeguarding the countryside from encroachment.

Response:

- 4.14 It is acknowledged that the site is currently designated as Green Belt within the adopted KLP.
- 4.15 The December 2024 revision to the NPPF introduced updated national policy relating to development within the Green Belt, including circumstances where development should not be regarded as inappropriate. Paragraph 155 of the NPPF identifies certain forms of development on land defined as "Grey Belt" which may not constitute inappropriate development.
- 4.16 The first stage of the assessment under paragraph 155 of the NPPF requires consideration of whether the site makes a strong contribution to Green Belt purposes (a), (b) and (d). These purposes include checking unrestricted sprawl, preventing neighbouring settlements merging into one another, and safeguarding the countryside from encroachment.
- 4.17 The second stage requires assessment of whether the site would affect any of the areas or assets identified within Footnote 7 of the NPPF, other than Green Belt, and whether these provide a strong reason for refusing development.
- 4.18 As demonstrated within the Green Belt Assessment accompanying the application, the site does not make a strong contribution to purposes (a), (b) or (d) of the Green Belt. Furthermore, the application of the relevant non-Green Belt policies referred to within Footnote 7 of the NPPF would not provide a strong reason for refusal. On this basis, the Applicant considers the site to meet the definition of Grey Belt land.
- 4.19 A detailed assessment of the site against the Grey Belt criteria is contained within the Planning Assessment chapter of this Planning Statement.

Natural Environment

4.20 Comments Raised: -

- Residents stated that the site supports wildlife habitats, hedgerows and biodiversity.
- Specific reference was made to Northern Lapwings and Roe Deer using the site; and,
- Residents questioned whether biodiversity enhancements could adequately mitigate the loss of undeveloped land.

Response:

- 4.21 The 'Parameters Plan' and 'Indicative Landscape Masterplan' supporting the application have been informed by landscape and ecological considerations from the outset. The proposed development seeks to retain existing vegetation wherever possible, with new structural planting and landscaped buffers incorporated throughout the site.
- 4.22 A Preliminary Ecological Appraisal ("PEA") has been undertaken by Estrada Ecology in support of the proposed development. The PEA identifies that the site is predominantly formed of modified grassland currently used for sheep grazing, together with areas of ephemeral vegetation, introduced shrub, bramble scrub, self-set young trees and stone walls.
- 4.23 The PEA identifies that no statutory designated sites or priority habitats are located within the red line boundary itself. However, adjacent Priority Habitat deciduous woodland and ancient woodland are located beyond the site boundary, together with the nearby River Dearne.
- 4.24 Ecological surveys and desk-based assessments have been undertaken in support of the application, including assessment of habitats with potential to support bats, breeding birds, amphibians, reptiles, badger, otter and water vole.
- 4.25 The PEA concludes that no field sign evidence of bats, badger, reptiles, amphibians, otter or water vole were identified during the survey work, although suitable habitats for commuting, foraging and nesting species are present within and adjacent to the site. The reports identify that precautionary mitigation and ecological protection measures will be required during construction activities.
- 4.26 The PEA identifies that most of the site comprises low ecological value modified grassland, with ecological features primarily associated with boundary vegetation, ephemeral field margins, scrub vegetation, stone walls and adjacent woodland habitats.
- 4.27 The Indicative Landscape Masterplan incorporates a range of landscape and biodiversity enhancement measures including native woodland planting, species-rich grassland, native hedgerow planting, new tree planting, swales, habitat corridors and dedicated BNG area.
- 4.28 The application is supported by a Biodiversity Net Gain Assessment and DEFRA Statutory Biodiversity Metric which demonstrate that the proposals are capable of delivering measurable biodiversity enhancements. The submitted assessment identifies a projected 29.33% net gain in area habitat units together with additional hedgerow habitat creation.
- 4.29 Appropriate ecological mitigation and enhancement measures will be secured through the planning process where necessary, including landscape management, biodiversity enhancement measures, ecological mitigation strategies and construction environmental management measures informed by the findings of the ecological reporting.

Loss of Agricultural Land:

Comments Raised:

- Concerns were raised regarding the loss of agricultural land currently in active agricultural use.

Response:

- 4.30 For clarity, the site is identified as Grade 4 agricultural land on the Natural England Agricultural Land Classification Map. Within the Agricultural Land Classification system, Grade 4 land is categorised as 'poor quality' agricultural land and does not constitute Best and Most Versatile ("BMV") agricultural land as defined by national planning policy.

- 4.31 The Applicant acknowledges that the site is currently in agricultural use. However, the land is privately owned and is not subject to any specific agricultural protection designation. The proposed development will be delivered in a manner which responds sensitively to the surrounding context.

Availability of Alternative Land:

Comments Raised:

- Residents stated that brownfield and non-Green Belt sites should be prioritised ahead of Green Belt release.
- Concerns were raised that there is no justification for development on Green Belt land whilst previously developed land remains available elsewhere within the Borough; and,
- Residents referred to the existence of brownfield sites within Kirklees, including sites identified on the Council's Brownfield Register, which they consider more appropriate for residential development.

Response:

- 4.32 The Applicant acknowledges the comments raised regarding the availability of brownfield and non-Green Belt land within the Borough.
- 4.33 National planning policy continues to encourage the effective use of previously developed land. However, it is recognised that many brownfield sites are subject to constraints including contamination and remediation requirements, abnormal development costs and viability issues, all of which can affect deliverability.
- 4.34 Furthermore, Kirklees Council cannot currently demonstrate a five-year housing land supply. The Council's latest published position identifies a housing land supply of 4.18 years; however, applying the most up-to-date standard method figure of 1,915 dwellings per annum together with the required 20% buffer reduces the supply to approximately 4.02 years.
- 4.35 The Council's latest Housing Delivery Test result identifies delivery at 54%, which is significantly below the Government threshold and triggers the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.
- 4.36 In this context, the Applicant considers that a range of sustainable sites will be required to assist in meeting identified housing needs across the Borough, including sites identified as meeting the definition of 'Grey Belt' land.

Highways

Comments Raised:

- Concerns were raised regarding the proposed access arrangements onto the A629 Penistone Road.
- Residents stated that the road is heavily trafficked and already experiences congestion, particularly during school drop-off and pick-up periods.
- Concerns were raised regarding pedestrian safety due to the proximity of the site access to the local school.
- Residents stated that additional traffic would increase accident risk and worsen existing highway conditions; and,
- Residents stated that public transport provision within Birdsedge is limited.

Response:

- 4.37 The Applicant acknowledges the concerns raised regarding highway safety, traffic generation, accessibility and sustainable transport.
- 4.38 Andrew Moseley Associates have prepared a Transport Statement ("TS") and Residential Travel Plan ("RTP") in support of the application.
- 4.39 The submitted TS confirms that the site would be accessed via a new priority-controlled T-junction with right-turn ghost island onto the A629 Penistone Road, together with associated pedestrian infrastructure including footways, dropped kerbs, tactile paving and a new pedestrian refuge island crossing.
- 4.40 The TS also confirms that appropriate visibility splays can be achieved in accordance with Manual for Streets guidance and identifies that no existing highway safety concerns, collision clusters or severe highway impacts are anticipated as a consequence of the proposed development.
- 4.41 The TS identifies that the proposed development is anticipated to generate approximately 38 two-way vehicle movements during the AM peak hour and 37 two-way vehicle movements during the PM peak hour.
- 4.42 In relation to sustainable transport and accessibility, the TS and RTP identify that the site benefits from access to existing pedestrian footways, Public Rights of Way ("PRoW"), National Cycle Network Route 627, nearby bus stops on the A629 Penistone Road and local services and facilities within Birdsedge, including Birdsedge First School and Birdsedge Village Hall.
- 4.43 The RTP also identifies a range of measures intended to encourage sustainable travel patterns and reduce reliance on private car use, including the promotion of walking, cycling, public transport usage and electric vehicle charging provision.
- 4.44 A detailed assessment of highways, accessibility, sustainable transport and the conclusions of the TS and RTP is contained within Chapter 6 of this Planning Statement.

Flood Risk and Drainage

Comments Raised:

- Residents stated that development would increase impermeable surfaces and surface water runoff.
- Residents questioned whether existing drainage infrastructure has sufficient capacity to accommodate development; and,
- Concerns were raised regarding the proximity of the site to the source of the River Dearne.

Response:

- 4.45 The Applicant acknowledges the concerns raised in relation to flood risk, surface water runoff, drainage infrastructure and the proximity of the site to the River Dearne.
- 4.46 Andrew Moseley Associates have prepared a Flood Risk Assessment (FRA) and Drainage Strategy (DS). The FRA & DS considers flood risk from all major sources including fluvial flooding, surface water flooding, groundwater flooding, sewer flooding and flooding from artificial sources.
- 4.47 The FRA & DS confirms: -
- the site is located within Flood Zone 1, which is defined by the Environment Agency as land having less than a 1 in 1,000 annual probability of river or sea flooding.
 - identifies that the site is located within an area at very low risk of surface water flooding, including when considering climate change scenarios.

- acknowledges that the site is currently undeveloped greenfield land and that the proposed development will increase impermeable surfaces across parts of the site. However, the FRA & DS confirms that appropriate surface water drainage infrastructure and attenuation measures will be incorporated to ensure that the development does not increase flood risk elsewhere or adversely affect downstream receptors; and,
 - has been prepared in accordance with the drainage hierarchy and relevant national and local planning policy guidance, including the use of Sustainable Drainage Systems (“SuDS”) where appropriate. The DS therefore identifies that surface water from the development will discharge at controlled greenfield runoff rates to the River Dearne via a restricted outfall arrangement. The strategy confirms that discharge rates will be limited to 7.4 litres per second, based on the existing greenfield runoff rate for the site.
- 4.48 The DS incorporates attenuation infrastructure, including an attenuation tank, together with sustainable drainage measures designed to control surface water runoff and manage exceedance flows.
- 4.49 The FRA & DS confirms that the proposed development can be appropriately drained and that suitable mitigation measures can be implemented to ensure the development remains safe from flood risk throughout its lifetime without increasing flood risk elsewhere.

Residential Amenity

Comments Raised:

- Concerns were raised regarding dust, noise and disturbance associated with the construction phase of the development.
- Residents expressed concerns regarding the use of heavy construction vehicles and plant accessing the site.
- Concerns were raised regarding the potential loss of privacy, outlook and residential amenity for existing neighbouring occupiers; and,
- Questions were raised regarding the future maintenance and long-term management of the site following completion of the development.

Response:

- 4.50 This is an outline application, with all matters reserved except access. Detailed matters relating to layout, landscaping, scale and appearance will therefore be considered at the Reserved Matters stage.
- 4.51 The Applicant recognises that construction may cause temporary impacts such as noise, dust, vibration, construction traffic and general disturbance from heavy machinery. If planning permission is granted, a Construction Management Plan (CMP) would be secured by condition. The CMP would set out measures to minimise disruption, including agreed working hours, construction vehicle routes, wheel-washing facilities, dust-control methods, site-management procedures and other controls designed to protect nearby residents and the local highway network.
- 4.52 The Applicant acknowledges the importance of ensuring that the site is appropriately maintained following completion of the development. A site management and maintenance strategy would be prepared to address the future management of landscaped areas, public open space, green infrastructure and associated communal areas. This would be secured through a management company arrangement and/or planning obligations where appropriate.

Impact on Services and Infrastructure

Comments Raised:

- Concerns were raised regarding the ability of the local infant and primary school to accommodate additional pupils arising from the proposed development; and,
- Residents stated that GP surgeries, dentists and utilities are already operating under significant pressure.

Response:

- 4.53 The concerns from residents are noted. Funding from S106 contributions will assist the Council in providing the right infrastructure to meet the needs resulting from the new development where appropriate. The sum will be determined through the application discussions.

Public Rights of Way and Recreation

Comments Raised:

- Concerns were raised regarding the impact of the proposed development on walkers, ramblers and recreational users of the surrounding countryside.

Response:

- 4.54 The Parameters Plan and Indicative Landscape Masterplan have been prepared having regard to pedestrian connectivity, integration with the surrounding landscape and the provision of POS throughout the development.
- 4.55 The proposed development incorporates areas of POS, landscaped areas, landscaped buffers and pedestrian routes throughout the site. The Parameters Plan also identifies approximately 1.48 hectares of POS together with formal and informal pedestrian connections through the development and a proposed pedestrian crossing connection onto Penistone Road. All are enhanced by the introduction of new structural landscaping, native planting and recreational green space.
- 4.56 The development proposals will also incorporate a LEAP intended to provide recreational opportunities for future residents and visitors.

Housing Need, Housing Mix and Affordable Housing

Comments Raised:

- Questions were raised regarding the proposed number of dwellings and housing mix.
- Residents requested clarification regarding affordable housing provision.
- Concerns were raised that the proposal may primarily deliver larger executive housing rather than addressing local housing needs.
- Questions were raised regarding the provision of accessible and adaptable homes, including homes capable of accommodating disabled residents; and,
- Residents queried whether smaller homes suitable for older residents or first-time buyers would be provided.

Response:

- 4.57 This is an outline application with all matters reserved except for means of access. Accordingly, the housing mix, dwelling sizes, tenure split and layout will be determined at the Reserved Matters stage.

- 4.58 Notwithstanding this, the proposed development will be required to accord with the policy LP11 of the KLP and the Affordable Housing and Housing Mix Supplementary Planning Documents. Details of these are provided within Chapters 5 and 6 of this Planning Statement
- 4.59 The Applicant confirms that the proposed development will provide 35% affordable housing in accordance with national and local planning policy requirements. Affordable housing provision will be secured through a Section 106 Agreement.

Landscape

Comments Raised:

- Residents stated that the site provides important open and long-distance views across the surrounding countryside.
- Residents stated that the development would alter the character of Birdsedge as a small rural village.
- Concerns were raised regarding the cumulative landscape impact of ongoing and proposed developments within surrounding settlements.
- Concerns were also raised regarding the visual impact of the proposed development when viewed from surrounding roads, properties, PRoW and public viewpoints.
- Concerns were raised regarding the scale of the proposed development relative to the size of Birdsedge; and,
- Respondents stated that the proposal would not be in keeping with the open rural character and settlement pattern of Birdsedge.

Response:

- 4.60 A Landscape and Visual Appraisal ("LVA") has been prepared by DRaW UK Ltd in support of the application. The LVA assesses the likely landscape and visual effects of the proposed development during construction, at Year 1 operation and at Year 15 operation.
- 4.61 The LVA identifies that the site forms part of the Low Common, Royd Moor and Whitley Common Landscape Character Area ("LCA D9"), characterised by gently undulating agricultural land, drystone walls, dispersed settlement, open views and rural character.
- 4.62 The LVA acknowledges that the site contributes to the wider landscape setting of Birdsedge. However, it also identifies that the site is influenced by the adjacent A629 corridor, nearby residential development, roadside infrastructure and existing settlement edges, which moderate perceptions of openness and tranquillity.
- 4.63 The proposed development has been informed by the Parameters Plan and Indicative Landscape Masterplan from the outset and incorporates landscaping, structural planting and public open space throughout the site, including the retention and reinforcement of existing field boundaries and drystone walls where practicable, together with native species tree, hedgerow and woodland planting and species-rich grassland areas.
- 4.64 The LVA concludes that the proposed development would result in localised landscape and visual effects, including changes to the character of the site itself and some reduction in openness and long-distance views from certain locations. However, the LVA also concludes that the wider landscape character area would remain largely intact and that the proposed landscaping and planting measures would assist in filtering views of the development and improving visual integration within the surrounding landscape over time.
- 4.65 A detailed assessment of landscape character, visual effects and the conclusions of the LVA is contained within Chapter 6 of this Planning Statement.

Summary

- 4.66 The project team has made a concerted effort to engage with the MP, Ward Councillors and local community throughout the development and finalisation of the proposed scheme. The website has likely reached a broader segment of the community compared to a traditional public exhibition event.
- 4.67 The requirements outlined in the NPPF and the guidelines set out in the Council's own Statement of Community Involvement (SCI) (2024) are considered to have been met.

5. Statutory Policy Context and Other Relevant Policies

5.1 The whole purpose of the planning system is to enable the development of appropriate sites which are sustainable, as defined at paragraph 8 of the NPPF.

5.2 The duty of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) enshrines in statute the primacy of the Development Plan. Section 38(6) of the Act states: -

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

5.3 Paragraph 2 of the NPPF recognises the provisions of Section 38(6) of the Act stating:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account when preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements."

5.4 The correct approach to determining whether a proposal complies with a development plan is uncontroversial:

- All the relevant policies should be identified;
- An assessment should be made as whether the proposal complies or not with each of those policies and the weight to be given to these;
- The development plan must be read as whole;
- It must be recognised that separate policies within the same development plan can pull in different directions; and
- A development plan can conflict with one individual policy and still comply with development plan as a whole.

5.5 Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing towards the achievement of sustainable development.

5.6 The reason for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principle important controversial issues, disclosing how any issue of law or fact was resolved¹.

5.7 The development plan for this residential development comprises the following document:

- Kirklees Local Plan (the Local Plan) (March 2019).

5.8 The KLP is in separate parts (Development Plan Documents (DPDs) which were adopted on the same day and include:

- Kirklees Local Plan Strategy and Policies (KLSPS);
- Kirklees Local Plan Allocations and Designations (KLPAD); and,
- Policies map.

5.9 The Local Plan was adopted prior to the most recent iteration of the NPPF (2024).

¹ [2017] EWHC 664 (Admin)

Local Planning Policy

Kirklees Local Plan 2019

- 5.10 The Local Plan was submitted to the Secretary of State for Communities and Local Government on 25 April 2017 for examination by independent Inspectors. Katie Child BSc (Hons) MA MRTPI and Elizabeth Hill BSc (Hons) BPhil MRTPI were appointed to examine the Plan and determine whether it was sound. Examination hearings commenced in October 2017 and concluded in April 2018.
- 5.11 Following the independent examination of the Local Plan, the Council received the Inspectors' Report relating to the Kirklees Local Plan. The appointed Inspectors concluded that, subject to the recommended Main Modifications (consulted upon between 20 August 2018 and 1 October 2018), the Kirklees Local Plan was sound and legally compliant.

Kirklees Local Plan Strategy and Policies

- 5.12 The following policies from the KLPSP are material to the determination of the planning application and are discussed further within Chapter 6 of this Planning Statement:

- Policy LP1 – Presumption in favour of sustainable development.
- Policy LP2 – Place shaping.
- Policy LP3 – Location of new development.
- Policy LP4 – Providing infrastructure.
- Policy LP7 – Efficient and effective use of land and buildings.
- Policy LP11 – Housing Mix and Affordable Housing.
- Policy LP20 – Sustainable travel.
- Policy LP21 – Highways and access.
- Policy LP22 – Parking.
- Policy LP23 – Core walking and cycling network.
- Policy LP24 – Design.
- Policy LP27 – Flood Risk.
- Policy LP28 – Drainage.
- Policy LP30 – Biodiversity & Geodiversity.
- Policy LP31 – Strategic Green Infrastructure Network.
- Policy LP32 – Landscape.
- Policy LP33 – Trees.
- Policy LP35 – Historic Environment.
- Policy LP47 – Healthy, active and safe lifestyles.
- Policy LP49 – Educational and health care needs.
- Policy LP51 – Protection and improvement of local air quality.
- Policy LP52 – Protection and improvement of environmental quality.
- Policy LP53 – Contaminated and unstable land; and
- Policy LP63 – New open space.

- 5.13 There are no policies within the KLPSP that are relevant to this proposed residential development within the Green Belt. Section 19.1.1 of the KLPSP relates to development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances exist that would outweigh the harm caused.

National Planning Policy

National Planning Policy Framework

- 5.14 The latest version of the NPPF was published on 12th December 2014 and forms the relevant policy guidance at the national level for the determination of all planning applications. National Policy is a factor that is required, as a matter of law, to be taken into account.
- 5.15 Paragraph 2 of the NPPF states: -
- "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements."*
- 5.16 There are three objectives (Para 8) of sustainable development comprising the **economic, social** and **environmental** roles.
- 5.17 Paragraph 10 sets out that at the heart of the NPPF is a presumption in favour of sustainable development.
- 5.18 So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF identifies how this presumption is to be applied in making decisions on individual applications stating: -

"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 policies which are most important for determining the application are out-of-date, granting permission unless:

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

ii. any adverse impacts of doing so will 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."

- 5.19 Beyond Chapter 4 of the NPPF there are 13 topic areas (as well as Annex 1 and 2) which form the NPPF document; those topic areas considered of relevance to this planning application are set out below: -
- **Chapter 2:** Achieving sustainable development.

- **Chapter 4:** Decision-making.
- **Chapter 5:** Delivering a sufficient supply of homes.
- **Chapter 8:** Promoting healthy and safe communities.
- **Chapter 9:** Promoting sustainable transport.
- **Chapter 11:** Making effective of land.
- **Chapter 13:** Protecting Green Belt land.
- **Chapter 14:** Meeting the challenge of climate change, flooding and coastal change.
- **Chapter 15:** Conserving and enhancing the natural environment; and,
- **Chapter 16:** Conserving and enhancing the historic environment.

Other Material Considerations

Planning Practice Guidance (March 2014)

- 5.20 The National Planning Practice Guidance (PPG) was published as a live 'working' document on 6 March 2014. The PPG forms the Government's guidance into specific categories relating to different aspects of the planning system.

Supplementary Planning Documents

- 5.21 The Council have adopted several SPDs to provide clarity and deliver a higher standard of design in developments within Kirklees. The SPDS relevant to the determination of this application are as follows: -
- Affordable Housing and Housing Mix SPD (2023).
 - Kirklees Housebuilders Design Guide SPD (2021).
 - Kirklees Open Space SPD (2021); and,
 - Kirklees Highways Design Guide SPD (2019).

Emerging Kirklees Local Plan

- 5.22 The Council launched a KLP Early Engagement in late 2024. The consultation ran from 25 November to 28 February 2025. Feedback from this consultation will help shape the vision and objectives and help the Council identify what are to be the main challenges and opportunities when we are planning for the future of Kirklees.
- 5.23 To date, there are no strategies or proposals from the emerging KLP that could carry any weight in the determination of this application.

Kirklees Five Year Housing Supply and Housing Delivery Test

- 5.24 The most up-to-date five-year housing land supply position for the Council is set out within the 2024/2025 Authority Monitoring Report (dated December 2025), which identifies a housing land supply of 4.18 years based on a requirement of 1,840 dwellings per annum plus a 20% buffer. Applying the most up-to-date standard method figure of 1,915 dwellings per annum, together with the requisite 20% buffer, reduces the supply to approximately 4.02 years². This falls materially short of the requisite five years required by the NPPF.
- 5.25 The Housing Delivery Test (HDT) is published annually by the Government and measures housing delivery within each local authority area against the number of homes required over the previous

² Untested supply of 1,846 homes deduced from the Council's five year housing land supply calculation

three years. The latest published HDT results (2023 measurement) identify delivery in Kirklees of 54%, resulting in the requirement for the Council to apply a 20% buffer to its five-year housing land supply calculations.

Kirklees Interim Housing Position Statement to Boost Supply (February 2024)

- 5.26 In February 2024, acknowledging the lack of ability to demonstrate a five-year housing land supply, the Council released an Interim Housing Position Statement to Boost Supply. The Statement acknowledges that the lack of five-year housing land supply triggers a presumption in favour of sustainable development, as set out in paragraph 11 of the NPPF, also known as the tilted balance.
- 5.27 At paragraph 4.6 of the Statement, it is stated:
- "In the absence of a five-year housing land supply, the most relevant policies are deemed out of date."*
- 5.28 Principle 2 of the document attributes substantial weight to the presumption of sustainable development (applying the tilted balance).
- 5.29 Whilst the Interim Statement does not replace the Development Plan for decision making, it does form a material consideration as part of the decision making process and sets out measures for the Council to proactively support housing delivery.
- 5.30 The Interim Statement is recognised as a housing tool in the Council's latest HDT Action Plan, May 2025 as a response to boost housing delivery within the authority.

Housing Growth Update Report

- 5.31 The acute need for affordable housing in Kirklees is acknowledged by the Council themselves within the Housing Growth Update Report presented to the Growth and Regeneration Scrutiny Panel on 10th March 2025. Within this report, the Council state:
- "In Kirklees, the current Strategic Housing Market Assessment set out that 1,730 homes a year are needed in the district, of which 1,049 need to be affordable (note that the Strategic Housing Market Assessment is currently in the process of being updated and these figures will likely increase, but these are the existing figures). A housing waiting list of in excess of 19,000 people/families waiting for a home demonstrates the acute need for housing across Kirklees".*
- 5.32 The Authority Monitoring Report (AMR) 2024/2025 identifies that over the five-year period between 2020/21 and 2024/25 there have been a total of 804 affordable housing completions across the Borough. Considering the identified annual affordable housing requirement is 1,049 homes, equating to 5,245 homes over a five-year period, this represents approximately 15% of the identified affordable housing requirement.

6. Planning Assessment

- 6.1 This section outlines the key planning considerations and provides an assessment of the planning merits of the proposed development.

Principle of Development

- 6.2 The scheme would result in the construction of residential development. The KLPSP sets out the overarching growth strategy for new homes, jobs and infrastructure across the Borough to 2031. Policy LP₁ of the KLPSP sets out the presumption in favour of sustainable development, whilst policy LP₂ establishes the place shaping principles for the Borough and identifies four distinct sub-area character areas. Birdsedge is identified within the Kirklees Rural character area, which comprises a network of villages and rural settlements with varying levels of services, facilities and accessibility. The KLPSP confirms that development within the Kirklees Rural area should support the vitality of rural communities whilst maintaining the distinctive character of the countryside and improving accessibility to services, facilities and employment opportunities.
- 6.3 In the absence of a five-year housing land supply, proposals for new housing development must be considered in accordance with the presumption in favour of sustainable development as set out in national policy.
- 6.4 The extant KLP is now more than five years old and has not been subject to review. The Council acknowledges that it cannot currently demonstrate a five-year housing land supply. Accordingly, in the context of paragraph 11(d) of the NPPF, the policies most important for determining applications involving the provision of housing are considered to be out-of-date and the presumption in favour of sustainable development is engaged.
- 6.5 Paragraph 11(d) of the NPPF makes it clear that the Council should give regard to key policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.6 Footnote 7 of the NPPF lists areas or assets of particular importance that could provide a strong reason for refusal, and this includes Green Belt land and designated heritage assets. There is a Grade II listed Birdsedge Mill located near the site, together with ancillary buildings and structures historically associated with the mill complex, including the Mill Cottages and Mill House. Other designated heritage assets within the wider area include the Grade II listed Crown and adjoining house and the Grade II listed milestone within the garden of Salt Pie. In assessing the sustainability of this location, policies LP₁, LP₂ and LP₃ of the KLPSP collectively seek to direct development towards sustainable locations with access to services, facilities and transport infrastructure which broadly accord with paragraph 11(d) of the NPPF.
- 6.7 Looking at the site context within Birdsedge and the KLP, the proposal would form a logical extension to the existing built form of the settlement on the north-eastern edge of the village. Existing residential development lies opposite the site along Penistone Road, whilst the wider surrounding area is characterised by a mix of agricultural land, residential development and buildings historically associated with Birdsedge Mill. In considering the scale and nature of the development, coalescence with neighbouring settlements is avoided and it is not considered that future occupiers would have materially worse access to services and facilities than existing residents within Birdsedge.
- 6.8 In terms of access to facilities, Birdsedge First School is located approximately 50 metres from the site, with Birdsedge Village Hall located approximately 100 metres away. Additional facilities within the surrounding area include Cumberworth Football Club, The Sovereign Public House, The Co-operative convenience store, The Star Inn Public House and Upper Cumberworth Post Office, all of which fall within a 2 kilometre walking catchment of the site. The surrounding area also benefits from an established network of PRoW which provide pedestrian connectivity beyond the adopted highway network towards Shepley, Upper Cumberworth and Denby Dale. There are numerous forms

of sustainable access and transport that can be prioritised to reduce reliance on travel via private car. Firstly, there are bus stops located approximately 100 metres from the proposed site access on the A629 Penistone Road providing services towards Huddersfield, Denby Dale, Kirkburton and Hepworth. Shepley Railway Station is also located approximately 3.1 kilometres to the north of the site and provides Northern rail services between Huddersfield and Sheffield, offering onward connectivity to Barnsley and wider employment opportunities.

- 6.9 Paragraph 11(d) of the NPPF and the growth strategy in the KLPSP actively seek to direct development towards sustainable locations having regard to opportunities for walking, cycling and public transport accessibility. In this instance, the site is considered to have reasonable access to services, facilities and public transport opportunities and would therefore provide housing in a sustainable location.

Green Belt Policy

- 6.10 The site is located entirely within the Green Belt. As outlined earlier in this Planning Statement, there are no policies within the KLPSP that are relevant to this proposed residential development within the Green Belt. Notwithstanding this, Section 19.1.1 of the KLPSP relates to development within the Green Belt. The supporting text states that inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances exist that would outweigh the harm caused.
- 6.11 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.12 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless one of the exceptions set out in the NPPF paragraph 154 of 155 can be applied.
- 6.13 Paragraph 155 of the NPPF sets out circumstances under which the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate.
- 6.14 To benefit from the provisions of paragraph 155 the site must consist of 'grey belt' land. Annex 2 of the NPPF defines grey belt 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."

Green Belt Assessment

- 6.15 The Green Belt section of the PPG has been updated to explain how to assess Green Belt to identify Grey Belt land and how to deal with proposals on Grey Belt land.
- 6.16 The updated PPG states that *"an assessment of green belt will (alongside other considerations) inform the determination of applications which involve reaching a judgement as to whether proposals utilise grey belt land and whether development of the site would fundamentally undermine the purposes of the remaining green belt across the plan area"*.
- 6.17 It adds that *"Where grey belt sites are not identified in existing plans or green belt assessments, it is expected that authorities should consider evidence, in light of this guidance, on:*
- *whether the site strongly contributes to the Green Belt purposes a, b or d; and*
 - *whether the application of policies to areas and assets of particular importance identified in footnote 7 to the NPPF (other than Green Belt) provide a strong reason to restrict development; and*

- *whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the plan area, as set out in national policy and this guidance.*"

6.18 When it comes to determining in what circumstances proposals on grey belt land should be approved the PPG states: -

"where a site is judged to be grey belt, and to not fundamentally undermine the purposes of the remaining green belt across the plan area if released or developed, wider considerations will still be relevant to the consideration of development proposals on the site. These would include determining whether the development would not be inappropriate development in the green belt, as set out in paragraph 155 of the NPPF. That question would include consideration of whether a development is sustainably located, whether it would meet the 'Golden Rules' contributions (where applicable), and whether there is a demonstrable unmet need for the type of development proposed."

Grey Belt Tests

6.19 The first stage of fulfilling paragraph 155 of the NPPF is a green belt contribution assessment which requires consideration of the site against purposes (a), (b) and (d) of the Green Belt. The second stage requires an assessment of whether the site would impact on any of the protected areas highlighted in Footnote 7 of the NPPF, other than Green Belt, and would this provide a **strong** reason for refusing development.

Does the Green Belt land on the site strongly contribute to Green Belt purposes a), b) or d)?

6.20 The contribution of the site to each of the purposes is considered as follows:

a. to check the unrestricted sprawl of large built-up areas

6.21 The site is located within the village of Birdsedge and is not of a size and scale that would result in unrestricted sprawl. PPG Paragraph 005: Green Belt confirms that villages should not be considered as large built-up areas. Accordingly, the site cannot strongly contribute towards this purpose of the Green Belt.

b. to prevent neighbouring towns margining into one another

6.22 The site is not located in a position where development within the site would result in the merging of towns. Additionally, PPG Paragraph 005: Green Belt confirms that this purpose relates to the merging of towns, not villages. As such, the site cannot strongly contribute towards this purpose of Green Belt.

d. to preserve the setting and special character of historic towns

6.23 The proposal is not located near historic towns. PPG Paragraph 005: Green Belt confirms that this purpose relates to historic towns, not villages. As such, the site cannot strongly contribute towards this purpose of the Green Belt.

Would the application of non-Green Belt NPPF policies provide a strong reason for refusing development?

6.24 The non-Green Belt policies referred to within footnote 7 which are applicable to this application are those relating to designated Sites of Special Scientific Interest and designated heritage assets.

6.25 The site is within the very outer risk zone for the Dark Peak Site of Special Scientific Interest (SSSI), which lies approximately 7 km southwest of the site and the development would have a negligible impact on this site.

6.26 With regard to heritage assets, there are no designated or non-designated heritage assets, nor any known archaeological interest, within the site boundary. The site lies within the setting of Birdsedge Mill (Grade II listed), together with other designated heritage assets within the wider village. The Heritage Impact Assessment supporting this application concludes that the proposed development would result in less than substantial harm to the setting of Birdsedge Mill owing to the site's

relationship with the surrounding agricultural landscape. However, the effect is moderated by the low-lying topography, surrounding vegetation, intervening built development and limited intervisibility between the site and the listed structure.

- 6.27 The Heritage Impact Assessment (HIA) further concludes that there is scope to minimise impact through high quality design, the use of locally derived materials and adherence to the prevailing vernacular character of the area. Whilst less than substantial harm has been identified, this harm can be mitigated and balanced against the public benefits arising from the proposal. The public benefits arising from the proposed development are detailed further within this Planning Statement.
- 6.28 Accordingly, the proposed development would not conflict with the relevant provisions of the NPPF in respect of designated SSSIs or heritage assets. The application of the non-Green Belt policies referenced in Footnote 7 would not, therefore, provide a clear or strong reason for refusing the development.

Appropriateness Tests

- 6.29 The site does not contribute strongly to purposes *a)*, *b)* or *d)* of the Green Belt and the application of the applicable non-green belt policies contained within footnote 7 of the NPPF would not provide a strong reason for refusing development.
- 6.30 Having concluded that the site is grey belt land it is necessary to consider the appropriateness of the development in respect of the following:

Would the proposed development on grey belt fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan?

- 6.31 The site has an area of 3.17ha. The site is considered to form a very limited proportion of what is an extensive Green Belt across the Kirklees District. The development of the site is not considered to fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

Is there a demonstrable unmet need for the type of development proposed?

- 6.32 In terms of a demonstrable unmet need, Footnote 56 of the NPPF makes clear that the absence of a five-year housing land supply can constitute such a requirement. The Council acknowledges within its most up-to-date five-year housing land supply position that it is unable to demonstrate a five-year supply of deliverable housing sites. Whilst the latest published position identifies a housing land supply of 4.18 years, applying the most up-to-date standard method figure of 1,915 dwellings per annum together with the required 20% buffer reduces the supply to approximately 4.02 years³. Furthermore, the latest Housing Delivery Test results identify delivery at just 54% against the housing requirement over the previous three years. As such, it is considered that there is a clear and demonstrable unmet need for housing.

Would the development in the grey belt be in a sustainable location?

- 6.33 As set out at paragraphs 6.8 and 6.9 of this Planning Statement, the site benefits from access to a range of local services, including Birdsedge First School, Birdsedge Village Hall and existing bus stops on the A629 Penistone Road. The site also benefits from access to an established network of Public Rights of Way, together with public transport connections to surrounding settlements including Huddersfield, Denby Dale, Holmfirth and Penistone.
- 6.34 The nearest bus stops are located approximately 100 metres from the proposed site access and are served by the D3 bus service, which provides connections between Huddersfield and Denby Dale every 120 minutes on weekdays and Saturdays, together with the 77 Meadowhall–Holmfirth service and the 421 Shelley High School–Birdsedge and 424 Scissett Middle–Birdsedge school services.

³ Untested supply of 1,846 homes deduced from the Council's five year housing land supply calculation

Shepley Railway Station is also located approximately 3.1 kilometres north of the site and provides regular hourly services between Huddersfield and Sheffield via the Penistone Line.

- 6.35 When taking into account the site's accessibility to local services, facilities and public transport connections, the site can be regarded as a sustainable location for housing having regard to policy LP20 of the KLPSP and paragraphs 110 and 115 of the NPPF.

Does the proposal include major development involving housing?

- 6.36 The development is proposed on a site measuring approximately 3.17 hectares, and at this stage, there is no prescribed number of dwellinghouses. It therefore constitutes as "major development" in accordance with the definition set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010. Consequently, the 'Golden Rules' contributions referenced in paragraph 156 of the NPPF are applicable to this proposal.

Does the development proposal satisfy the 'Golden Rules'?

- 6.37 The below assess the development proposal against each component of the 'Golden Rules':
- a. *affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*

- 6.38 For clarity, the development plan policies relating to affordable housing have not been updated to reflect the provisions of paragraphs 67 to 68 of the NPPF. As such, the requirements set out under paragraph 157 of the NPPF are applicable to this proposal and states that:

"Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%60. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the green belt should be subject to the approach set out in national planning guidance on viability."

- 6.39 The relevant development plan policy concerning the provision of affordable housing is policy LP11 of the KLPSP. Policy LP11 of the KLPSP states all major development should apply a 20% affordable housing provision.

- 6.40 Accordingly, to comply with Part A of the 'Golden Rules', the development proposal is required to deliver 35% affordable housing. The Applicant is willing to accept this requirement and acknowledges that affordable housing provision can be secured through a Section 106 legal agreement.

- b. *necessary improvements to local or national infrastructure*

- 6.41 The Applicant acknowledges that funding secured through Section 106 contributions will assist the Council in delivering the necessary infrastructure improvements to support the needs arising from the proposed development. The precise financial contribution will be determined through ongoing discussions as part of the planning application process.

- 6.42 These discussions with the Council will establish the scope of infrastructure enhancements required to mitigate the impacts of the development. This will ensure compliance with Part B of the 'Golden Rules', as set out in paragraph 156 of the NPPF.

- c. *the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a*

short walk of their home, whether through onsite provision or through access to offsite spaces.

- 6.43 PPG Paragraph 012: Green Belt outlines a series of considerations relating to the provision of accessible green space. The following assessment demonstrates how the development proposal accords with these provisions.
- *New residents and the wider public should be able to access good quality green spaces which are safe; visually stimulating and attractive; well-designed; sustainably managed and maintained; and seek to meet the needs of the communities which they serve.*
- 6.44 It is reaffirmed that this is an outline application with infrastructure and means of access to be determined at this stage, with all other matters to be addressed at the reserved matters stage. Notwithstanding this, the Indicative Landscape Masterplan demonstrates how the development could be brought forward to incorporate a variety of green infrastructure features that together create safe, attractive and well-designed green spaces. These include areas of species rich grassland, close mown amenity grassland, native species woodland mix, native species scrub planting, specimen and street trees, swales and retained stone boundary walls. A LEAP, natural play features, informal footpaths and seating opportunities further contribute towards the creation of visually stimulating and functional open spaces capable of serving the needs of future residents and the wider community. Existing vegetation and stone walls are also proposed to be retained where possible, reinforcing local landscape character and supporting the overall quality of the environment.
- *Accessible green spaces are areas of vegetation set within a landscape or townscape, often including blue space, which are available for public use free of charge and with limited time restrictions.*
- 6.45 The Indicative Landscape Masterplan demonstrates how the proposed green spaces could be publicly accessible and integrated throughout the development via a network of formal and informal footpaths. The open spaces are distributed across the site to ensure convenient access for future residents, whilst swales and landscaped areas contribute towards the creation of multifunctional green and blue infrastructure. No barriers to access or restrictions on public use are proposed, thereby aligning with the PPG definition of accessible green space.
- *Where possible access to green spaces should include safe active travel routes and should be served by public transport, which also means providing the necessary infrastructure (such as footpaths and bridleways).*
- 6.46 The Indicative Landscape Masterplan shows how a network of proposed footpaths and informal walking routes could be incorporated throughout the site, connecting residential parcels with areas of open space, the LEAP and landscaped corridors. The development also retains and integrates existing boundary features and pedestrian connections, thereby supporting safe and convenient movement through the site for pedestrians.
- 6.47 The site is located within approximately 100 metres of two bus stops along the A629 Penistone Road, thereby supporting access to public transport and encouraging sustainable travel.
- 6.48 The surrounding area benefits from advisory cycle routes and is in close proximity to National Cycle Network Route 627, located approximately 800 metres southwest, which provides traffic-free cycle access between Shepley and Millhouse Green.
- *Proposals should consider how the creation or enhancement of existing green spaces can contribute to the priorities for nature recovery set out within the relevant Local Nature Recovery Strategies, providing greater benefit to nature and contributing to the delivery of wider environmental outcomes.*

- 6.49 At present, there is no publicised Local Nature Recovery Strategy (LNRS) specific to the site. Although the West Yorkshire LNRS has not yet been publicised, the Indicative Landscape Masterplan demonstrates how the proposal could deliver significant ecological and environmental enhancements through the incorporation of native species woodland planting, native species rich hedgerows, species rich grassland, scrub planting and retained existing vegetation. These measures would contribute towards habitat creation and connectivity, support pollinators and wildlife as well delivering wider environmental benefits.
- *Where appropriate, authorities should consider the use of conditions or planning obligations. The Community Infrastructure Levy can also be used to fund improvements to existing greenspaces or the provision of new ones. Local authorities should consider arrangements for the long-term maintenance of green spaces.*
- 6.50 The proposals can secure the delivery and long-term maintenance of green spaces through:
- Planning condition.
 - Section 106 agreements; and,
 - Potential use of Community Infrastructure Levy (CIL) to fund improvements or maintenance of green infrastructure.
- 6.51 Paragraph 159 of the NPPF outline the following:
- "The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes."*

Landscape setting of the development

- 6.52 The indicative landscape masterplan demonstrates how the development proposal could enhance the visual character of the site and its wider landscape setting through the inclusion of species rich grassland, native species woodland mix, native species scrub planting, specimen and street trees, retained vegetation, swales and retained stone walls. These landscape features would assist in integrating the development within the surrounding landscape and reinforce local landscape character whilst contributing towards a high-quality landscaped environment throughout the site.
- 6.53 The indicative landscape masterplan also demonstrates how the development could provide accessible and well-designed green spaces across the site. These spaces are intended to include a network of formal and informal footpaths, areas of public open space, LEAP natural play features and landscaped corridors. These elements would support opportunities for informal recreation, social interaction and community use.
- 6.54 In terms of integration with wider green infrastructure, the Parameters Plan and Indicative Landscape Masterplan demonstrate how pedestrian routes could connect through the site and link to the wider pedestrian network. The proposals include pedestrian connections to existing bus stop locations on Penistone Road, together with a proposed pedestrian crossing and a network of internal pedestrian routes and informal footpaths. The surrounding area also benefits from an established PRoW network, including routes connecting towards Upper Cumberworth, Shepley and Denby Dale, thereby supporting wider recreational and active travel connectivity.

6.55 The indicative landscape masterplan also demonstrates opportunities for biodiversity enhancement and climate resilience through the inclusion of native planting, habitat creation and green infrastructure. The illustrative planting strategy is broadly consistent with the objectives of the emerging West Yorkshire LNRS by supporting habitat connectivity and wider environmental benefits including carbon sequestration and flood mitigation.

Local standards for green space provision

6.56 Policy LP63 of the KLPSP and the Open Space SPD state that housing development will be required to provide new or improved open space, sport and recreational facilities, preferably through on-site provision. The SPD confirms that open space requirements are assessed against locally derived quantity, quality and accessibility standards established through the Kirklees Open Space Study 2015 (Revised 2016).

6.57 The Kirklees Open Space Study (KOSS) assesses the following typologies of open space provision:

- Parks and Recreation Ground.
- Natural and Semi-Natural Greenspace.
- Amenity Greenspace.
- Allotments and Community Food Growing.
- Provision for Children and Young People.
- Cemeteries and Churchyards; and,
- Green Corridors.

6.58 The KOSS identifies deficiencies in open space provision across Kirklees and confirms that all wards are deficient in at least one type of open space when compared against the district-wide quantity standards. Within the Kirklees Rural sub-area, deficiencies are identified in relation to Parks and Recreation Grounds, Natural and Semi-Natural Greenspace, Amenity Greenspace, Allotments, and Provision for Children and Young People. Within Denby Dale ward specifically, deficiencies are identified in relation to Parks and Recreation Grounds, Amenity Greenspace and Allotments. These findings are summarised in the table below.

Open Space Typology	Quantity Deficiencies	Accessibility Deficiencies
Parks & Recreation Grounds	Denby Dale ward falls below the district-wide benchmark standard of 0.8ha per 1,000 population	No major gaps identified
Natural and Semi-Natural Greenspace	Denby Dale ward is not identified as deficient in quantity provision	No major accessibility deficiencies identified
Amenity Greenspace	Identified as deficient in provision	Accessibility deficiencies identified in Brockholes, Clayton West, Emley, Honley and Holmfirth
Allotments and Community Food Growing	Identified as deficient in provision	Accessibility deficiencies identified in Denby Dale, Emley, Honley and Holmfirth
Cemeteries and Churchyards	No deficiencies identified	No major gaps identified
Provision for Children and Young People	No quantity standard proposed	Accessibility deficiencies identified in relation to major skate parks and MUGAs within the wider Kirklees Rural sub-area

Green Corridors	No standards set as provision is demand led	No standards set as provision is demand led
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TABLE 1: SUMMARY OF MAIN OPEN SPACE DEFICIENCIES RELEVANT TO DENBY DALE WARD

- 6.59 The table above outlines the quantity and accessibility deficiencies identified across the Kirklees Rural sub-area based on the findings of the KOSS. It demonstrates that deficiencies exist across a range of open space typologies, including Parks and Recreation Grounds, Amenity Greenspace and Allotments within Denby Dale ward specifically.
- 6.60 The Indicative Landscape Masterplan demonstrates how the development proposal could contribute towards addressing deficiencies in the following typologies: -
 - Amenity greenspace.
 - Natural and semi-natural greenspace.
 - Provision for children and young people; and,
 - Green corridors.

Amenity Greenspace

- 6.61 The Indicative Landscape Masterplan includes: -
 - Species rich grassland.
 - Close mown amenity grassland.
 - Native hedgerows and trees.
 - Retained stone walls.
 - Seating opportunities; and,
 - Landscaped public open space.
- 6.62 These features would provide opportunities for informal recreation, visual amenity and landscaped public open space whilst contributing towards green infrastructure provision and opportunities for physical activity.

Natural and Semi-Natural Greenspace

- 6.63 The Indicative Landscape Masterplan includes extensive: -
 - Native species woodland mix.
 - Species rich grassland.
 - Native species scrub planting; and,
 - Retained vegetation.
- 6.64 These areas would provide opportunities for habitat creation, biodiversity enhancement and ecological connectivity, contributing towards wider environmental resilience objectives.

Provision for Children and Young People

- 6.65 The development proposal includes provision for a LEAP and natural play features integrated within the wider public open space network. These facilities would contribute towards opportunities for children and young people within the development and support accessibility to play provision

Green Corridors:

- 6.66 The Indicative Landscape Masterplan includes: -
 - Internal pedestrian routes and informal footpaths.

- Connections to the wider Public Rights of Way network.
- Pedestrian connections to existing bus stop locations.
- A proposed pedestrian crossing on Penistone Road; and,
- Native woodland and scrub planting.

6.67 These elements would contribute towards green infrastructure and green corridor connectivity by supporting active travel routes, recreational accessibility and opportunities for wildlife movement throughout the site and wider landscape.

6.68 It is acknowledged that the development proposal does not currently include provision for allotments and community food growing, outdoor sports facilities, or cemeteries and churchyards. However, where appropriate, these elements may be considered at the Reserved Matters stage, through off-site contributions, or may be secured via planning obligations under a Section 106 agreement.

West Yorkshire Local Nature Recovery Strategy

6.69 For clarity, the site has not been specifically identified within the emerging West Yorkshire LNRS as an identified habitat creation or nature recovery area. Nevertheless, the indicative planting strategy is broadly consistent with the wider objectives of the strategy through the provision of native planting, habitat enhancement and green infrastructure.

Conclusion

6.70 The site does not contribute strongly to purposes *a)*, *b)* or *d)* of the green belt and the application of policies relating to the protected areas identified within footnote 7 of the NPPF would not provide a strong reason for refusing the development. Accordingly, the site is considered to constitute grey belt land.

6.71 The development would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. There is a demonstrable unmet need for housing within Kirklees. The development occupies a sustainable location in Birdsedge where there is access to local services and facilities within walking distance, together with public transport connections providing access to facilities and services further afield. The proposal is for major housing development and therefore the 'Golden Rules' contributions are applicable in this instance.

6.72 Having regard to the requirements set out in Paragraph 156 of the NPPF, and based on the assessment above, the development proposal is considered to satisfy all three components of the 'Golden Rules' as they apply to major housing development on green belt land.

6.73 The proposal accords with Part A of the 'Golden Rules' by committing to deliver 35% affordable housing, in accordance with paragraph 157 of the NPPF. This figure is 15 percentiles above the existing policy requirement under policy LP11 of the KLPSP and will be secured through a Section 106 legal agreement.

6.74 The Applicant acknowledges the necessity for infrastructure enhancements arising from the development and is committed to engaging with the Council to determine the appropriate level of contribution. Section 106 obligations will be used to secure these improvements, thereby ensuring compliance with Part B of the 'Golden Rules'.

6.75 The proposal indicative landscape masterplan provides a well-integrated network of accessible, high-quality green spaces that align with the PPG on green belt and is in accordance with Part C of the 'Golden Rules'.

6.76 In accordance with Paragraph 158 of the NPPF, significant weight should be attached to the proposal in the planning balance due to its compliance with the 'Golden Rules'.

- 6.77 The proposed development meets the requirement of Paragraph 155 of the NPPF and accordingly it should not be regarded as inappropriate development within the green belt. The principle of residential development is there considered to be acceptable.

Presumption in favour of sustainable development

- 6.78 At the heart of the NPPF is the presumption in favour of sustainable development, which should be at the heart of plan-making and decision-making⁴. This is the overarching consideration laid in Government policy.
- 6.79 The NPPF confirms the presumption in favour of sustainable development applies when determining development including applications for market and affordable housing development.
- 6.80 There are three dimensions to sustainable development: economic, social and environmental⁵. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.81 The consideration of where a development proposal represents sustainable development is a question unaffected by whether it accords with policies in an up-to-date development plan. The determination of whether a proposal represents sustainable development is a planning judgment based upon criteria set out in the NPPF.
- 6.82 In making the planning balance, the NPPF does not indicate that any one element should represent a trump card⁶. However equally that does not mean that proposal must pass all three of the sustainability tests to be acceptable and that any of the three roles can act as a trump card against the development. The NPPF is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.83 It is rare for any development to have no adverse impacts; on balance many fail one of the roles. For the assessment of sustainability to have any meaning then, all the competing considerations have to be assessed together, and an overall balanced conclusion reached.
- 6.84 Whilst the starting point for decision making is the development plan, the presumption in favour of sustainable development applies and feeds into the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development.

Economic Role

- 6.85 The economic role of sustainable development contributes to building a strong, responsive and competitive economy ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements including the provision of infrastructure.
- 6.86 It is useful to identify the economic contribution of construction in terms of direct impacts (through developers themselves and their contractors) and indirect impacts (from other sectors and firms that rely on development and its supply chains and spending). The benefits are broadly categorised (all are relevant) as: -
- Capital Investment and Expenditure Benefits (including £437,500 towards infrastructure and £3,150,000 for affordable housing).
 - Construction Benefits.

⁴ NPPF – paragraph 10

⁵ NPPF – paragraph 8

⁶ Appeal Ref: APP/N1350/A/14/2217552 – Land off Sadberge Road, Middleton St George, Darlington – paragraph 70

Land off Penistone Road (A629), Birdsedge

- Direct Employment Benefits (243 jobs and 2 apprentices, graduates or trainee positions).
- Indirect and Induced Employment Benefits.
- Open Space, Community Sport and Leisure Spending Benefits (increased community spending of £63,000).
- Public Finances (including approximately £1.87 million in tax revenue).
- Local Authority Revenue Benefits (including £140,875 in council tax revenue).
- Local Community Benefits; and,
- Other “Softer” Benefits.

6.87 The figures included above have been taken from the Home Builders Federation’s (HBF) housing calculations of the economic benefits of building 70 homes⁷.

6.88 When quantitative and qualitative benefits are considered in tandem, the wider economic benefits are as follows: -

Development as a Drive of Economic Growth

6.89 Improving the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships.

Delivering “Real” Jobs and Economic Value

6.90 Construction is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. Building 70 homes directly supports the employment of 243 people and provides opportunities for 2 apprentices, graduates, or trainees. The construction industry provides a crucial labour entry point for young, lower-skilled workers and those moving out of unemployment.

Sector Skills and Employability

6.91 The construction industry offers a range of opportunities across different trades and skill set, from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent and have increased over recent years, as evidenced by the 2 trainees supported by this development.

Enhancing Place Competitiveness and Local Economic Development

6.92 The proposals will create competitiveness within the construction industry, with a strong intention to use local suppliers. This is important for an area to remain competitive and attractive to businesses and economic activity, which in turn drives national and local economic growth. The development also generates wider benefits, including £63,000 in increased open space, community sport and leisure spending; £3,150,000 for new affordable housing; £437,5000 for infrastructure, including £197,416.1 towards new and improved schools; and approximately £1.87 million in tax revenue, including £140,875 in council tax revenue.

Social Role

6.93 The social role of sustainable development supports strong, vibrant and healthy communities by providing residential accommodation required to meet the needs of present and future generations. It also involves creating a high-quality built environment, with accessible local services that reflect the community’s needs and support health, social and cultural well-being. The application proposal will result in a range of social benefits through the delivery of market and affordable housing.

⁷ <https://www.hbf.co.uk/research-insight/hbf-housing-calculator/>

Density

- 6.94 Policy LP7 of the KLPSP seeks to ensure the efficient and effective use of land and buildings. The policy states that housing density should ensure the efficient use of land, in keeping with the character of the area and the design of the scheme. Where appropriate, Policy LP7 of the KLPSP further states that developments should achieve a net density of at least 35 dwellings per hectare.
- 6.95 Detailed regarding density will be addressed at the subsequent reserved matters stage, when the quantum of development will be fixed.

Affordable Housing

- 6.96 In accordance with Paragraph 156 of the NPPF, major residential development proposals within the Green Belt are subject to the 'Golden Rules', which include enhanced affordable housing requirements. As the Development Plan policies for Kirklees District have not yet been updated to reflect Paragraphs 67-68 of the NPPF, the provisions of paragraph 157 of the NPPF apply. This stipulates that, in the absence of an existing affordable housing requirement, a default contribution of 50% is required; where an existing requirement applies, the affordable housing provision should be increased by 15 percentage points, subject to a cap of 50%.
- 6.97 The relevant development plan policy concerning the provision of affordable housing is Policy LP11 of the KLPSP. Policy LP11 states that the council will negotiate with developers for the inclusion of affordable homes within housing developments of more than 10 homes, and that the proportion of affordable homes should be 20% of the total units on market housing sites. The Affordable Housing and Housing Mix SPD (2023) further confirms that the council requires 20% affordable housing on qualifying developments of more than 10 dwellings and that affordable housing should normally be secured through a Section 106 Agreement.
- 6.98 Given the 15 percentage point uplift required by the 'Golden Rules', the proposal should deliver 35% affordable housing. This level of provision is considered acceptable and compliant with Policy LP11 of the KLPSP, the Affordable Housing and Housing Mix SPD (2023), and paragraph 156(a) of the NPPF. The affordable housing provision can be secured through a Section 106 agreement.
- 6.99 The acute need for affordable housing within Kirklees is expressly acknowledged by the Council within the Housing Growth Update Report presented to the Growth and Regeneration Scrutiny Panel on 10 March 2025. The report confirms that the current Strategic Housing Market Assessment identifies a need for 1,730 homes per annum within the district, of which 1,049 homes per annum are required to be affordable homes. The report further identifies that more than 19,000 people/families are currently on the housing waiting list, demonstrating the significant and acute need for affordable housing across Kirklees.
- 6.100 The Council's 2024/2025 Authority Monitoring Report (dated December 2025) identifies that between 2020/21 and 2024/25 only 804 affordable homes have been completed across the district. Against the identified requirement for 1,049 affordable homes per annum, equivalent to 5,245 affordable homes over a five-year period, this represents delivery of approximately 15% of the identified affordable housing requirement over that period.
- 6.101 The proposed development would therefore make a meaningful and valuable contribution towards addressing Kirklees' significant affordable housing shortfall. The delivery of 35% affordable housing should accordingly be afforded substantial weight in the planning balance as a significant public benefit of the scheme.

Housing Mix

- 6.102 Policy LP11 of the KLPSP seeks to ensure that housing development contributes towards mixed and balanced communities in line with the latest evidence of housing need. The policy states that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different

household types which reflect changes in household composition in Kirklees, considering the latest evidence of the need for different types of housing. Policy LP11 of the KLPSP further states that, for schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.

- 6.103 The Affordable Housing and Housing Mix SPD (2023) further confirms that proposals for more than 10 dwellings should seek to meet local housing needs and use the identified market housing mix requirements as a starting point for development proposals. Whilst the detailed site layout would be secured as part of a future reserved matters submission, it is considered that the proposed development would be capable of delivering a suitable mix of housing types and tenures in accordance with local housing needs. Subject to the approval of a detailed layout at reserved matters stage, the development is therefore considered to accord with the requirements of policy LP11 of the KLPSP and the Affordable Housing and Housing Mix SPD (2023).

Housing Quality

- 6.104 Policy LP24 of the KLPSP seeks to secure high levels of sustainability through design measures proportionate to the proposal. The Housebuilders Design Guide SPD further promotes the delivery of high quality and sustainable residential development. The proposed development would therefore be required to accord with the relevant Building Regulations and associated sustainability requirements.
- 6.105 New development should provide private outdoor space for homes unless site constraints make this clearly unfeasible or unviable. Whilst the detailed layout will form the subject of future reserved matters submissions, the submitted Parameters Plan includes developable areas of a suitable size to ensure that an adequate level of outdoor amenity space can be provided.
- 6.106 New homes should be well laid out internally, provide suitable space standards and achieve adequate levels of daylight. There is also a need to provide adequate storage for bins, recycling and bicycles, with facilities located and designed in a manner that is convenient for residents and supports the quality of the street scene. Whilst the detailed layout will form the subject of future reserved matters submissions, the submitted Parameters Plan demonstrates that the residential areas are of a suitable size to ensure that dwellings can meet nationally described space standards and that adequate provision can be made for refuse and bicycle storage.
- 6.107 Whilst the detailed layout will be confirmed as part of a future reserved matters submission, residential development on a site of this size can comply with the design standards required by policy LP24 of the KLPSP and the Council's Housebuilders Design Guide SPD.

Visual Amenity

- 6.108 Policy LP24 of the KLPSP requires development proposals to achieve high quality design that respects and enhances the character of the townscape through appropriate form, scale, layout and detailing. The policy also requires landscaping and tree planting to maximise visual amenity and environmental benefits. Further detailed guidance is provided within the Council's Housebuilders Design Guide SPD, which emphasises the importance of responding positively to local character, built form and site context.
- 6.109 Although the final number of residential units is not being established at this stage, matters relating to density, layout, scale, appearance and landscaping will be addressed at the reserved matters stage. The submitted Parameters Plan demonstrates that the site can accommodate residential development in a manner that responds appropriately to its surroundings and local character. The subsequent reserved matters submission will demonstrate that the proposed development can comply with Policy LP24 and the design principles contained within the Council's Housebuilders Design Guide SPD.

Residential Amenity

- 6.110 Policy LP24 of the KLPSP requires development proposals to provide a high standard of amenity for future and neighbouring occupiers, including through maintaining appropriate distances between buildings. The Housebuilders Design Guide SPD further states that residential layouts should ensure adequate privacy and maintain high standards of residential amenity to avoid unacceptable impacts on light, outlook and overlooking.
- 6.111 The Council's Housebuilders Design Guide SPD advises that, for two-storey dwellings, typical minimum separation distances include 21 metres between facing habitable room windows at the rear of dwellings; 12 metres between habitable room windows and windows serving non-habitable rooms; 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and, for new dwellings within a regular street pattern that are two storeys or above, a minimum distance of 2 metres between the side wall of the dwelling and a shared boundary.
- 6.112 The detailed layout of the development is reserved for consideration under a future reserved matters submission. However, the submitted Parameters Plan demonstrates that residential development can be accommodated on the site without unacceptably compromising the amenity of future occupiers or neighbouring residents. Subject to the approval of a finalised layout, the development can comply with Policy LP24 of the KLPSP.

Community Safety

- 6.113 Policy LP24 of the KLPSP requires development proposals to minimise opportunities for crime through the incorporation of enhanced security measures, well-defined routes, overlooked streets and spaces, high levels of activity and well-designed security features.
- 6.114 The Housebuilders Design Guide SPD also promotes the creation of active frontages, natural surveillance, clearly defined public and private spaces and boundary treatments that support community safety whilst maintaining attractive and accessible environments.
- 6.115 The detailed layout of the development will be finalised through a future reserved matters submission. At this stage there are no grounds to conclude that the proposed development would create an unsafe or insecure environment. Subject to the approval of a finalised layout, the development can comply with Policy LP24 of the KLPSP.

Recreational Open Space

- 6.116 Policy LP63 of the KLPSP requires new housing developments to provide or contribute towards new open space having regard to the type of housing proposed and the availability, quality and accessibility of existing provision in the area. The Kirklees Open Space SPD provides detailed guidance on the implementation of Policy LP63 of the KLPSP.
- 6.117 The site lies within the Denby Dale ward, which forms part of the Kirklees Rural analysis area identified within the Kirklees Open Space Study 2015 (Revised 2016). Table 5.2 of the Open Space Study identifies that Denby Dale ward contains 8.23ha of parks and recreation grounds serving a population of 16,541, equating to an existing provision level of 0.50ha per 1,000 population, which falls below the district-wide minimum standard of 0.8ha per 1,000 population. The Open Space Study further identifies that the main deficiencies in parks and recreation grounds provision are within the Kirklees Rural and Huddersfield areas.
- 6.118 The submitted Parameters Plan identifies a site area of approximately 3.17ha and includes approximately 1.48ha of Public Open Space / Amenity greenspace together with a Locally Equipped Area of Play ("LEAP") measuring approximately 938m², landscaping, biodiversity net gain areas, pedestrian routes and landscaped buffer planting.
- 6.119 The Open Space SPD confirms that all developments of 11 or more dwellings will normally be expected to provide usable and accessible amenity greenspace together with equipped play facilities

or designated play space in accordance with Table 3 of the Open Space SPD. It is anticipated that the development proposal will comprise more than 11 dwellings and, as such, the provision of equipped play facilities is required in accordance with the SPD. Furthermore, it is anticipated that the development would comprise between 51 and 200 dwellings and therefore, in accordance with Table 3 of the Open Space SPD, such developments are expected to provide a Locally Equipped Area of Play (“LEAP”).

- 6.120 The Open Space SPD further defines a LEAP as a play facility incorporating through-age and inclusive play equipment together with natural features and materials and informal recreation space within a minimum activity zone of 400m² and with a minimum 20 metre separation distance between the activity zone and the habitable room façade of dwellings. The submitted Parameters Plan identifies a LEAP measuring approximately 938m² together with a 20 metre buffer zone and therefore exceeding the minimum activity zone dimensions identified within the SPD.
- 6.121 The proposed development would therefore provide a substantial level of POS. Moreover, the proposal also contributes towards open space provision within an area identified as deficient in parks and recreation grounds provision within Denby Dale and the wider Kirklees Rural area.
- 6.122 The proposed POS and LEAP would provide recreation and play benefits together with opportunities for informal children’s play. As such, it is considered that the development proposal is in accordance with policy LP63 of the KLPSP and the Kirklees Open Space SPD.

Environmental Role

- 6.123 The environmental dimension of sustainable development is concerned with protecting and enhancing our natural, built and historic environment. This aspect of sustainable development for this proposal is supported by the following drawings and documents: -

- Topographical Survey.
- Transport Statement.
- Residential Travel Plan.
- Flood Risk Assessment & Drainage Strategy.
- Infiltration Testing.
- Arboricultural Impact Assessment.
- Preliminary Ecological Appraisal (PEA).
- Biodiversity Net Gain (BNG) Statement (including Biodiversity Metric).
- Landscape and Visual Appraisal (LVA) (including illustrative Landscape Masterplan).
- Heritage Impact Assessment.
- Noise Impact Assessment.
- Air Quality Assessment; and,
- Phase 1 Geotechnical & Geo-environmental Site Investigation.

Climate Change Statement

- 6.124 Sustainability is an inherent part of the proposed development, including the use of high-quality design materials, sustainable measures and best construction methods.
- 6.125 The principle of the proposed development has already been addressed earlier in Section 6 of this Planning Statement. The site is considered sustainable by virtue of its location within Birdsedge and

its proximity to public transport connections, services and facilities, all of which help to reduce reliance on private vehicle use.

- 6.126 Although currently at the Outline stage, the proposed development has the capacity to incorporate several sustainable principle and measures, including:
- a) Sustainable and best practice construction techniques will be employed, including the local sourcing of materials from manufacturers with certified environmental management systems.
 - b) The design of dwellings will ensure that habitable rooms receive sufficient natural light and all dwellings will have access to private garden space. Garden areas will, where possible, be fully accessible for disabled occupants.
 - c) Robust procedures will be implemented to minimise construction waste, including measures to share soil and aggregate waste and to reduce dust, fumes, discharges and any other forms of pollution on site in accordance with best practice.
 - d) Provision of onsite POS, together with pedestrian and cycle links, will ensure the delivery of accessible, high-quality amenity areas and greenspace, while also promoting healthy communities and active travel.
 - e) The development will achieve a minimum of 10% biodiversity net gain on site; and,
 - f) A Residential Travel Plan will be implemented to promote sustainable modes of travel.
- 6.127 Collectively, these measures support the objectives of the Climate Emergency declared in 2019 and the Council's 2038 Carbon Neutral Vision. Further measures are set out with the accompanying Design and Access Statement submitted with the planning application. Together, these measures will assist in reducing the impacts of climate change.
- 6.128 The Applicant agrees to the imposition of a condition relating to the construction management of the development proposals to protect the amenity of local residents and ensure that sustainable construction practices are adhered to throughout the construction process.
- 6.129 The Council declared a Climate Emergency in 2019 on the basis that urgent action is required to improve and protect the environment.
- 6.130 The Council aims to become 'Climate Ready' to 2038. In the context, carbon emissions arising from human activities within Kirklees will need to be significantly reduced to net zero, with any residual emissions safely removed from the atmosphere. This objective has also been referred to as achieving 'net zero' carbon emissions by 2038. To support delivery of the Climate Ready Vision, Kirklees has identified the following milestone:
- a) 63% reduction by 2025.
 - b) 78% reduction by 2030.
 - c) 87% reduction by 2035.
 - d) 92% reduction by 2040.
 - e) 95% reduction by 2045; and,
 - f) 100% reduction by 2050.
- 6.131 To support this objective, a range of measures will be incorporated within the fabric specification of buildings and through the application of sustainable construction methods. Electric vehicle (EV) charging points will also be provided for every proposed dwelling to further assist in mitigating the impacts of climate change.

- 6.132 Additional measures are set out within the accompanying D&A. Collectively; these measures will contribute towards reducing climate change impacts. The proposals are also supported by a commitment to deliver meaningful tree planting and opportunities for biodiversity net gain across the development site. Where possible, existing onsite trees and hedgerows will be retained. By adhering to these principles, the proposed development would accord with paragraph 8(c) of the NPPF and comply with Policies LP51 and LP52 of the KLPSP, ensuring that environmental considerations remain a priority in the delivery of the site.

Highways

- 6.133 Policy LP20 of the KLPSP relates to sustainable travel. All new development should be in sustainable locations in order to reduce the need for travel. Proposals for new development should be designed to encourage sustainable modes of transport and demonstrate how connectivity and accessibility have been incorporated within the scheme. Alternative forms of transport, including public transport, cycling, and walking, should be readily available and accessible to future residents of the development.
- 6.134 Policy LP21 of the KLPSP states that development proposals should be capable of accommodating sustainable modes of transport and should be designed to ensure safe and effective access for all users.
- 6.135 Policy LP22 of the KLPSP relates to parking provision and requires all proposals to provide full details of the design and level of parking provision proposed. Development proposals should demonstrate that the design and quantity of parking represents the most efficient use of land within the development, whilst also supporting and encouraging sustainable transport objectives.
- 6.136 Policy LP23 of the KLPSP relates to the walking and cycling network and seeks to provide an integrated system of cycle routes, public footpaths, and bridleways to promote sustainable and alternative methods of transport.
- 6.137 At a national level, Paragraph 115 of the NPPF requires that in assessing planning applications it should be ensured that:
- Sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
 - Safe and suitable access can be achieved to the site for all users.
 - The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and,
 - Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 6.138 Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.
- 6.139 Andrew Moseley Associates (AMA) have prepared a RTP and TS. The RTP outlines a comprehensive strategy to promote sustainable travel behaviour and mitigate the impact of the development on the local highway network. A summary of the RTP is provided below: -

Walking

- 6.140 The site benefits from an established pedestrian environment, including footways along the A629 Penistone Road, providing connections to the wider pedestrian network and surrounding residential

areas. A 2km walking catchment encompasses the entirety of Birdsedge, extending into Park Head and Upper Cumberworth and provides access to a range of local amenities and community facilities including Birdsedge First School, Birdsedge Village Hall, local public houses, convenience retail provision, sports facilities and postal services. PRow within the vicinity of the site provide traffic-free walking opportunities and connect into the wider PRow network extending toward Upper Dearne Woodlands, Upper Cumberworth, Shepley and Denby Dale. The nearest PRow is located approximately 120m south of the site and is accessible via existing footways along Penistone Road.

Cycling

- 6.141 The site lies within a 5km cycling catchment encompassing Shepley, Upper and Lower Cumberworth, Denby Dale, Skelmanthorpe, parts of Shelley, Jackson Bridge and surrounding settlements. National Cycle Network (NCN) Route 627 is located to the west of the site along Broadstone Road and forms part of the wider NCN, providing connections north towards Shepley and south towards Penistone. The route comprises a combination of quieter rural roads and traffic-free sections, offering opportunities for recreational and longer-distance cycling. The site is therefore well positioned to support cycling trips to local amenities, services and employment destinations.

Public Transport

- 6.142 Two bus stops are located within 400m walking distance of the site along the A629 Penistone Road, approximately 100m from the proposed site access. The stops are served by local bus services including the D3 Huddersfield – Denby Dale service operating every 120 minutes throughout the daytime, together with several dedicated school services. The bus stops are equipped with timetable information, seating and associated passenger waiting facilities, including a sheltered southbound stop.
- 6.143 Shepley Railway Station is located approximately 3.1km north of the site and provides regular Northern Rail services on the Penistone Line between Huddersfield and Sheffield, with services generally operating hourly in each direction throughout the day. The station also provides cycle parking facilities and onward connectivity to key regional destinations including Huddersfield, Barnsley and Sheffield.
- 6.144 Given the above, there are several opportunities for sustainable travel to and from the site. The site is well located to promote trips on foot, by bicycle and via public transport to a range of local amenities, services and employment opportunities.

Transport Statement

- 6.145 A TS has been prepared based on an outline planning application for residential development comprising approximately 70 residential dwellings. It is emphasised that the Applicant is not seeking to fix the final number of units at this stage. A summary of the TS is provided below: -

Traffic Generation

- 6.146 The proposed development of circa 70 residential dwellings is forecast to generate:
- 38 two-way trips during the AM peak hour (08:00 – 09:00); and,
 - 37 two-way trips during the PM peak hour (17:00 – 18:00).
- 6.147 This equates to approximately one additional vehicle movement every two minutes during peak periods. Given the modest scale of traffic generation and the nature of the proposed priority access onto the A629 Penistone Road, the development is not expected to give rise to any material impact on junction operation or the performance of the surrounding highway network.
- 6.148 Vehicle trip rates have been obtained from the TRICS database using Land Use 03/A – Privately Owned Houses. The selection includes comparable residential sites of between 20 and 100 dwellings,

primarily located within village and neighbourhood centre settings. The trip rates have been factored against 70 dwellings and are considered robust and representative of the proposed development.

Access

- 6.149 Access to the proposed development will be provided via a new priority-controlled T-junction with right-turn ghost island onto the A629 Penistone Road. The access strategy includes:
- Provision of a 5.5 metre wide carriageway with 6 metre radii.
 - 2 metre wide pedestrian footways on both sides of the access.
 - Dropped kerbs and tactile paving to facilitate pedestrian movement.
 - Visibility splays of 2.4m by 43m in both directions along the A629 Penistone Road, in accordance with Manual for Streets guidance for a 30mph road.
 - A new pedestrian refuge island crossing to the north of the site access to assist pedestrians crossing the A629.
 - Swept path analysis confirms that a standard Kirklees Council refuse vehicle can safely enter and exit the site in a forward gear; and,
 - Vegetation will be trimmed and maintained to keep the visibility splay envelope clear of obstructions.

Internal Layout

- 6.150 Detailed swept path analysis of the internal layout will be undertaken at the Reserved Matters stage, once the site layout is finalised, to confirm that servicing and manoeuvring can be safely accommodated throughout the site.
- 6.151 Parking provision for the development will be determined in accordance with Policy LP22 of the KLPSP. Parking will be provided in the form of driveways and garages across the site, and each dwelling will be provided with facilities for electric vehicle charging and secure cycle parking.
- 6.152 It is concluded that the proposals would not result in an unacceptable impact on highway safety, nor any severe cumulative impacts on the local road network, and as such are in accordance with the requirements of the NPPF. The development is therefore considered to accord with Paragraphs 115 and 116 of the NPPF and the objectives of Policies LP20, LP21, LP22 and LP23 of the KLPSP.

Flood Risk and Drainage

- 6.153 Policy LP27 of the KLPSP states that development proposals must be supported by an appropriate site-specific Flood Risk Assessment, prepared in accordance with national planning policy, which considers all sources of flood risk. Policy LP28 of the KLPSP further states that there is a presumption that Sustainable Drainage Systems (SuDS) will be used within new development on both greenfield and brownfield sites.
- 6.154 AMA have also prepared an FRA & DS. The FRA & DS has been undertaken in accordance with the NPPF, PPG: Flood Risk and Coastal Change, and the Calder Catchment Strategic Flood Risk Assessment.
- 6.155 Eastwood Consulting Engineers (ECE) have undertaken Infiltration Testing. The site is in an area identified as having a low probability of flooding on the EA Flood Map and is located in Flood Zone 1.
- 6.156 The site is at very low risk of tidal flooding, fluvial flooding, surface water flooding, sewer flooding, and flooding from artificial sources.
- 6.157 The site is shown to be at risk of groundwater flooding; however, given the impermeable nature of the proposed hardstanding areas and the sloping nature of the site following development, groundwater emergence at the site post-development will be largely eliminated.

- 6.158 Given the site's location within Flood Zone 1, there are no specific requirements for finished floor levels with regard to flood risk. However, it is recommended that an FFL of 0.15m above the adjacent ground level is set for the proposed development.
- 6.159 As with any drainage system, blockages within the surface water sewer systems constructed to serve the development have the potential to cause flooding or disruption. Any drainage systems which are not to be offered for adoption to either the Water Company or the Local Authority will have a suitable maintenance regime scheduled, and an appropriate management company appointed to carry out the works.
- 6.160 Infiltration testing undertaken at the site indicates that infiltration drainage may locally be viable within limited parts of the site. However, due to the lower infiltration rates recorded in parts of the site and the steep topography, infiltration is not considered suitable as the primary means of surface water disposal across the wider site. In this context the primary option for surface water disposal is to discharge into a nearby watercourse.
- 6.161 There is a suitable watercourse in the vicinity of the site which could be utilised to dispose of surface water from the site. It is proposed that surface water will discharge through an outfall to the River Dearne at a restricted discharge rate of 7.4l/s based on the greenfield run-off rate for the site.
- 6.162 Attenuation is required as the proposed means of surface water disposal is through an outfall to a watercourse.
- 6.163 There is not considered to be a suitable public sewer in the vicinity of the site which could be utilised to dispose of surface water, as Yorkshire Water has stated that the sewer network does not currently have capacity to accept flows from the proposed development.
- 6.164 There is a formal point of connection into a Yorkshire Water public combined sewer near the site. Foul water domestic waste can discharge to the 225mm diameter public combined sewer recorded within Penistone Road, at a point to the south of the site.
- 6.165 Subject to conditions, the development is considered to accord with the requirements of policies LP27 and LP28 of the KLPSP.

Arboriculture

- 6.166 Policy LP33 of the KLPSP states that developments which directly or indirectly threaten trees or woodlands of significant amenity will not normally be permitted, and that valuable or important trees should normally be retained and protected throughout the design, demolition and construction phases of development.
- 6.167 AWA Tree Consultants Ltd have prepared an Arboricultural Report & Impact Assessment.
- 6.168 The submitted information confirms that no trees, tree groups or hedgerows will require removal to facilitate the proposed development. The survey identified 14 items of woody vegetation comprising individual trees and groups, including one Category A tree group, two Category B trees and eleven Category C trees and groups. None of the trees on the site are protected by a tree preservation order (TPO).
- 6.169 The Parameters Plan has been informed by the Root Protection Areas (RPAs) of retained trees and demonstrates that the development can be accommodated whilst minimising arboricultural impacts. Although there are limited incursions into the edge of the RPA associated with T1, these are considered minor and are not expected to significantly affect the health or long-term retention of the tree.
- 6.170 Furthermore, the Arboricultural Report confirms that all retained trees have been assessed as suitable for retention in accordance with BS5837:2012. The Parameters Plan allows sufficient space for retained trees to grow to maturity without resulting in unreasonable pressure for future pruning or removal. Whilst New House Wood Ancient Woodland is located within the wider surrounding area,

the site is not adjacent to the woodland and the proposed development includes landscaping buffer areas, retained vegetation belts and an area designated for biodiversity net gain. As such, no significant direct or indirect arboricultural impacts are anticipated.

- 6.171 The report confirms that any new hardstanding, access routes or surfacing required within RPAs can be constructed using “no-dig” methods with porous surfacing to avoid soil compaction and minimise root damage. The use of protective fencing, ground protection measures and specialist foundation solutions, including mini-pile and beam construction where necessary, are also identified as appropriate mitigation measures. The applicant acknowledges that these details can be secured through planning conditions requiring the submission of an Arboricultural Method Statement and Tree Protection Plan alongside any future reserved matters application. This will ensure that appropriate tree protection measures are implemented throughout the construction phase and align with the finalised layout of the development.
- 6.172 Subject to the aforementioned conditions, the development is considered to accord with Policy LP33 of the KLPSP.

Ecology

- 6.173 Policy LP30 of the KLPSP seeks to protect and enhance the biodiversity and geodiversity of Kirklees, including sites and features of international, national and local importance.
- 6.174 Estrada Ecology have prepared a Preliminary Ecological Appraisal (PEA). The PEA sets out the ecological context of the site and provides recommendations for mitigation and enhancement.

Designated sites

- 6.175 The site does not lie within any statutory designated site. Four non-statutory designated sites lie within the 2 km search radius; however, no likely significant effects are anticipated due to separation distance and the scale of the proposed development. No Priority Habitats are present within the red line boundary; however, Priority Habitat: Deciduous Woodland and Priority Habitat: Ancient Woodland are located adjacent to the northwestern and northeastern boundaries of the site. In addition, the River Dearne is located approximately 12 m north of the site and is hydrologically linked to the site. A CEMP is recommended to address and mitigate any potential indirect impacts towards these priority habitats and the wider connected landscape.

Habitats and Vegetation

- 6.176 The site comprises predominantly modified grassland currently used for sheep grazing. Additional habitats recorded within the site include introduced shrub, ephemeral vegetation, bramble scrub, self-set young trees and dry stone walls. The site was found to lack significant floral diversity and is unlikely to support important assemblages of invertebrates. No species listed under Schedule 8 of the Wildlife and Countryside Act 1981 were recorded within the site. No species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded within the site. However, snowberry (*Symphiocarpos alba*) was identified on site as a non-native species of concern.

Protected Species

- 6.177 Suitable breeding bird habitat was identified within areas of bramble scrub and field margins. No active nests were recorded during the survey; however, one historic nest was identified beyond the eastern boundary within adjacent priority woodland. No further survey effort is required for roosting bats. However, suitable foraging and commuting habitats are present adjacent to the site. The site is considered suitable for foraging and commuting by hedgehog, badger, riparian mammals, amphibians and reptiles.

Recommendations for Further Surveys / Mitigation

- 6.178 Breeding Birds: Vegetation clearance should be undertaken outside the breeding bird season (March – September inclusive). If this is not possible, a pre-works check by a suitably qualified ecologist

should be undertaken immediately prior to works commencing. Appropriate species-specific buffer zones should be established around any active nests identified.

- 6.179 **Bats:** A lighting scheme should be implemented to mitigate potential impacts of light splay towards adjacent woodland habitats. The lighting scheme should include input from a suitably qualified ecologist.
- 6.180 **Precautionary Method Statement:** A precautionary method statement is recommended to minimise risks to riparian mammals, badgers, hedgehogs, amphibians and reptiles during site clearance and construction works. Measures should include covering excavations overnight and incorporating mammal-friendly holes within perimeter fencing where appropriate.
- 6.181 **Construction Environmental Management Plan (CEMP):** A CEMP will be required to address potential impacts including dust, noise, vibration, chemical pollution, light splay and hydrological pollution affecting adjacent Priority Habitat: Deciduous Woodland and Priority Habitat: Ancient Woodland, together with the wider connected landscape. The CEMP should be prepared with input from a suitably qualified ecologist.
- 6.182 The Applicant acknowledges that such mitigation measures can be secured via suitably worded conditions.

Biodiversity Enhancements

- 6.183 The PEA identifies several habitat enhancement measures that would contribute toward delivering biodiversity net gain within the site, including:
 - Boundary features should be made permeable to small terrestrial mammals such as hedgehogs.
 - Bat and bird boxes integrated into the scheme design to enhance roosting provision over the wider site; and,
 - A planting scheme should be implemented within the scheme to create a greenspace within the site. Plantings should comprise native species of high biodiversity value.

Biodiversity Net Gain

- 6.184 Estrada Ecology have prepared a Biodiversity Net Gain (BNG) Report. The baseline survey undertaken in January 2026 identified the site as comprising predominantly modified grassland habitats of generally low ecological distinctiveness and poor condition due to sheep grazing. The total baseline biodiversity value for the site was calculated as 8.84 area habitat units. No hedgerow or watercourse units were present at baseline and no irreplaceable habitats were identified on site.

Post-development Proposals

- 6.185 The proposed development will result in a net gain of 2.59 habitat area units, representing a 29.33% net gain for this unit category. In addition, 0.48 hedgerow units are proposed through native hedgerow planting. The Trading Summaries are satisfied for the proposed development scheme.
- 6.186 The post-development proposals include the retention and enhancement of habitats together with the creation of native hedgerow, mixed scrub, broadleaved woodland, species-rich grassland and individual native trees integrated throughout the development.
- 6.187 Overall, the scheme exceeds the mandatory 10% Biodiversity Net Gain requirement introduced through the Environment Act 2021. A Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) will be required to discharge relevant conditions.
- 6.188 Considering all the above, the proposal complies with Policy LP30 of the KLPSP and Chapter 15 of the NPPF.

Landscape

- 6.189 Policy LP32 of the KLPSP requires development proposals to take into account and seek to enhance the landscape character of the area. In doing so, proposals should consider the setting of settlements and buildings within the landscape, the patterns of woodland, trees and field boundaries, and the appearance of rivers, canals, reservoirs and other water features within the landscape.
- 6.190 A Landscape and Visual Appraisal (LVA) has been prepared by DRaW (UK) Ltd.
- 6.191 The wider landscape is characterised by gently undulating agricultural land divided by drystone walls, dispersed settlement and pockets of woodland associated with watercourses and field boundaries. The Site forms part of Character Area D9 Low Common, Royd Moor and Whitley Common, which forms part of the Moorland Fringes / Upland Pastures Landscape Character Type (LCT D). The area is characterised by a gently rising landform, open agricultural pasture, drystone wall field boundaries, dispersed settlement pattern and long-distance views. The landscape is also described as a "sparsely settled landscape with a strong rural nature", although locally influenced by the A629 corridor and nearby development.
- 6.192 The overall effect on the landscape character of the site and its immediate surroundings was assessed as moderate / substantial adverse during construction and at Year 1 operation, reducing to moderate adverse at Year 15 operation. The overall effect on the wider D9 Low Common, Royd Moor and Whitley Common Landscape Character Area was assessed as minor / moderate adverse in the long-term.
- 6.193 Nine viewpoints were selected to represent a range of visual receptors located around the Site. High sensitivity visual receptors include nearby residents and users of PRow. Road users travelling along the A629 and surrounding lanes obtain open or partial views towards the Site, although these receptors are generally considered less sensitive to visual change.
- 6.194 In the long-term, one assessment concluded a substantial adverse visual effect relating to a high proximity viewpoint experienced by highly sensitive receptors. The remaining viewpoints identified effects ranging from neutral to moderate / substantial Adverse, depending on receptor sensitivity, proximity and extent of visibility.
- 6.195 Overall, whilst the proposed development would alter the character of the site itself and introduce adverse landscape and visual effects, particularly within closer range views, the development would be viewed within the context of the existing settlement edge and A629 road corridor. The wider landscape structure, valley landform and principal skylines would generally remain intact. In the longer-term, proposed landscape mitigation would assist integration of the development within the wider landscape.
- 6.196 Several recommendations within the LVA have been made to reduce landscape and visual effects further, including the careful positioning of built form, retention of glimpsed wider views and the provision of additional structural planting.
- 6.197 Subject to the implementation of the recommendations set out within the LVA and having regard to the above, the proposals are considered to accord with KLPSP Policy LP32 and Paragraph 187 of the NPPF.

Heritage

- 6.198 Policy LP35 of the KLPSP outlines that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.
- 6.199 Moreover, Policy LP35 of the KLPSP states that proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will

- be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset.
- 6.200 The NPPF requires decision-makers to give consideration to the impact of development proposals on heritage assets. Paragraph 210 of the NPPF confirms that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, securing viable uses consistent with their conservation, recognising the positive contribution heritage conservation makes to sustainable communities, and ensuring that new development makes a positive contribution to local character and distinctiveness.
- 6.201 In assessing the impact of development on designated heritage assets, Paragraphs 212 and 213 of the NPPF make clear that great weight should be given to the conservation of such assets, irrespective of whether the level of harm is substantial or less than substantial. Any harm to the significance of a designated heritage asset requires clear and convincing justification. Footnote 75 further confirms that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments should be assessed against policies for designated heritage assets.
- 6.202 Paragraph 214 of the NPPF establishes that development leading to substantial harm to, or total loss of, the significance of a designated heritage asset should be refused unless substantial public benefits can be demonstrated to outweigh that harm. Where less than substantial harm arises, paragraph 215 of the NPPF requires this harm to be weighed against the public benefits of the proposal, including securing the asset's optimum viable use.
- 6.203 Paragraph 216 of the NPPF confirms that the effect of development on non-designated heritage assets must be taken into account, with a balanced judgement required that considers the scale of harm or loss against the significance of the asset.
- 6.204 A Heritage Impact Assessment (HIA) has been prepared by CLB Heritage. The HIA has identified the designated and non-designated heritage assets which have the potential to be affected by the proposal and considered the potential impact of such on their special interest. The historical development of the site/location has been explored and its character and appearance considered.
- 6.205 The heritage value of the surrounding heritage assets lies in its historical development throughout the 18th and 19th centuries as a centre for textile manufacturing. This evolution is displayed in the early cottage industries consisting of weavers' cottages and associated infrastructure and the provision of the much larger textile mill, further worker's cottages and a village hall and school to accommodate the growth in population. That said, Birdseye has remained a relatively small settlement in comparison to the size of the mill and it is clear that the workforce was drawn from surrounding settlements during the height of its operation.
- 6.206 The village has retained its agricultural character with swathes of rolling hills interspersed with copses of trees which form the high quality character of the landscape. Historic farmsteads are discernible alongside the cottages and public buildings which add variation and character. Predominant building materials are millstone grit and stone slate, with most properties being of two storey height; the taller buildings being reserved for industry.
- 6.207 In accordance with local policy, it will be essential for the developed design work to take account of the locally distinct building type, local materials and the predominant scale, form and pattern of existing development. The site design work should consider the existing landscape character and setting, whilst seeking to maximise the retention of views over the countryside, incorporating well-informed landscaping and seeking to enhance the setting of the surrounding heritage assets where possible.
- 6.208 The HIA identifies less than substantial harm to the setting of the grade II listed Birdseye Mill and its associated buildings. This harm can be minimised through high quality design which pays special regard to the area's distinctive qualities. The design and mitigation measures outlined in the HIA

have sought to limit the impact of works to ensure that the design quality will address the heritage interests of the area and that adverse effects are minimised and enhancement maximised. Where less than substantial harm has been identified, this should be weighed against the public benefits of the proposal, which are set out below: -

Housing Delivery

- Delivery of residential development in a sustainable location, helping to address the identified shortfall in housing land supply (currently 4.02 years).
- Provision of 35% affordable housing on-site, including social rented and shared ownership units, directly responding to local housing need; and,
- Contribution to a balanced housing mix, supporting both market and affordable housing for present and future generations.

Economic Benefits

- Capital investment of approximately £437,500 towards infrastructure, including approximately £197,416.10 towards new and improved schools.
- Generation of approximately £3,150,000 towards affordable housing provision.
- Support for the employment of approximately 243 people during the construction phase, together with the provision of 2 apprenticeships, graduate or trainee positions.
- Increased open space, community sport and leisure spending estimated at approximately £63,000.
- Generation of approximately £1,866,666.90 in tax revenue, including approximately £140,875 in council tax revenue; and,
- Additional indirect and induced economic benefits through local supply chains, contractors and associated businesses.

Social Benefits

- Provision of approximately 1.48 hectares of public open space, including a 938m² LEAP together with a 20 metre buffer zone.

Environmental Benefits

- Delivery of BNG, achieving a net gain of approximately 29.33% in area habitat units, exceeding the mandatory 10% requirement.
- Retention and enhancement of existing habitats together with the creation of new native planting, species-rich grassland, woodland planting and landscaped green infrastructure.
- Integration of sustainable drainage systems (SuDS) to manage surface water runoff and reduce flood risk.
- Significant structural landscaping and open space provision to assist landscape integration and reinforce local character.

6.209 As such, heritage matters are acceptable in accordance with Policy 35 of the KLPSP and Paragraphs 212, 215 and 216 of the NPPF.

Noise

6.210 Policy LP52 of the KLPSP seeks to protect and improve environmental quality, including in relation to potential adverse noise impacts arising from development.

6.211 A Noise Impact Assessment (NIA) has been prepared by Environmental Noise Solutions (ENS).

- 6.212 A noise survey was undertaken at the site, to assess background noise levels in the vicinity of nearby noise sensitive receptors. The noise climate was found to be controlled primarily by noise from local and distant road traffic.
- 6.213 Outline recommendations for a scheme of mitigation is set out in Section 4 of the NIA to satisfy relevant guideline noise levels for habitable rooms and external amenity areas.
- 6.214 The measures set out in within the NIA are considered to provide suitable control of external noise levels for all habitable areas of the development and demonstrate that noise is not a constraint to the proposed development.
- 6.215 As such, the NIA demonstrates that the proposal is in conformity with Policy LP52 of the KLPSP and Chapter 12 of the NPPF which requires developments to create places with a high standard of amenity for existing and future users.

Air Quality

- 6.216 Policy LP51 of the KLPSP states development will be expected to demonstrate that it is not likely to result, directly or indirectly in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.
- 6.217 Redmore Environmental have prepared an Air Quality Assessment (AQA).
- 6.218 The proposals have the potential to cause air quality impacts at sensitive locations during the construction and operational phases. As such, an AQA was undertaken to determine baseline conditions and assess potential effects as a result of the construction and operation of the proposals.
- 6.219 During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the IAQM methodology. Site-specific dust control measures were subsequently determined based on the identified risk ratings. Subject to implementation, potential air quality impacts from dust generated by earthworks, construction and track out activities are predicted to be not significant.
- 6.220 Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the development. Dispersion modelling was therefore undertaken to predict pollutant concentrations at sensitive locations as a result of emissions from the highway network both with and without the development in place. Results were subsequently verified using local monitoring data.
- 6.221 Review of the dispersion modelling results indicated that impacts on annual mean NO₂, PM₁₀ and PM_{2.5} concentrations as a result of traffic generated by the development were predicted to be negligible at all sensitive receptor locations. Following consideration of the relevant issues, impacts as a result of the operation of the development were not significant, in accordance with the IAQM guidance.
- 6.222 Several mitigation measures were identified in line with the requirements of the West Yorkshire Air Quality and Emissions: Technical Planning Guidance²² in order to reduce vehicle exhaust emissions associated with the proposals. It is considered these are appropriate for a development of this scale and nature and will further control impacts during the operational phase.
- 6.223 Based on the results within the AQA, air quality factors are not considered a constraint to the development. Accordingly, the development proposal complies with policy LP51 of the KLPSP and Paragraph 187 of the NPPF.

Ground Conditions

- 6.224 Policy LP53 of the KLPSP requires development on land that is unstable, currently contaminated, suspected of being contaminated or potentially becoming contaminated as a result of the

development to be supported by an appropriate contamination assessment and/or land instability risk assessment.

- 6.225 Eastwood Consulting Engineers have prepared a Phase 1 Geotechnical & Geo-environmental Site Investigation. The report identifies that:
- The site has historically remained undeveloped agricultural land and made ground is not expected to be present.
 - The site is not located within a coal mining high risk area and no faults are recorded within the site boundary.
 - The site is not expected to be affected by shallow or deep mining.
 - Initial testing indicates that infiltration drainage may not be suitable in all areas of the site, and additional testing may be required if infiltration drainage is pursued; and,
 - Widespread contamination at hazardous levels is considered possible, but highly unlikely, with significant remediation not expected at this stage.
- 6.226 The report recommends that an intrusive ground investigation is undertaken in order to confirm ground conditions, foundation solutions and potential contamination risks. The Applicant is willing to accept the requirement for this further work to be secured through appropriately worded conditions.
- 6.227 As such, the development is in accordance with Policy LP53 of the KLPSP and Chapter 15 of the NPPF.

Planning Balance Summary

- 6.228 The NPPF requires the local planning authority to undertake a simple planning balance exercise to establish whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 6.229 This Planning Statement has identified several benefits associated with the proposal. The list below summaries the benefits identified and attributes weight to each matter: -

Benefits

- Significant weight to compliance with the provisions of Paragraph 155 of the NPPF.
- Significant weight to compliance with the 'Golden Rules' as set out in the provisions of Paragraph 156 of the NPPF.
- Significant weight to the delivery of market and affordable housing in the context of no five year-housing land supply on a site which is in a highly sustainable location.
- Significant weight to the substantial exceedance of the mandatory 10% biodiversity net gain in habitat units on-site.
- Significant weight to the ecological measures within the site which would result in significant positive benefits at a local level; and,
- Moderate weight should be afforded to the economic benefits of the proposal.

Identified Harm

- 6.230 Having regard to: (i) the policy context set out above, (ii) the mitigation measures outlined in the supporting technical documents, and (iii) the safeguards provided through the imposition of suitably worded planning conditions (including the requirement for additional information at pre- and post-commencement stages), limited harm is identified.

- 6.231 Less than substantial harm is identified to the setting of the Grade II Listed Birdsedge Mill and its associated buildings. However, the HIA identifies that the impact is moderated by the site's lower land level adjacent to Penistone Road, existing screening provided by later development, tree cover and the undulating landscape, which collectively limit wider intervisibility and visual prominence. In conjunction with appropriate mitigation measures in place, including high quality design, the use of locally distinctive materials, retention of key views, appropriate landscaping and adherence to the prevailing vernacular character and settlement pattern, the public benefits of the proposal demonstrably and significantly outweigh the less than substantial harm identified.
- 6.232 Accordingly, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of delivering market and affordable dwellings. The planning balance is therefore firmly in favour of granting planning permission.

7. Summary and Conclusion

- 7.1 This planning statement is submitted to support an outline application for residential development including associated infrastructure works. All matters are reserved except means of access into (but not within) the site from Penistone Road.
- 7.2 This planning statement has demonstrated that the principle of development is acceptable and that there are no insurmountable technical issues that would prevent the site coming forward for residential development.
- 7.3 The site does not contribute strongly contribute to purposes *a)*, *b)*, or *d)* of the green belt and the application of the applicable, non-green belt, policies contained within footnote 7 would not provide a strong reason for refusing development. The site is considered to constitute to grey belt land.
- 7.4 The scheme would provide several economic, social and environmental benefits which all contribute towards achieving sustainable development, in accordance with local and national planning policies.
- 7.5 This Planning Statement, together with the accompanying plans and technical documents, demonstrates that the proposal is compliant with the relevant policies contained within the Local Plan (when read as a whole). In the context of the Council's latest published five-year housing land supply position of 4.18 years (which reduces to approximately 4.02 years when applying the most up-to-date standard method figure of 1,915 dwellings per annum together with the required 20% buffer), the NPPF's tilted balance is engaged and, as demonstrated in the planning balance subsection of this report, there are no harms identified as a result of the proposals which would significantly and demonstrably outweigh the benefits. Accordingly, and in accordance with paragraphs 11c and 11d of the NPPF, planning permission should be approved without delay.

Appendix 1. Screenshots of Consultation Website

Home > Public Consultations > Land off Penistone Road, Birdsedge

Land off Penistone Road, Birdsedge

On behalf of Yorkshire Land Limited, Johnson Mowat is preparing an outline planning application for residential development including associated infrastructure works. All other matters are reserved except for the means of access into (but not within) the site from Penistone Road (A629), Birdsedge.

The application site (the site) extends to approximately 3.17 hectares and is currently in agricultural use. It is located to the east of Penistone Road (A629), which will provide the primary access. The site comprises a large field and part of an adjoining field and is enclosed by a mixture of residential curtilages, Penistone Road, and existing boundary features including hedgerows, fencing, trees and dry stone walls. The site has an open, rural character, influenced by its sloping topography, with land falling from west to east. A location plan and parameters plan are enclosed.

The site is bound by Penistone Road (A629) to the west, residential properties to the south, agricultural land to the east, and ancillary buildings and structures associated with Birdsedge Mill to the north. The surrounding area is characterised by linear residential development along Penistone Road, together with agricultural land and open countryside to the north and east, with more dispersed development along Birdsedge Lane and Highfield Avenue. The site is in a sustainable location, with good access to local transport links and amenities.

The proposed development will deliver much-needed family homes in a range of sizes and styles, including affordable housing in accordance with local and national planning policy. The scheme has been shaped by a landscape-led approach, with areas to the east of the site designated for Biodiversity Net Gain. These areas will enhance existing boundary features and introduce new habitats and planting. Within the main development area, the proposals will retain significant existing boundary planting and incorporate additional landscaping and ecological enhancements throughout. Sustainable drainage features will also be included. A network of functional open space is proposed, including a Local Equipped Area for Play (LEAP), which will be accessible to both new and existing residents.

A consultation leaflet has been hand delivered to neighbouring residents informing them of the proposal for this site.

If you would like to submit your comments regarding this proposed residential scheme please use the form on the right hand side of this webpage or alternatively you can email consultation@johnsonmowat.co.uk

Following this consultation, the Development Team will review and consider all comments received prior to the submission of a formal application to Kirklees Council

It is requested that any comments are returned by 13th April 2026.

Please note that due to the extent of public consultations undertaken, we are not always able to enter into individual dialogue.

Location Plan	
Parameters Plan	

Name *

Email *

Telephone

Company

How can we help? *

Message *

* Denotes mandatory fields
[Read our Privacy Policy](#)

Appendix 2. Consultation Leaflet

Community Consultation Leaflet

Land off Penistone Road, Birdsedge

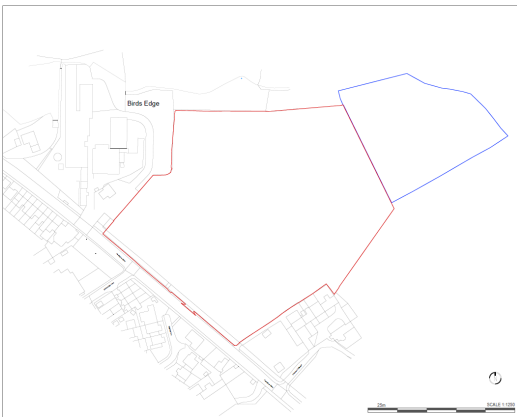
On behalf of our client, Yorkshire Land Limited, we write to inform you of their intention to submit an outline planning application to Kirklees Council for residential development on land off Penistone Road, Birdsedge ("the Application Site"). Please refer to the Parameters Plan overleaf.

The site extends to approximately 3.17 hectares and is currently in agricultural use. It is located to the east of Penistone Road (A629), which will provide the primary access. The Application Site comprises a large field and part of an adjoining field, and is enclosed by a mixture of residential curtilages, Penistone Road, and existing boundary features including hedgerows, trees and dry stone walls. The site has an open, rural character, influenced by its sloping topography, with land falling from west to east.

The proposed development will deliver much-needed family homes in a range of sizes and styles, including affordable housing in accordance with local and national planning policy. The scheme has been shaped by a landscape-led approach, with areas to the east of the site designated for Biodiversity Net Gain. These areas will enhance existing boundary features and introduce new habitats and planting. Within the main development area, the proposals continue this approach by retaining significant existing boundary planting and incorporating additional landscaping and ecological enhancements throughout. Sustainable drainage features will also be included. A network of functional open space is proposed, including a Local Equipped Area for Play (LEAP), which will be accessible to both new and existing residents.

Yorkshire Land Limited welcomes residents' comments on these outline proposals.

Figure 1: Site Location Plan



A copy of the Parameters Plan is provided overleaf and can be downloaded from the Johnson Mowat website together with an electronic feedback form for submitting any comment. Please visit:

www.johnsonmowat.co.uk/consultations

Alternatively, comments can be emailed to:-

consultation@johnsonmowat.co.uk

Following this consultation, the Development Team will review and consider all comments received prior to the submission of a formal application to Kirklees Council. It is requested that any comments are returned by 13th April 2026.

Please note that due to the extent of public consultations undertaken, we are not always able to enter into individual dialogue.



JohnsonMowat
Planning & Development Consultants

PTO for Parameters Plan

Parameters Plan



Appendix 3. Draft Heads of Terms



Land off Penistone Road (A629), Birdsedge

1. Draft Heads of Terms

- 1.1 This draft Section 106 Heads of Terms sets out the below list of proposed planning obligations relating to the development of land off Penistone Road (A629), Birdsedge:
 - Affordable Housing;
 - Biodiversity Net Gain;
 - Transport;
 - Education; and
 - Open Space.
- 1.2 These Developer Contributions and Draft Heads of Terms will be discussed in more detail with the officers of the Council in due course.