

MATTER 45 - KIRKBURTON ALLOCATIONS

H1774 – Land east of Manor House Farm, The Village

Issue - Are the proposed housing and safeguarded land allocations in Kirkburton justified, effective, developable/deliverable and in line with national policy?

1 Introduction

- 1.1 The allocation of Site H1774 for residential development is not sound as it is neither justified nor is it consistent with either the emerging Policies in the Local Plan or with national policy guidance
- 1.2 Paragraph 126 of the NPPF sets out a requirement for Local Plans to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development upon the significance of a designated heritage asset, Paragraph 132 of the NPPF makes it clear that great weight should be given to the asset's conservation. Paragraph 138 explains that the loss of a building or other element which makes a positive contribution to the significance of a Conservation Area should be treated as resulting in harm to that area. This site lies within the Thurstonland Conservation Area and the loss of this site and its subsequent development will harm an element which makes a positive contribution to its significance.
- 1.3 Consequently, the allocation of Site H1774 as is being proposed in the Submission Plan is considered to be in conflict with the following aspects of the emerging Local Plan:-
 - The Spatial Vision – in that it conflicts with the intention that development will take place in a sustainable way (balancing economic, social and environmental priorities), that the local character and distinctiveness of Kirklees and its places will be retained, or that the natural, built and historic environment will be maintained and enhanced through high quality, inclusive design
 - Spatial Objective 8 - in that it will not protect or enhance the characteristics of the historic environment
 - Policy PLP35 – in that it will not conserve elements which contribute to the significance of a designated heritage asset.

1.4 An allocation which would be likely to result in harm to the significance of a Conservation Area would also be contrary to S72 of the general duty under the Town & Country Planning (Listed Building & Conservation Areas) Act, 1991. It would also be contrary to national policy guidance as set out in the NPPF. As a result, this allocation does not:-

- Help to deliver a “*positive strategy for the conservation and enjoyment of the historic environment*” as is required by NPPF Paragraph 126.
- Contribute to protecting or enhancing the historic environment. Therefore, it will not deliver sustainable development in terms of the conservation of the historic environment [NPPF Paragraph 7].
- Conserve heritage assets in a manner appropriate to their significance. Therefore it will runs contrary to one of the Government’s Core Planning Principles [NPPF Paragraph 17].
- Give great weight to the conservation of the area’s designated heritage assets [NPPF, Paragraph 132].
- Conserve an open area which makes a positive contribution to the character of a Conservation Area [NPPF Paragraph 138].
- Provide clear and convincing justification that the harm it would cause to the heritage assets is outweighed by the benefits [NPPF, Paragraph 134].

2 The Heritage Impact Assessment [Doc.LE93]

2.1 On the whole, we would broadly support the methodology that has been used for the Heritage Impact Assessment of this site, particularly the use of an approach which seeks to identify the relative importance of the various parts of this site to the significance of the heritage assets in its vicinity. Whilst the Heritage Impact Assessment has set out a very good evaluation of the historical development of the Thirstonland, of its townscape character, and of many of the elements which contribute to the significance of the heritage assets in this area, we consider that it has failed to properly articulate the contribution which this undeveloped site makes to the significance of Conservation Area and that, as a result, it has underplayed the harm that its loss and eventual development might have upon its special architectural or historic interest.

3 The Contribution which Site H1774 makes to the character of the Conservation Area.

3.1 Thurstonland is a rural Conservation Area where agricultural farmland, both within the Conservation Area itself and beyond its boundaries, is a key element of its character. As can be seen from the 1891 OS Map [Appendix A] the pattern of fields surrounding the village is still relatively intact and, apart from a few areas where infilling has taken place between buildings and the late twentieth Century development at Moor Top Avenue, the morphology of the settlement has changed relatively little in over 125 years. Site H1774 lies right at the heart of the historic core of Thurstonland and makes an important contribution to the character of both the Conservation Area, itself, and to the setting of the numerous heritage assets in its vicinity. Whilst we would fully endorse the statement in Paragraph 4.14 of the Heritage Impact Assessment that “*the open fields surrounding the village contribute strongly to the agricultural history of the conservation area and or of high significance*” Historic England contends that this statement also applies to Site 1774 itself. The Allocated site contributes strongly to the rural character of The Village and to the history of Thurstonland as a working agricultural settlement.

3.2 From The Village, the this site provides extensive views out to the open countryside to the north of the settlement and of the spire of the Grade II Listed Church of St Thomas and its Vicarage (a building which makes an important contribution to the Conservation Area) Thus, from the historic core of the settlement it is possible to experience and appreciate the village in its wider rural setting. This farmland also contributes to the rural setting of the row of Listed late-eighteenth/early-nineteenth Century cottages on the southern side of The Village. Consequently, it is considered that that part of the site adjacent to The Village (Area 2 of Fig.10 of the Heritage Impact Assessment) makes a very important contribution to the character of the Conservation Area. As a result, we consider that this area is of High Significance and disagree with the conclusion of the Heritage Impact Assessment that development would be possible on this portion of site without causing considerable harm to the historic core of the Conservation Area.

- 3.3 Whilst we would accept that the character of that part of the Site adjacent to Marsh Hall Lane (the blue-coloured part of Area 1 of Fig.10) is of lesser importance, nonetheless, it does contribute to the agricultural identity of the Conservation Area and (contrary to the statement in Paragraph 5.2) several of the Listed Buildings at Upperfold Farm are visible in views across this part of the site from the adjacent road. Whilst the loss of this area would be less harmful to the character of Conservation Area than the loss of Area 2, nonetheless, it would still harm an element which contributes to the significance of this Conservation Area. Moreover, by obscuring views of the vicarage, development of the western part of this area would be likely to harm views towards the church from The Village.
- 3.4 The loss of this site would result in a fundamental change to the character of the centre of the Conservation Area which would cause considerable harm to its significance.

4 The current allocation within the Kirklees UDP

- 4.1 The Kirklees UDP identified the part of this site adjacent to The Village as Provisional Open Land and the eastern half as a residential allocation (Site H4.6).
- 4.2 Provisional Open Land are sites having “*identifiable value as open land*” but are also judged “*to be capable of development either now or when new infrastructure ...can be provided*” [Doc. LE1, Paragraph 2.15]. There appears to be some expectation that because of this UDP designation this site should automatically come forward as an Allocation in this Local Plan.
- 4.3 The UDP makes it clear that:-

“The reassessment of provisional open land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as provisional open land until the next review of the plan. Reallocation of provisional open land as green belt or urban greenspace will occur only in exceptional circumstances.”

.... The review will follow the guidance in PPG2 concerning safeguarded land, so that, exceptionally, some land may be removed from the provisional open land designation because it is unfavourably located in terms of achieving sustainable development”. [Doc. LE1, Paragraph 2.16 to 2.17]

4.4 It is clear, therefore, that the allocation of Provisional Open Land for residential development is not automatic and that, in some exceptional circumstances, certain sites might be reallocated as Urban Greenspace. The loss of the part of the site currently identified as Provisional Open Land would result in considerable harm to the significance of a designated heritage asset. As such the development of Site H1774 as proposed will not deliver sustainable development in terms of protecting and enhancing the historic environment, and conflicts with the Government’s Core Planning Principle that heritage assets should be conserved in a manner appropriate to their significance. Historic England would contend that and that this reassessment of the importance of this site would constitute an “exceptional circumstance” warranting reallocating the former Provisional Open Land as ‘Urban Greenspace’.

4.5 As regards the portion of the site which was identified for development in the UDP, whilst, in 1995 when the UDP was being examined, this site might have been considered appropriate for development, it is not appropriate to simply roll forward this allocation without some evaluation about whether or not it would still be likely to deliver sustainable development or be consistent with current national planning guidance. It is quite apparent that the development of this part of Site H1728a will not deliver sustainable development in terms of protecting and enhancing the historic environment, and conflicts with the Government’s Core Planning Principle that heritage assets should be conserved in a manner appropriate to their significance. This re-evaluation of the site would constitute an “exceptional circumstance” warranting not only the deletion of this former allocation but also of reallocating this part of the site as ‘Urban Greenspace’.

5 Conclusions

5.1 The Heritage Impact Assessment has failed to properly articulate the contribution which this undeveloped site makes to the significance of Conservation Area and that, as a result, it has underplayed the harm that its loss and eventual development might have upon its special architectural or historic

interest. Moreover, the Assessment has not put forward any clear recommendations as to how that harm might be removed or reduced.

- 5.2 In terms of NPPF Paragraph 134, this is likely to constitute less than substantial harm to the significance of this designated heritage asset, albeit at the upper-end of the spectrum of harm. Whilst the degree of harm may be less than substantial, nevertheless, it would still be causing harm to a designated heritage asset. As such, therefore, it would not be delivering sustainable development in terms of protecting and enhancing the historic environment, it would conflict with one of the Government's Core Planning Principles (that heritage assets should be conserved in a manner appropriate to their significance), nor would it be likely to provide the positive strategy for the conservation of the historic environment that is required for Local Plans.

6 Suggested Change

- 6.1 Site H738 should be deleted

