

July 2026

PLANNING
STATEMENT
INCLUDING
DESIGN AND
ACCESS
ELEMENTS – VI

2988 – OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF LAND AT LADY HOUSE LANE, HUDDERSFIELD, HD4 7QD.

Job 2988

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INTRODUCTION

1. This statement sets out the key planning matters relating to the proposed development of land at Lady House Lane, Huddersfield. The report sets out the site and its characteristics and explains the development and its relationship with current policy dictating development in this location.
2. The report sets out all the material factors which leads to the conclusion that this is a sustainable form of development which can be supported.

SITE AND ITS SURROUNDINGS

3. The application site forms an area of land which lies to the north-east of 53 Lady House Lane, Huddersfield. The application site marked within the redline is 0.29 hectares in area, total ownership of the land is 0.62 hectares, outlined in blue. The site is currently undeveloped with two garages situated south close to the existing access point from Lady House Lane. To the north-west is an open overgrown field with a row of houses from Newsome Road at the end. North-east to south-east is open fields. The site is on a slope with the top being Lady House Lane and the boundaries in these locations are largely screened by hedging and trees. As such the site is largely enclosed on all sides.
4. The site has residential development to the south-west side and trees which seeks to round this area off.
5. At the present time the site can be accessed directly from Lady House Lane, through an existing gate.
6. A small stream runs along the north-western boundary of the site, proposed development is on the south-east of the site keeping interference with the stream minimal.

RELEVANT PLANNING HISTORY

7. There is no planning history for this site.
8. The site, reference H471, was assessed through the Call for Sites process and erroneously included in the August 2016 Castle Hill Setting Study. But the site cannot be seen from Castle Hill, and vice versa, therefore making the study not factually correct for this particular site.

PROPOSAL

9. The application as submitted is in outline with all matters reserved except for access.

PLANNING POLICY

National Planning Guidance (NPPF)

10. The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. In terms of this application emphasis is given to Chapter 13 – Protecting Green Belt Land. A full assessment of current criteria is set out in the following paragraphs.

Kirklees Local Plan

11. The statutory Development Plan for Kirklees is the Kirklees Local Plan (adopted 27th February 2019). The application site is located within the Green Belt. The relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and Effective Use of Land
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Relevant Supplementary Planning Guidance / Documents

13. Relevant guidance and documents are:

- Housebuilders Design Guide SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Affordable Housing and Housing Mix SPD (2023)

RELEVANT ADDITIONAL POLICY CONSIDERATIONS

Kirklees 5 Year Housing Land Supply & Annual Monitoring Report Position

13. The 2023 update of the five-year housing land supply (5YHLS) position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

14. As the Council is currently unable to demonstrate a 5YHLS of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development.

15. This means that for decision making the NPPF requires that:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date (NPPF Footnote 8), granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

16. The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal.

NPPF - National Policy Changes on Green Belt

17. Changes were made to NPPF in December 2024 and February 2025. New policy on Green Belts was set out in Chapter 13 – Protecting Green Belt Land. These are of relevance to this application. Of particular relevance to this application are paragraphs 153 and 154.

18. Paragraph 153 states that:

‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

19. Paragraph 154 sets out the following exceptions.

‘Development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a. *buildings for agriculture and forestry;*
- b. *the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c. *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d. *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e. *limited infilling in villages;*
- f. *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g. *limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*
- h. *Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - *mineral extraction;*
 - *engineering operations;*

- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- *development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.'*

GREY BELT ASSESSMENT

20. For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land **and/or** any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
21. There is opportunity for the grey belt to appear suitable for development in decision-taking, as the NPPF makes clear that green belt development should not be regarded as inappropriate where:
- Development would utilise grey belt land in sustainable locations
 - In the case of 'major development', the so-called 'Golden Rules' are satisfied:
 - at least 15% affordable housing (above relevant policy requirement, up to 50% cap), with appropriate proportion of social rent, subject to viability
 - it provides necessary improvements to local or national infrastructure
 - it provides new or improved green spaces accessible to the public
 - LPAs cannot demonstrate a five-year housing supply or where the Housing Delivery Test indicates less than 75% delivery over the previous three years
 - There is a demonstrable need for land to be released for development of local, regional or national importance.
22. The latest update to guidance on Green Belts (27th February 2025) sets out how Grey Belt assessments can be used in the development management process. Paragraph 009 is most helpful here as it states:
- '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.'*
23. There is useful tabulated guidance on how to make these assessments set out in the guidance. We use these as the basis for assessment below. The link to the guidance can be found [here](#).
24. Paragraph 010 of the same Guidance goes onto to set out the circumstances in which proposals on grey belt land should be approved. Essentially, this is primarily determining

whether the development would not be inappropriate development in the Green Belt, as set out in paragraph 155 of the NPPF.

Grey Belt Assessment – Considering Purposes A, B and D

25. The first assessment is whether this site **strongly** contributes to Green Belt purposes a, b or d. For clarity these are:

- Purpose A – to check the unrestricted sprawl of large built-up areas.
- Purpose B – to prevent neighbouring towns merging into one another.
- Purpose D – to preserve the setting and special character of historic towns.

Purpose A

26. The assessment for Purpose A is tabulated below – table 1 - assessing the site against the strong, medium and weak criteria set out in the latest guidance.

Table 1 – Assessment of Purpose A

Contribution	Illustrative features	Comment
Strong	Assessment areas that contribute strongly are likely to be: • free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development.	• The assessment area is presently undeveloped and forms part of an area of open land at the edge of the existing settlement. • Existing residential development lies in close proximity to the north-west and south-west, with a further dwelling located to the south-east. The area is therefore experienced in the context of nearby built development. • The site is contained by the road, watercourse and existing boundaries ASSESSMENT – the site does not make a strong contribution because it is close to existing development and contained by surrounding roads and boundaries.
	They are also likely to include all the following features: • be adjacent or near to a large built-up area. • if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)	• This site is not near a large built-up area but is close to the village of Berry Brow. The nature of the existing site, nearby buildings and the natural enclosure of the site means that redevelopment is unlikely to result in an incongruous pattern of development. ASSESSMENT - cannot be considered a strong contribution

Contribution	Illustrative features	Comment
Moderate	Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose a, such as (but not limited to): • having physical feature(s) in reasonable proximity that could restrict and contain development. • be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development. • contain existing development. • being subject to other urbanising influences	• This site is not near a large built-up area but is close to the village of Berry Brow but, like the assessment set out above for the strong contribution, there is: a. existing development/physical features near to the site that restrict and contain the proposed development b. The site falls within an enclave of other buildings and development which are more characteristic of this part of the valley and add to an urbanising effect. ASSESSMENT Site's contrition to this purpose is weakened by the above factors.
Weak or None	Assessment areas that make only a weak or no contribution are likely to include those that: • are not adjacent to or near to a large built-up area. • are adjacent to or near to a large built-up area, but containing or being largely enclosed by significant existing development	• This site is <u>not</u> near a large built-up area but is close to the village of Berry Brow. This is the most relevant scoring as the site is not adjacent or near a large built-up area.

Purpose B

27. The assessment is reported in table 2 below.

Table 2 – Assessment of Purpose B

Contribution	Illustrative features	Comment
Strong	Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features: - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns	- Whilst there is no definition of substantial this site is not near a large built-up area but is close to the village of Berry Brow. As such it does not form a gap between towns. - It follows that if developed as proposed then the size of the site and its characteristics outlined earlier could never be seen as a substantial part of the gap between towns. - Given the above factors there will be no loss of visual separation of towns.
Moderate	Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the proximity of structures, natural landscape elements or topography that preserve visual separation.	As above with main factor being that this site is not near a large built-up area but is close to the village of Berry Brow.
Weak or None	Assessment areas that contribute weakly are likely to include those that: - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this gap, without making a contribution to visual separation	This is the mostly likely assessment outcome as this site does not form part of a gap between towns.

Purpose D

28. This purpose relates to historic towns. Where there are no historic towns in the plan area, it is not necessary to provide detailed assessments against this purpose. As there are no historic towns in this part of the plan area no assessment is required under this purpose.

Grey Belt Assessment – Areas and assets of particular importance identified in footnote 7 to the NPPF.

29. As defined in the NPPF, grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.
30. Footnote 7 of the NPPF defines protected areas as habitat sites, Sites of Specific Scientific Interest (SSSI), Green Belt, Local Green Space, National Landscapes (formerly Areas of Outstanding Natural Beauty), National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.
31. For the purposes of this assessment Green Belts are excluded. None of the other recognised defined protected areas can be applied to this site.

Grey Belt Assessment – Whether development of the site fundamentally undermines the purposes of the remaining Green Belt across the plan area.

32. Paragraph 008 of the guidance is clear that a Green Belt assessment should also consider the extent to which development of Green Belt land would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole.
33. In reaching this judgement, authorities should consider whether, or the extent to which, the release or development of Green Belt Land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
34. As a reminder the full 5 purposes are:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
35. We have already assessed the proposal against a, b and d and shown a weak contribution. In terms of part c, this site is part of a much wider open area in this part of the Green Belt and across the district. It is also a site that sits comfortably alongside an existing building and a row of dwellings to the rear.
36. Given this characteristic the development of this site, which is contained on all sides. means that this site cannot be seen to undermine this purpose across the remainder of the plan area.

37. In terms of part e the proposal is at a modest scale and well removed from larger urban areas, where regeneration is primarily targeted, as such it will not undermine the overall urban regeneration aims across the district.
38. Taken together such a modest development proposal, will not impact on the overall aims of purpose e. of Green Belt policy across the district.

The Relevance of Footnote 55

39. We refer to Paragraph 014 of the latest Guidance on Green Belts, also issued on 27th February 2025. This sets out the following:

'Footnote 55 to the NPPF sets out that if development is considered to be not inappropriate development on previously developed land or grey belt, then this is excluded from the policy requirement to give substantial weight to any harm to the Green Belt, including to its openness.'

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

Assessment Against Paragraph 155 of NPPF

40. Paragraph 155 of NPPF states:

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

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157'*

41. We have already shown that the site is a clear Grey Belt site by the assessments set out in earlier paragraphs of this statement. It therefore remains to show that this is not inappropriate development. As such the provisions of parts b, c and d must be met.
42. We can discount part d. as this only applies to major housing development. The definition of this is '...where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more' (See NPPF Appendix 2 – Glossary). Neither apply here.
43. Reference is made to paragraph 156 of NPPF for the necessary evidence on this. This leaves part b. and c. Both of which are dealt with below.

Part b. Demonstrable Unmet Need

44. In terms of unmet need we refer to footnote 56 of NPPF. This states:

‘...in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous 3 years; and in the case of traveller sites means the lack of a 5 year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites’

45. It is clear from this definition that the Council cannot demonstrate a 5YHLS then there is an unmet need for this type of development in Kirklees. As such the utilisation of this Grey Belt site to assist in contributing to this aspect of Local Plan’s deficiency would be more than beneficial and contribute to housing land supply in a sustainable way.

Part c. Is the Development in a Sustainable Location (including matters considered in NPPF paragraph 110 and 115)

46. In terms of Paragraph 110 and 115 of the Framework the accompanying Transport Statement sets out the key matters relating to the sites access arrangement and the availability of public transport in the area. This includes both buses and trains. The latter is via local stations on the Penistone line.
47. Whilst this is not a significant form of development as required by paragraph 110 the site does have access to a wider form of transport modes to reach a good range of local facilities. As such it is concluded that this site is in a sustainable location.

CONCLUSION ON GREEN BELT MATTERS

48. This is a full and comprehensive assessment of this site against all the relevant criteria set out in Green Belt guidance as it relates to Grey Belt sites and the appropriateness or not of the development.
49. The appraisal shows the site does not contribute strongly to the stated purposes and it easily meets all the tests and criteria. Consequently, the proposed development is not inappropriate development in the Green Belt.

TREES AND BIODIVERSITY

50. Minimal tree loss is proposed as a result of the development. Indeed, there is an opportunity to increase tree planting on the site
51. As part of Policy LP30 of the Kirklees Local Plan the council has identified a series of Biodiversity Opportunity Zones across Kirklees. The site lies within the Valley Slopes Biodiversity Opportunity Zone. Accordingly, a Preliminary Ecological Appraisal and baseline Biodiversity Net Gain calculation have been provided in support of the application, identifying the existing ecological value of the site and appropriate biodiversity protection and enhancement measures.
52. The purpose of the Biodiversity Opportunity Zones and associated tables of species is to guide developers in providing appropriate compensation and enhancements of maximum benefit for nature conservation rather than to provide a basis for refusing an application.
53. The preliminary ecological appraisal and baseline biodiversity net gain report has been prepared for this application and is submitted alongside this statement, a drainage strategy baseline metric calculation is to be provided also.

54. Recommendations in order to maximise biodiversity net gain include:

- Retention, to the fullest extent possible, of individual trees on site.
- The removal of watercourse encroachment incurred by large trash and overgrown vegetation existing within the stream.
- Implementation of a buffer zone between property ownership and the existing watercourses, to minimise the riparian encroachment. (*Not necessary as development is not close to the watercourse*).
- Removal of all invasive species from the site, in order to benefit the condition of any retained / proposed habitats.
- Enhancement of linear features (hedgerows) to the site.
- Creation of a range of habitats on site to maintain the variety of species catered for by the current habitat mix, which should look to include scrub, grassland and individual tree planting within areas of public open space.

HOUSING MIX & DENSITY

Housing Mix

55. This proposal is in outline only. However, part of the site has been divided indicatively into 3 plots. The site available for development once on site BNG is taken into account amounts to 0.29 hectares and is therefore below the threshold whereby Policy LP11 and Principle 1 – Market Housing Mix of the adopted 'Affordable Housing and Housing Mix' SPD applies.

56. The Council's most recent Strategic Housing Market Assessment (SHMA, 2016) identifies a need for all types of dwellings including 3,4 and 5 bedroom family dwellings. In the absence of more recent published evidence, the 2016 SHMA remains a relevant consideration.

57. In this context, this proposal offers a modest but valuable contribution to housing need in a district at a time when there is a shortfall in general supply.

Density

58. Of relevance here is Principle 4 of the Housebuilders Design Guide SPD adopted in June 2021. This states:

'Net development density is expected to achieve at least 35 dwellings per hectare... Densities lower than 35 are only permitted in line with Local Plan Policy LP7. The location of the site is important in terms of the requirement for car parking provision, on-site open space provision and the type of housing required in the locality.'

59. Policy LP7 of the adopted local plan which deals with efficient and effective use of land and buildings states:

'To ensure the best use of land and buildings, proposals:

- *should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value.*
- *should encourage the reuse or adaptation of vacant or underused properties.*
- *should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value.*
- *will allow access to adjoining undeveloped land so it may subsequently be developed.*

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

- *developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.*
- *lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.*
- *more detailed density requirements may be set out in area actions plans, neighbourhood plans, supplementary planning documents and development briefs, where appropriate.'*

60. The overall application site measures 0.62 hectares, with 0.29 hectares of proposed development. The area is generally mixed both in terms of use and also building types. Those closest to the site, 53 and 51 Lady House Lane, are typical residential properties with larger houses along the road set within gardens to help maintain a sense of openness in this part of the Green Belt.

61. The density is reflective of the character of the local area.

THE IMPORTANCE OF SMALL SITES IN DELIVERING NEW HOMES

62. Paragraph 73 of NPPF is clear that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are essential for Small and Medium Enterprise housebuilders to deliver new homes. Windfall sites such that put forward in this application are a valuable part of this.

63. The Kirklees Local Plan housing delivery is predicated on at least 10% of the supply being on such site. To that end part d. of Paragraph 73 is an important consideration as it expects that Local Planning Authorities support the development of windfall sites through their decisions – **giving great weight** to the benefits of using suitable sites.

64. In this case the Council have an opportunity to do that as such we consider that the great weight prescribed by this paragraph is applied as a matter of course.

DESIGN

65. The proposed application is in outline with matters of design and layout reserved. There is an indicative scheme layout which shows the arrangement of plots on the site along Lady House Lane.

66. It is expected that the proposed dwellings will meet the criteria set out in the adopted Housebuilders Design Guide SPD (2021) and that materials will reflect the local vernacular. These matters are currently reserved until the detailed stage.

ACCESS

67. Access is shown on the accompanying site plan.

FLOODING

68. The site does not fall within either flood Zone 2 or 3.

IMPACT ON CASTLE HILL (HISTORIC ENVIRONMENT)

69. The 2016 Castle Hill Setting Study by Atkins, outlines that this site can be seen from Castle Hill, however this is not factually correct. A YouTube video from 2023, highlights that this site (H471) in fact cannot be seen from Castle Hill, and therefore this study should only have limited weight for planning purposes.

Youtube video: <https://www.youtube.com/watch?v=6MZbukVCeFc>



A photograph taken from the YouTube video titled 'Site H471 / CFS154 setting in relation to castle hill'

OVERALL CONCLUSION ON PLANNING MATTERS

70. This assessment successfully shows that there is sufficient basis on which to give a favourable recommendation to this application. The key conclusions are:

- a. The site falls within the Green Belt but it is a grey belt site which meets all the tests set out in NPPF and is therefore not inappropriate development.
- b. As Kirklees cannot currently meet its 5YHLS targets and has fallen short on the Housing Delivery Test the proposed development provides a small but valuable contribution to improving housing supply in the district.
- c. The site is a windfall site – as such great weight should be given to its development.

71. Overall, this statement successfully appraises this site against all the relevant criteria set out in Green Belt guidance and the remainder of the NPPF. It is our view that this is a sustainable form of development and should be approved without delay.