

Appendix 5

Landscape Statement

Planning Appeal

Made under section 78 of the Town and Country Planning Act 1990

Appeal Site:

Emley Fields, Liley Lane, Grange Moor, Huddersfield, WF4 4EN

Council Ref: 2018/94092

Submitted on behalf of the appellant:

Mr James Taylor

By

Smeeden Foreman

10 July 2019

1.0 Introduction

1.1 This Landscape Statement has been prepared as an appendix to the Appeal Statement prepared by Rose Consulting that sets out the Appellant's case in support of the appeal against Kirklees Council's refusal of planning application 2018/94092.

1.2 In particular this Landscape Statement responds to Kirklees' second reason for refusal that states:

"It is considered that a development of this nature, in this prominent location, would create a discordant feature within the local landscape which would have a significant detrimental impact on the area's distinctive landscape character and therefore adversely affect the visual amenity of the area. This would be contrary to Local Plan Policy PLP32 and planning policy guidance contained in Section 15 of the National Planning Policy Framework."

1.3 In preparing this statement I have carried out a desk top review of relevant planning policies and guidance and I have also reviewed all relevant landscape character assessments for the Appeal Site and its context. I have also visited the site and the surrounding area.

1.4 This statement considers the landscape character of the site and the surrounding area, the potential impacts on landscape character and visual amenity both during filling of the land and following completion, demonstrating that the proposals would not result in a "discordant feature".

1.5 This statement should be read in conjunction with the application drawings and supporting documentation which were submitted with application 2018/94092.

2.0 The Proposal

2.1 As set out in Rose Consulting's Appeal Statement, the proposal is to partially infill the current hollow with imported subsoil and topsoil, continuing the existing slope of the restored field to the west of the Appeal Site and restoring the natural landform of the site so it can be used for agriculture.

3.0 Appeal Site and Surroundings

- 3.1 The Appeal Site is located to the east of Liley Lane, approximately 1.5km to the north west of Grange Moor. Tanhouse Lane passes to the north of the Site leading to Clough Lane that continues east towards Whitley Lower.
- 3.2 As noted at Section 2.1 of Kirklees' Strategic Planning Committee Report, the site is situated "within a wider area of agricultural land", that extends to the north, west, south and east of the site and is predominantly used for grazing and grass production.

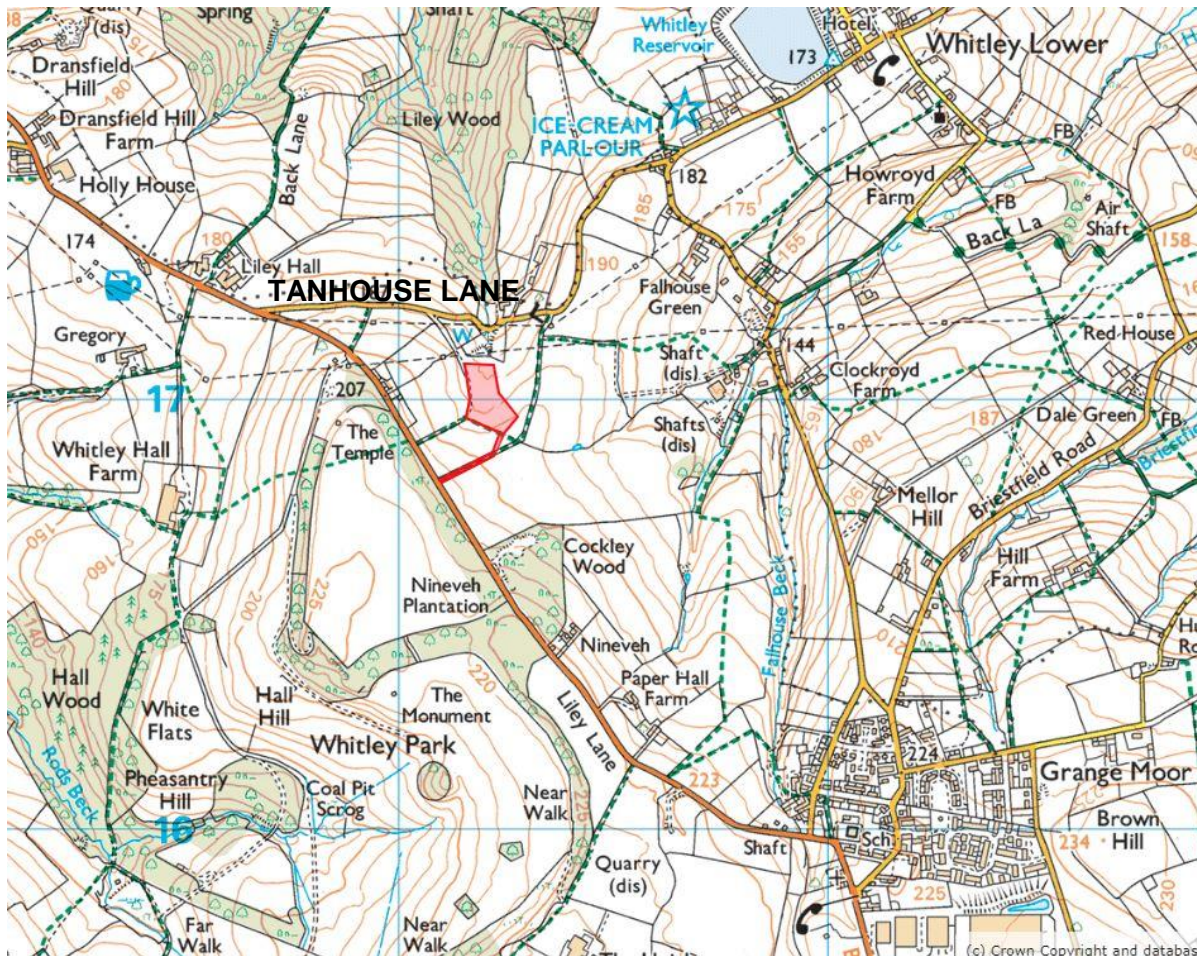


Image 1 - Ordnance Survey map extract of the Appeal Site and the surrounding landform

- 3.3 The Site is located on the eastern slopes of an area of high ground that includes Deer Hill, Hall Hill and Pheasantry Hill and the extensive Temple Quarry to the west of Liley Lane. The landform slopes in a broadly north east direction from an elevation of approximately 210m AOD along Liley Lane towards Fallhouse Beck to the east and north towards Liley Wood.

- 3.4 The Site is situated at a lower elevation than Liley Lane, part way down the north easterly slope and is not visible from the road. As set out in Rose Consulting's Appeal Statement the site is brownfield land of approximately 1.4 ha, comprising part of a former colliery. It is currently rough grassland and is in a derelict state with the remains of former colliery buildings just below the surface. It also contains the access and foundations of a proposed wormery commenced in 2005 but not completed.
- 3.5 The Site is situated within a depression within the hillside that has formed due to previous colliery workings on the site and in the immediate vicinity. Its western edge is marked by a bund formed with topsoil from the restoration of the field to the west of the site between Liley Lane and the Site. Liley Wood borders the northern edge of the site, following the valley formation of Liley Beck that flows northwards towards Woodbottom and the River Calder corridor. The landform rises to the south and east of the Site, forming the southern and eastern rim of the depression.



Image 2 – Public Rights of Way

- 3.6 As illustrated at Image 2 above, Public Right of Way (PRoW) KIR/34/10 leads north eastwards from Liley Lane down the north easterly slope towards the Site, following the southern edge of the site and connecting with PRoW KIR/35/40 that leads north eastwards down from Liley Lane, following the route of the proposed access to the Site. PRoW KIR/35/10 continues north along the higher ground to the south and east of the site, before joining PRoW KIR/35/30 and Tanhouse Lane to the north.
- 3.7 The nearest residential properties are Windy Bank Farm and Liley Clough Farm. Windy Bank Farm is situated approximately 100m to the west of the Site on higher ground above the elevation of the Site, but below the elevation of Liley Lane. Liley Clough Farm is situated approximately 130m to the north of the Site at approximately 15m below the elevation of the Site.
- 3.8 Beyond the Site and the immediate area there are long range views north across the settled River Calder corridor towards the extensive built-up areas of Dewsbury and Mirfield.

4.0 Landscape Designations, Landscape-related Designations and Policies

- 4.1 The Appeal Site is not located within a statutorily designated landscape, nor within a locally designated landscape identified in the Kirklees Local Plan.
- 4.2 The nearest landscape-related designation is the now ruined structure of the Grade II listed The Temple in Whitley Park. This is situated approximately 315m to the west of the application within land now under the control of Temple Quarry. This listed structure is set within the grounds of Whitley Park and is surrounded by dense deciduous woodland that flanks the edges of the quarry, visually separating it from the Appeal Site.
- 4.3 There are no Scheduled Monuments within the vicinity of the Site, the nearest being the scheduled shaft head and associated headgear near Caphouse Colliery, Overton, approximately 3.7km to the east of the Site.
- 4.4 The Site is located within the Kirklees Green Belt. The effect on the functions of the Green Belt have been addressed in Rose Consulting's Appeal Statement.

5.0 Landscape Character

5.1 At the national-level the Appeal Site is located within National Character Area (NCA) 38 Nottinghamshire, Derbyshire and Yorkshire Coalfield. This is a large character area and is necessarily broad in its description of landscape character. However, elements of its key characteristics relevant to the Appeal Site and the surrounding landscape, include:

- a) Rolling ridges with rounded sandstone escarpments and large rivers running through broad valleys, underlain by Pennine Coal Measures;
- b) A mixed pattern of built-up areas, industrial land, pockets of dereliction and farmed open country;
- c) Many areas affected by urban fringe pressures creating fragmented landscapes, some with a dilapidated character, separated by substantial stretches of intact agricultural land in both arable and pastoral use;
- d) A strong cultural identity arising from a history of coal mining, steel making and other heavy industry which resulted from the close relationship between underlying geology and resource availability, notably water power, iron ore and coal; and
- e) Features of industrial heritage such as mills, goits, tips, old railway lines, canals and bridges are evident, along with former mining villages.

5.2 At the local-level the Site is situated within Landscape Character Area (LCA) N1 Emley Moor as defined in the Kirklees Landscape Character Assessment¹. Its key characteristics relevant to the Site and the surrounding area include:

- a) Elevated, undulating farmland plateau, which reaches heights of up to 265m AOD;
- b) Crossed by small dykes and becks, some of which originate on the higher ground within the LCA;
- c) Frequent woodland cover, with a mixture of broadleaved copses and plantation, although this generally scattered across the moor and large blocks of woodland are not a common occurrence;

¹ Kirklees District Landscape Character Assessment 2015. Land Use Consultants.

- d) Woodland is generally found in blocks with straight edges which are coincident with field boundaries. In-field trees are uncommon
- e) Mixed field pattern, with the scale of the fields dictated by the topography of the land. Hedges, post and wire fencing and gritstone walls enclose the fields;
- f) Fields are generally improved pasture with limited arable coverage;
- g) Rich coal mining heritage, with prehistoric iron ore mining also being evident in the landscape. There are designated remains of day holes (adits); medieval mines.
- h) Predominant traditional rural character. The medieval tower of St Michael's Church in Emley is also a valued local landmark.
- i) Long views north and east towards Huddersfield and Wakefield are afforded by height of the land, but are sometimes interrupted by trees and undulation of the ground.

5.3 In terms of the valued landscape features and attributes of the LCA the quality most relevant to the Site is *"The LCA is largely associated with important relative levels of tranquillity, with a traditional rural character, although the presence of main roads in the north of the LCA can detract from this on a local scale"* and in terms of Access and enjoyment of the landscape *"There is a dense network of more minor footpaths and bridleways throughout the LCA"*.

5.4 The national and local-level landscape character assessments provide a context to understanding the landscape of The Site and the surrounding area, but are not detailed to fully appreciate its character.

5.5 As illustrated at Image 1 above, the Site is located on land that slopes in a north easterly direction from the high ground to the west of Liley Lane. It is part of a broader network of medium to large-scale irregular-shaped fields that extend across the sloping ground from Grange Moor in the south east, north west to Tanhouse Lane which is situated to the north of the Site at the northern tip of the high ground to the west of Liley Lane. Some of fields on this hillside are considerable in scale and extend downslope into the valley below to the east.

- 5.6 This hillside has a smooth, gently rolling and broadly convex profile that slopes down into several deeply incised valleys that include Fallhouse Beck to the south east and Liley Beck to the north of the Site.
- 5.7 Liley Lane is flanked by Nineveh Plantation along its western edge. Cockley Wood is situated one field to the south of the Site, while Liley Wood extends to the south of Tanhouse Lane, bordering the northern edge of the Site.
- 5.8 Field boundaries are absent in places and in others have been reinstated with post and wire fencing, although some hedgerow boundaries remain, particularly further east.
- 5.9 The Site is crossed by several overhead power lines, including woodpole lines and taller, higher voltage steel lattice pylons. These features, together with frequent noise of traffic travelling along Liley Lane, detract from the otherwise pleasant rural character.
- 5.10 The previously restored area of land between Liley Lane and the Site has been brought back into active agricultural use as grassland. The scale of the field is consistent with the existing landscape pattern and its use is consistent with its rural location and land uses of adjacent fields. The imported material has been carefully placed and finished levels are consistent with the landform of this north east facing hillside. The quality of the restoration is such that it appears as though the field has always been in agricultural use.
- 5.11 However, in contrast, the hollow within which the Site is located is anomalous with the gently sloping and rounded profile of this north easterly hillside. The Site has been cut into the valley as part of the former mine workings. There are no other features on the Site that contribute to understanding the past uses of the Site as all structures have been razed to the ground. The remaining topsoil bund along the western edge of the Site is also a detracting feature that contrasts with the otherwise smooth, rounded profile of the landform.

6.0 Visual Character

- 6.1 The high elevation of the north east facing hillside affords extensive, sweeping and often long-range views in a northerly and easterly direction across the Calder Valley and the gently undulating, settled rural landscape, as illustrated at Appendix 5A Viewpoint 1.

- 6.2 Views are characterised by extensive areas of settlement dotted across the valley landscape, interspersed with broad areas of open agricultural land and woodland. The presence of numerous overhead powerlines and several small-scale wind turbines influences the visual character, as does the diversification of farm uses and the extensive use of the rural land for horse paddocks.
- 6.3 Near to the site, woodland around the periphery of Temple Quarry prevents views to the west and, together with Cockley Wood, channel views in a north westerly direction along Liley Lane, before views open out once again on the north side of the wood.
- 6.4 There are no views available of the Site from Liley Lane due to the elevation of the Site below Liley Lane, except for the existing track that will form the proposed access into the Site. However, this appears as an agricultural track leading into the fields and does not conflict with the rural character of existing available views. The bund along the western edge of the Site is only partly visible from Liley Lane as the sloping terrain of the field to the west partially obscures it.
- 6.5 The existing footpaths that lead north eastwards from Liley Lane towards the Site do allow views towards the Site, as illustrated at Appendix 5A Viewpoint 2. The northerly of the two footpaths allows views of the bund along the western edge of the site, with views down into the Site prevented by the bund. The footpath around the southern and eastern edge of the Site does allow views of the Site from its position on higher ground. Views are characterised by the rough grassland that covers the Appeal Site, interspersed with small areas of spoil and concrete covers over the tops of former shafts. These contrast with the character of views over the restored managed grassland to the west of the Site.
- 6.6 There are no views available from areas to the north of the Site from Tanhouse Lane and Clough Lane as views are obscured by a combination of topography and Liley Wood that prevents views of the Site.

7.0 Effects during Operation

- 7.1 Rose Consulting's Appeal Statement sets out the parameters within which the importation of soil materials would take place. It is anticipated that filling of the hollow would take approximately two years. There would be no stockpiling of material on Site

and all material would be spread once delivered, resulting in no obtrusive elements being introduced into the rural landscape.

- 7.2 The fact that the Appeal Site is not visible from much of the wider surrounding landscape due to a combination of topography and existing woodland cover to the north of the Site would result in no change to the majority of views. The Site is not visible from Tanhouse Lane or Clough Lane to the north of the Site. Therefore, people travelling along these routes would experience no change to their views. Similarly, residents at Liley Clough Farm, situated to the north of the Site would experience no change as the property is located at a significantly lower elevation below the Site and Liley Wood screens the Site from view.
- 7.3 Only the upper part of the bund along the western edge of the Site is visible from Liley Lane. Therefore, if the bund was retained in-situ throughout the filling process it would screen the majority of operations on site. People travelling along Liley Lane would only experience temporary effects for a very limited duration at the end of the filling process as the bund is removed and finished levels are achieved and tied in to the levels of the restored field to the west. Earlier operations in the filling process would be entirely screened from view by topography as they would take place in the hollow below the levels of the adjacent field to the west.
- 7.4 The restriction on lorry movements to the Site (10 each way per day) would result in a barely imperceptible change to the amount and frequency of traffic movements along Liley Lane, with only very short-term and temporary effects as vehicles arrive and exit the site. This very limited number of additional vehicle movements would simply blend in with existing traffic travelling along Liley Lane and lorry movements to and from the quarry to the west.
- 7.5 People walking along the two footpaths around the Site would experience greater change. Users of the footpath to the south of the Site would have views of the filling operations due to the elevated position of the footpath along higher ground to the south of the Site that allows views down into the hollow. In the short-term, the filling would change the fabric of the landscape as soil material is placed over the top of the rough grassland that currently covers the Site.
- 7.6 However, the operation would be carried out within a wider area of agricultural land where there are frequent lorry movements to the adjacent quarry and agricultural vehicles are frequently seen moving through the area and working adjacent fields. As

such the presence of a bulldozer used to spread materials and a modest number of additional vehicle movements would not appear out of context with the surrounding land uses and the rural setting.

8.0 Effects following Completion

- 8.1 The submitted contour plan and sections demonstrate how the finished restoration levels have been sensitively designed to respond to the contours of the adjacent land to the west, south and east of the Appeal Site. The infilling will redefine the head of Liley Beck, reinstating a valley formation that is consistent with similar valleys in the surrounding landscape.
- 8.2 Longitudinal Section 1A and Longitudinal Section 2A illustrate that the proposed finished levels will extend the profile of the existing restored field to the west of the Site. The gradient of the restored field will continue down into the hollow, extending the area of useable agricultural land. This enlarged field would be consistent in scale with other large-scale fields present on this north east facing hillside and therefore would be in keeping with the landscape pattern of the surrounding area.
- 8.3 The newly placed soil material would contrast with the surrounding grassland that extends across the wider north east facing hillside. However, this change would be temporary and would only be experienced for a very short period of time as new grassland established.
- 8.4 People travelling along Liley Lane would experience negligible change. The newly restored area would be screened from view by the convex profile of the field to the west as the restored area is below the elevation of this field. The removal of the bund along the western edge of the site would be the only change experienced that would result in a slight increase in the extent of Liley Wood that is visible.
- 8.5 People travelling along Tanhouse Lane and Clough Lane to the north would experience no change as the Site is screened from view by a combination of topography and Liley Wood preventing any views of the Site.
- 8.6 People walking along the two footpaths around the Site would experience greater change. Removal of the bund to the west of the Site would remove an uncharacteristic feature within the landscape and open up views from the footpath over the newly restored levels towards areas further east.

8.7 Users of the footpath to the south of the Site would have views over the finished ground levels due to the elevated position of the footpath along higher ground to the south of the Site that allows views over the Site. However, the change would not appear out of context with the landscape as the change would reinstate a more natural valley head formation removing an uncharacteristic scar within the landscape. As the grassland established it would assimilate the Site into the surrounding network of grassland fields that characterise this north east facing hillside.

9.0 Conclusions

9.1 As noted above at Section 1.2, Kirklees' second stated reason for refusal states:

"It is considered that a development of this nature, in this prominent location, would create a discordant feature within the local landscape which would have a significant detrimental impact on the area's distinctive landscape character and therefore adversely affect the visual amenity of the area. This would be contrary to Local Plan Policy PLP32 and planning policy guidance contained in Section 15 of the National Planning Policy Framework."

9.2 The development is located on the eastern slopes of an area of high ground that extends to the west of the Appeal Site. The location of the proposed development part way down the hillside within a fold within the landscape, severely restricts the visibility of the Site, such that its location cannot be considered prominent. No views would be available from the north due to the combination of topography and Liley Wood. The development would be largely screened from view due to the convex profile of the restored field to the west, resulting in negligible change to views from Liley Lane. Greater change to views would be experienced by users of the footpath to the west and south of the site. From visiting the Site these footpaths appear to be infrequently used and so it is considered that such effects would be experienced by few people. Therefore, the development would have very limited effects on the visual amenity of the area.

9.3 The development would repair an area of degraded land and reinstate a valley formation consistent with other upstream valleys in the wider landscape and the surrounding landform. The development would create a large-scale irregular-shaped grass field that would be similar to other adjacent fields on the north east facing slopes. Therefore, it is considered that the development would not create a discordant feature with the local landscape.

- 9.4 The development would take place within a rural area, where adjacent land is predominantly used as grassland and for grazing. The proposal would create an enlarged grass field that would be entirely in keeping with the scale and landscape pattern of fields on the north east facing hillside. There are no remaining features on the site that contribute to understanding former mining uses. Therefore, the development would not have a detrimental impact on the area's distinctive landscape character.
- 9.5 Given the development would have very limited effects by virtue of its sunken location, limited visibility and its appropriate afteruse, it is considered that the development would be consistent with Local Plan Policy PLP32 and Section 15 of the National Planning Policy Framework.
- 9.6 It is respectfully requested that the Inspector allows the appeal and planning permission is granted for development set out in the application.

Appendix

Appendix 5 A – Landscape Statement – Supporting Viewpoints