

Kirklees Local Plan Examination Hearing Statement

Our ref 50579/JG/AJk
Date January 2018

Subject **Matter 45 Hearing Statement on behalf of Persimmon Homes West Yorkshire – Sites H313 and SL3356, and Rejected Site H575**

1.0 Introduction

- 1.1 This Hearing Statement has been prepared by Lichfields on behalf of Persimmon Homes West Yorkshire (“Persimmon”) and responds to the questions set by the Inspector in relation to sites H313 and SL3356 within Matter 45. It also **promotes the allocation of rejected site H575** in Kirkburton for residential development.
- 1.2 This Hearing Statement should be read in conjunction with our representations submitted during the Local Plan Consultation (2016) on behalf of Persimmon (Lichfields representor ID: 969464, Persimmon representor ID: 975291).

Persimmon in Kirklees

- 1.3 Persimmon has control of the following proposed allocations and is committed to delivering residential development at these sites at the earliest opportunity in accordance with the emerging Plan:
- Housing allocations H102 and H660 at Netherton;
 - Housing allocation H502 at Skelmanthorpe; and,
 - Part of site mixed-use site MX1911 in Lindley
- 1.4 Persimmon also has control of Urban Green Space designation UGS2151 at Rumble Road in Dewsbury (also referred to as rejected housing site H357) where planning permission has recently been granted for 149 dwellings, as well as the following rejected housing allocations:
- H575 in Kirkburton – **discussed in this Statement;**
 - H231 in Gomersal; and,
 - H476 in Mirfield
- 1.5 Given the need for additional sites to be identified in the Plan to address the full objectively assessed need for housing and make up for the shortfall in delivery from the three strategic allocations (H1747, H2089 and MX1905), as well as other sites which have been demonstrated to be undeliverable as proposed, Persimmon would welcome the opportunity to bring the above rejected sites into the Plan in order to help meet identified housing needs. A suite of technical information is available for each of Persimmon’s sites which show that they are suitable and deliverable for residential development.

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

General Questions

Site H313 - Land to the south of Burton Acres Lane, Kirkburton

Question (a) - Is the site suitable for the proposed use? In the case of housing allocations, does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation measures?

2.1 No comment.

Question (b) - Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?

2.2 No, the indicative site capacity for site H313 is not appropriate.

2.3 The Plan assumes that this site will provide 138 dwellings. Redrow Homes has recently secured full planning permission for the development of 97 dwellings at this site, covering over 90% of allocation H313. The remaining land within the allocation (approximately 0.3 hectares) falls within the curtilage of No. 75 North Road, which is served by a private drive incapable of upgrade to adoptable standards. No more dwellings will therefore be delivered at H313, leaving a shortfall of 41 dwellings.

2.4 An additional housing site or sites should be allocated within the Kirkburton area to make up for this shortfall.

Question (c) - Is the site available and deliverable in the timescales envisaged?

2.5 No comment.

Question (d) - For sites currently in the Green Belt - what effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt?

2.6 N/A

Safeguarded Land SL3356 - Land to the east of Far Bank, Shelley

Question (a) - Is the site suitable for the proposed use? In the case of housing allocations, does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation measures

2.7 Although this site is allocated as Safeguarded Land rather than for a particular use, it is understood from the text at paragraph 6.30 in Part 1 of the Plan that Safeguarded Land has been identified as way of helping to meet the long term housing needs of the District beyond the current plan period.

2.8 Site SL3356 contains two reservoirs and is accessed via a narrow track from the east at Near Bank through Green Belt land which leads to a number of commercial/light industrial uses

which fall within the site. This track is not suitable in its current form to serve any future development at the site and will require widening. The future development of the site will therefore necessitate inappropriate development in the Green Belt.

- 2.9 The land to the west is also allocated as Safeguarded Land (SL2173) but is within a different land ownership, ransoming any access option from the west and the built up area of the settlement.
- 2.10 It is therefore considered that SL3356 is not an appropriate Safeguarded Land option, as the only available access option which is not ransomed by a third party land owner (who may not want to sell their land at all) requires inappropriate development in the Green Belt. It would also create an isolated and unsustainable access arrangement which is remote from the main settlement.
- 2.11 It is noted that in the 2015 Draft of the Local Plan, site SL3356 was proposed to remain as Green Belt, and rejected site H575 (land at junction of Paddock Road and Moor Lane, Kirkburton) was proposed to be allocated as Safeguarded Land (with the reference SL2286). Rejected site H575 is within the sole control of Persimmon and has direct access onto the local highway network. No justification has been provided as to why the Council has removed the Safeguarded Land allocation at Kirkburton in preference for a site in Shelley (SL3356) which can only be served via an unsustainable and inappropriate new access road through Green Belt land, and which appears to contain significant constraints which would restrict its delivery and capacity.

Question (b) - Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?

- 2.12 N/A

Question (c) - Is the site available and deliverable in the timescales envisaged?

- 2.13 No comment.

Question (d) - For sites currently in the Green Belt - what effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt?

- 2.14 Although it is noted that Green Belt land needs to be released to meet the objectively assessed housing needs in this plan period and beyond, it is considered that the allocation of this site as Safeguarded Land will ultimately lead to inappropriate development in the Green Belt through the creation of a new estate road from Near Bank. There is no need for such an approach to be taken when other suitable, available and deliverable options exist which would have less of an impact on the Green Belt in the longer term.

General Deliverability Issues at Safeguarded Sites in Kirklees Rural

- 2.15 Whilst we will refrain from providing a detailed review of each of the other proposed Safeguarded Land sites in the Kirkburton part of the Kirklees Rural sub-area here, it should be noted that our analysis has shown that there is 12.5 hectares of potentially undeliverable Safeguarded Land within this part of the sub-area. For example, sites SL2297 in Flockton, SL2182 in Grange Moor, SL2164 in Kirkburton, and SL2204 & SL2205 in Emley cannot be delivered without the prior demolition of dwellings or road widening. We would recommend that the Inspector reviews the access credentials of these sites.

3.0 Rejected Site H575 - Land at junction of Paddock Road and Moor Lane, Kirkburton

- 3.1 In this Statement we have demonstrated that site H313 will not deliver the full capacity stated within the Plan, with a shortfall of 41 units occurring at that site. This shortfall from one site in the Kirkburton area is on top of the estimated 3,000 unit shortfall which will occur across the district over the plan period due to a shortfall in delivery at the three strategic allocations (H1747, H2089 and MX1905), as well as further shortfalls from other unsuitable/undeliverable sites identified as part of our statements on behalf of Persimmon in respect of other parts of the District. It is therefore clearly evident that additional housing sites need to be allocated in order to meet the full objectively assessed housing need within the plan period.
- 3.2 Persimmon has full control of site H575 (Land at Junction of Paddock Road and Moor Lane, Kirkburton) and has promoted it for residential allocation throughout the various stages of the Kirklees Local Plan's preparation. These previous representations have been supported by a Vision Document for the site, which showed how it could deliver approximately 250 dwellings (see Masterplan at **Annex 1**), and demonstrated that the site is a suitable and sustainable location for housing development. An additional copy of this Vision Document can be made available on request.

Green Belt and Green Belt edge

Unjustified change in approach

- 3.3 The Draft Local Plan (2015) proposed to allocate site H575 as Safeguarded Land. The 2015 version of the Local Plan was informed by the Council's Green Belt Review and Green Belt edge assessment, and despite the versions of these documents in the Local Plan examination library (SD19/SD20) being dated April 2017, the findings and conclusions reached within SD19/SD20 are exactly the same as those in the 2015 versions. This means that the Council made a decision in forming the 2015 Draft Local Plan that, based on its own evidence base, site H575 was capable and suitable for removal from the Green Belt, and proposed that it be allocated as Safeguarded Land. As discussed above, at this time, SL3356 was proposed to remain as Green Belt.
- 3.4 In the Publication Draft Plan, which is based on the same evidence base and site assessments in respect of H575 and SL3356, the Council reversed this approach and proposed that H575 remain as Green Belt, and SL3356 be allocated as Safeguarded Land. This is despite of all of the deliverability issues associated with SL3356 highlighted earlier in this Statement, the presence of a willing landowner and developer at H575, and no new evidence being made available which would run contrary to the release of H575 from the Green Belt. This is **unjustified**, and makes the plan weaker in that a deliverable site earmarked for meeting long term needs has been replaced by an un-deliverable site.

Green Belt assessment of H575

- 3.5 The Rejected Site Options report (LE4.1) shows that the only 'red' score site H575 receives is in relation to Green Belt, and no other significant technical constraints are cited. However, despite receiving a 'red' score in the Green Belt assessment category, and 'amber' for Green Belt edge, the Council's findings within LE4.1 in fact highlight why this site is suitable for release from the Green Belt, and how its development would have little impact on the wider Green Belt.
- 3.6 In terms of general Green Belt impact, LE4.1 notes:

*'This is a large site which is contained to the west and south by the existing settlement and to the north and east by **potential strong new green belt boundaries formed by Paddock Road and Moor Lane**. As such there should be **no risk of sprawl**...The land rises towards the settlement to the south so while development would be prominent it would be no more so than the impact of the existing houses when viewed from the north.'*

3.7 For the Green Belt edge assessment, LE4.1 comments:

'The existing land use pattern and settlement form presents some opportunity for rounding off without compromising the role of the green belt in this location.'

3.8 A review of the Green Belt in this location has also been undertaken by Pegasus Group (see **Annex 2**). In summary, the review generally concurred with the findings of the Council's assessment, adding that:

- The Green Belt in this location is of lower importance in checking unrestricted sprawl;
- The site is located in part of an extensive gap between existing settlements;
- The site forms part of the transitional urban/rural landscape and does not perform a key role as open countryside, and;
- The site plays no role in preserving the setting and special character of historic towns, or assisting in urban regeneration.

3.9 The findings of the Pegasus review and the Council's own assessment further demonstrate why, in the context of the need to remove land from the Green Belt, the Council's decision to reverse the designation of the site back to Green Belt land is unjustified. This view is emphasised when the Council's assessments of rejected sites H457, H458 and H459 are scrutinised (these rejected sites cover the same land which is now proposed to be allocated as Safeguard Land ref SL3356). In rejecting these sites, the Council comments that the land which is now proposed to be allocated as SL3356 is poorly related to the edge of the settlement; is on rising land which is increasingly prominent; and requires third party land for access with no site frontage to an adopted highway. In concluding for rejected site H458 the Council notes there is a:

'Lack of evidence that access can be achieved to ensure a deliverable or developable site'

3.10 We question the reasoning for deleting the Safeguarded Land allocation at Paddock Road and Moor Lane in Kirkburton, and seemingly replacing it with site SL3356 in Shelley, given the clear deliverability issues with the latter, and the presence of a willing landowner and developer at H575.

Summary

3.11 Site H575 is within Persimmon's control and is available for development now. It is a highly sustainable and suitable site for residential development. The Council's own assessment of the site has concluded that Paddock Road and Moor Lane could act as strong new Green Belt boundaries, and no technical constraints have been identified which would prohibit the development of the site for housing.

3.12 Our representations to Stage 1 of the examination, and also to Matters 26, 30 and 34 of Stage 4, have highlighted an acute shortfall in housing delivery during the plan period, resulting from the Council's over reliance on three large strategic sites with complex delivery issues – all of which will take a significant amount of time to overcome. In this Statement, we have also shown that there are issues with the smaller and medium sized draft allocations, focussing in particular on

H313 in Kirkburton (where a shortfall of 41 dwellings will occur), and Safeguarded Land site SL3356 in Shelley (which is undeliverable).

3.13

In this context, it is clearly evident that additional housing sites are needed in order to meet the full objectively assessed housing need within the plan period, and rejected site H575 is a suitable, available and deliverable site which could provide approximately 250 dwellings within the early part of the plan period. At the very least, noting the deliverability issues at SL3356, the site should be allocated as Safeguarded Land, as was previously proposed in the 2015 Draft of the Plan.



Annex 1: Site H575 – Indicative Masterplan

KIRKBURTON, HUDDERSFIELD



Nett Area: 16.52 acres
Gross Area: 19.32 acres
Land off Moor Lane and Paddock Road, Huddersfield
SCALE: 1:1250 @ A2
November 2013



Annex 2: Pegasus Green Belt Review

Ref. | YOR.2615.003a

Date | 25th January 2016



Landscape and Visual Response to Kirklees Green Belt Review

In relation to proposed residential development on land at

Paddock Road, Kirkburton

For Persimmon Homes Ltd

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1. Introduction

Background

- 1.1. The current Green Belt boundary in Kirklees was established in March 1999 with the adoption of the Kirklees Unitary Development Plan. The existing boundary has been reviewed as part of the preparation of the new Kirklees Local Plan due for adoption in late 2017, the findings of which have been presented in the 'Kirklees Green Belt Review' and 'Outcomes and Rejected Site Options' reports as detailed below.
- 1.2. The site at Paddock Road, Kirkburton (Ref SL 2286) has been identified as 'Safeguarded Land', (i.e. as land to meet future development needs) and therefore has currently been rejected as a site option at this stage of the Local Plan process. The purpose of this rebuttal document is as follows:
 - To provide commentary regarding the assessment of the site made by Kirklees Council in the 2011 and 2015 Green Belt Reviews.
 - Assess the site against the five purposes of the Green Belt as set out in The National Planning Policy Framework (NPPF).
 - Identify a proposed revised Green Belt boundary.
 - Assess possible landscape and visual effects on the remaining adjacent Green Belt if the site was to be developed for housing.
 - Identify potential positive benefits of the development in relation to access, recreation and securing nature conservation interests of the Green Belt.
- 1.3. This assessment challenges the 'red' overall [traffic light] site assessment score given for the Green Belt Technical Assessment, in the Kirklees Outcomes and Rejected Site Options report.

Site context

- 1.4. The site is located to the north west of Kirkburton. Paddock Road forms the eastern boundary and Moor Lane forms the northern boundary of the site. The southern boundary of the site is formed by Burton Acres Lane, (the existing Green Belt boundary). The western boundary is marked by a public footpath (ref KIR/70/10), beyond which is situated Gregory Playing Fields, a small recreation ground,

(identified as urban Green Space in the Draft Local Plan) which serves the adjacent Woodland Meadows residential estate.

- 1.5. The site consists of approximately 8.0 hectares of relatively level grassland, divided by stretches of degraded stone walls, remnant hedgerows and post and wire fencing. The site is located within an area of Green Belt, which has been identified on the Policies Map (Accepted Options) Draft Local Plan - September 2015 as Safeguarded Land (Site no SL2286).

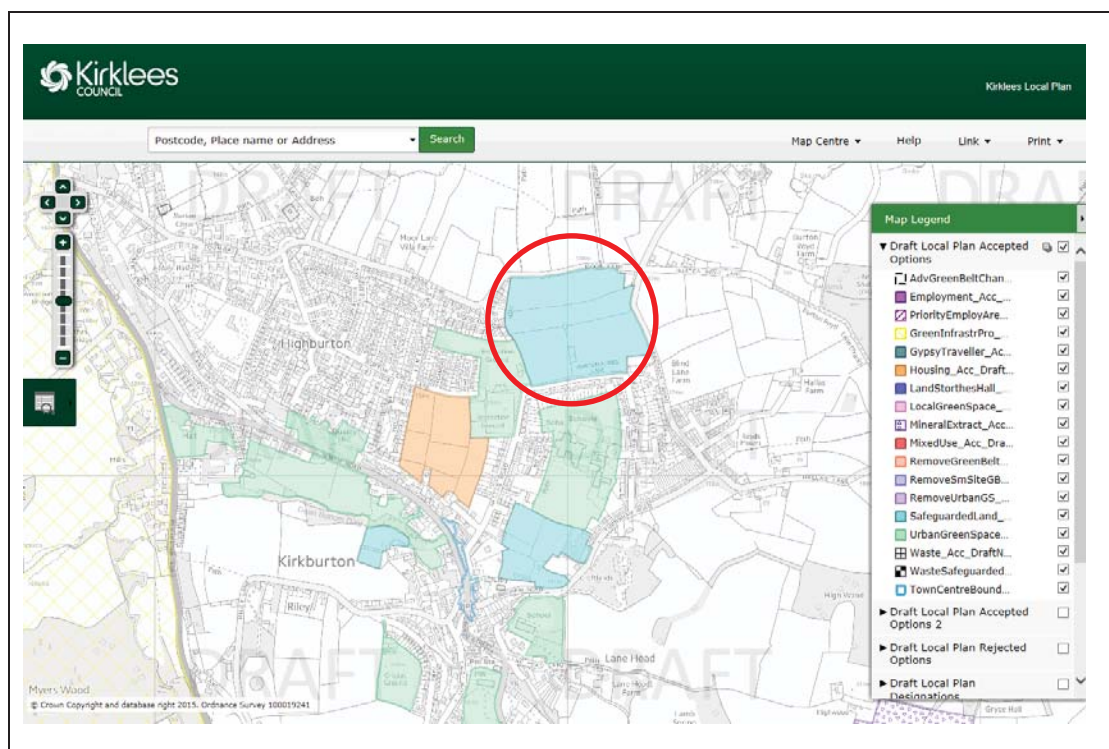


Figure 1. Extract of Policies map (Accepted Options) Draft Local Plan – September 2015

Green Belt and The NPPF

- 1.6. The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their '**openness and their permanence**'. The NPPF requires that local planning authorities, when reviewing Green Belt boundaries, should also take account of the need to promote sustainable patterns of development.

- 1.7. The NPPF identifies that the Green Belt serves five purposes as follows:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and,
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Kirklees Site Options Assessment and Green Belt Review 2015

- 1.8. The Green Belt boundary in Kirklees has been reviewed by the Council as part of the preparation of the Kirklees Local Plan. The results of a series of technical assessments including the Green Belt and Green Belt edge (i.e. Green Belt boundary review) are set out in the following documents.

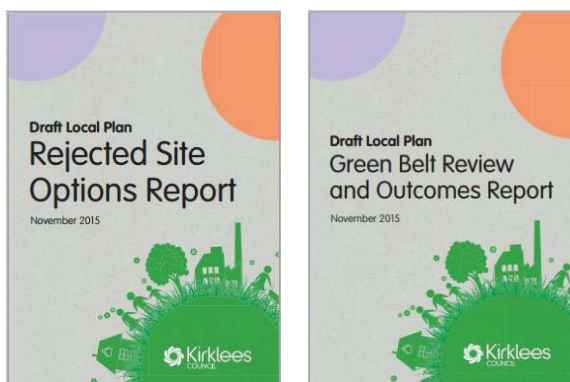


Figure 2: Local Plan Document

- 1.9. The 'Kirklees Draft Local Plan – Rejected Site Options Report, November 2015' identifies the site options put forward for inclusion in the local plan which have been rejected. In the introduction to the Rejected Site Options Report it states that '***The decision about whether to reject each option is based on a cumulative judgement of technical assessments and consultee responses about each site***'.
- 1.10. The Paddock Road, Kirkburton site is listed as follows:

Kirklees Draft Local Plan - Rejected Sites: Housing										Outcome of technical assessments										Other reason for rejection (see footnote for details)
Site ID	Address		Green belt site Settlement Position	Greenfield /Brownfield	Gross Area (Ha)	Housing Capacity	Employment Floorspace	Public Health	Transport	Education	Other constraints	Flood/drainage	Env Protection	Biodiversity	Historic Env	Open space	Green belt	Green belt edge	Green belt edge ID	
H575	Land at junction of, Paddock Road and Moor Lane, Kirkburton		E	Y	G	7.6	227													KH4

Figure 3: Extract from the Rejected Site Options Report

1.11. It is noted above that the site received an 'orange' score in relation to the 2015 existing Green Belt edge review process undertaken by Kirklees Council as detailed in the Green Belt Review and Outcomes document, (orange relates to an edge score of 3, see paragraph 1.13 below) and a 'red' overall score in relation to the Green Belt. The 'red' overall site assessment criteria for the Green Belt Technical Assessment is set out in the following chart in Appendix A of the Rejected site options report.

Green Belt Constraint

Green	The site would present a reasonable extension relative to the settlement it abuts, would have little or no impact on the purposes of including land in the green belt and presents the opportunity to create a strong new defensible green belt boundary
Amber	The site is located adjacent to a part of the green belt edge where assessment has shown that development would have some detrimental impact on the purposes of including land in the green belt and/or the site does not present a strong new defensible green belt boundary but opportunity exists that could mitigate this impact, such as the minor alteration to the option boundary or the removal of some additional land from the green belt
Red	The site would not present a reasonable extension relative to the settlement it abuts and/or the site is located adjacent to a part of the green belt edge where assessment has shown that development would have a significant detrimental impact on the purposes of including land in the green belt, and/or it is located adjacent to a part of the green belt edge that is deemed to be significantly constrained and/or the option is remote from any settlement

Figure 4: Extract from the Green Belt Review and Outcomes document

1.12. Whilst the methodology for the Green Belt edge review is set out in the Green Belt Review and Outcomes document it is not clearly set out how the 'red' Green Belt judgement is arrived at. Potential explanation appears limited to paragraph 4.48 of a further document, the Kirklees Local Plan Methodology Part 2: Site Allocation Methodology as follows: **'Overall site assessment: this applied to all development options in the green belt. Assessment included the configuration and relationship of the site to the settlement it abuts, the**

degree of infill or rounding off that could be achieved and the ability of the option to present a strong new defensible green belt boundary’.

- 1.13. It is noted that the criteria for a ‘red’ score set out at Figure 4, has not been met in relation to the Green Belt constraint for this site as the edge score was ‘orange’ (moderate) and therefore the site is not ‘located adjacent to a part of the Green belt edge where assessment has shown that development would have a significant detrimental impact on the purposes of including land in the green belt’.
- 1.14. In terms of the edge review results, Appendix 4a of the ‘Kirklees Draft Local Plan – Green Belt Review and Outcomes, November 2015 document provides more detail in relation to the site (identified as edge reference KH4) in relation to tests 1 to 2d as follows:

Appendix 4a: Outcomes of the green belt edge review (tests 1 to 2d)

Ref.	TEST 1: CONSTRAINTS			Existing use	TEST 2: GREEN BELT PURPOSES				Conclusion	Test 2 score
	1a Topographical	1b Physical	1c Environmental		2a Prevents merging	2b Checks Sprawl	2c Safeguards from encroachment	2d Preserves setting & character		
KH4	None	None	None	Grazing land	Extensive gap	Moor Lane, Paddock Road provide containment but rising land possibly more prominent towards the south.	Part of wider countryside. Undeveloped edge with urban greenspace follows a feature on the ground but southern boundary strong	No impact	Well contained but development could be more prominent towards the south on higher ground.	3

Figure 5: Extract from Appendix 4a of the Green Belt Review and Outcomes document.

- 1.15. The summary table at Appendix 3 of the Green Belt Review and Outcomes document above, and the accompanying map below, identifies a test score result of 3 (mid-range), identifying the Green belt edge as performing a ‘moderately important role’. This score in turn appears to translate to the ‘orange’ score in the Rejected Site Options Report. The conclusion of the table above states the edge is **‘well contained but development could be more prominent towards the south on higher ground.’** It is noted that the ground rises across the site to the south eastern corner but that the more elevated parts of the site are located immediately adjacent to existing properties, (outside the site) which lie at a greater elevation than the highest points of the site.

1.16. The strength of both Moor Lane and Paddock Road as a potential Green Belt boundary is possibly greater than the existing Burton Acres Lane as they are both classified as B roads as opposed to a minor lane. The use of part of the site for horse grazing and the associated stabling structures differentiates the site to an extent from the wider farmed landscape. These aspects are discussed and reviewed further in sections two and three below which challenge the Green Belt technical assessment score of 'red'.

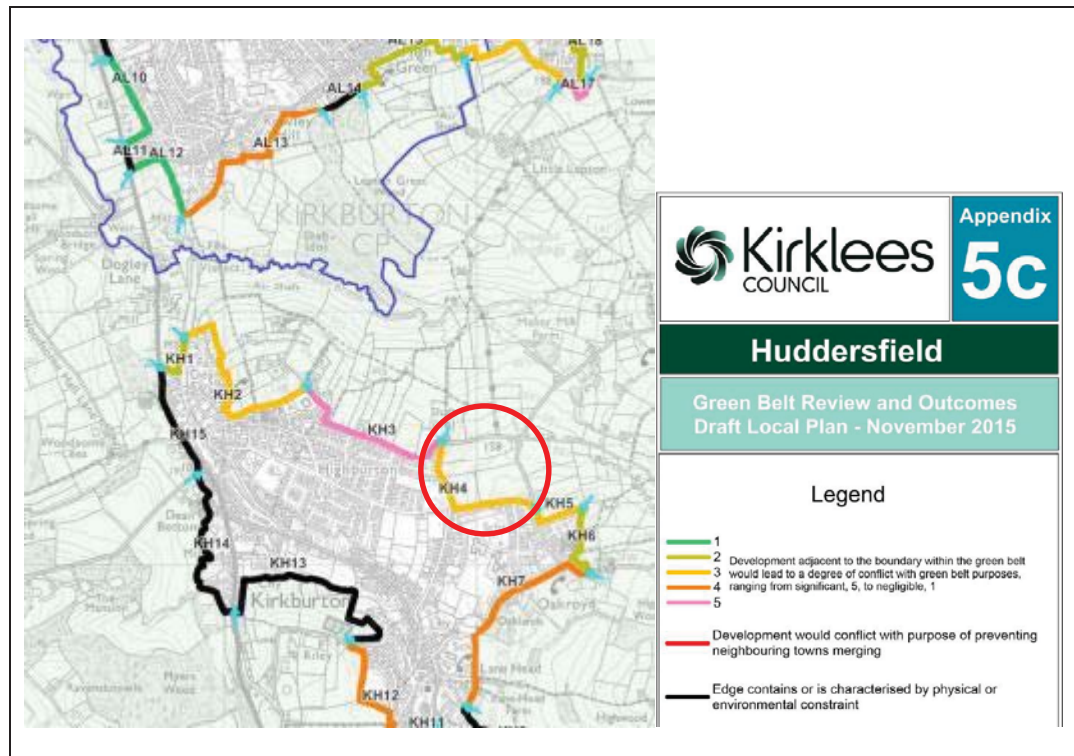


Figure 6: Extract from Appendix 5c of the Green Belt Review and Outcomes document.

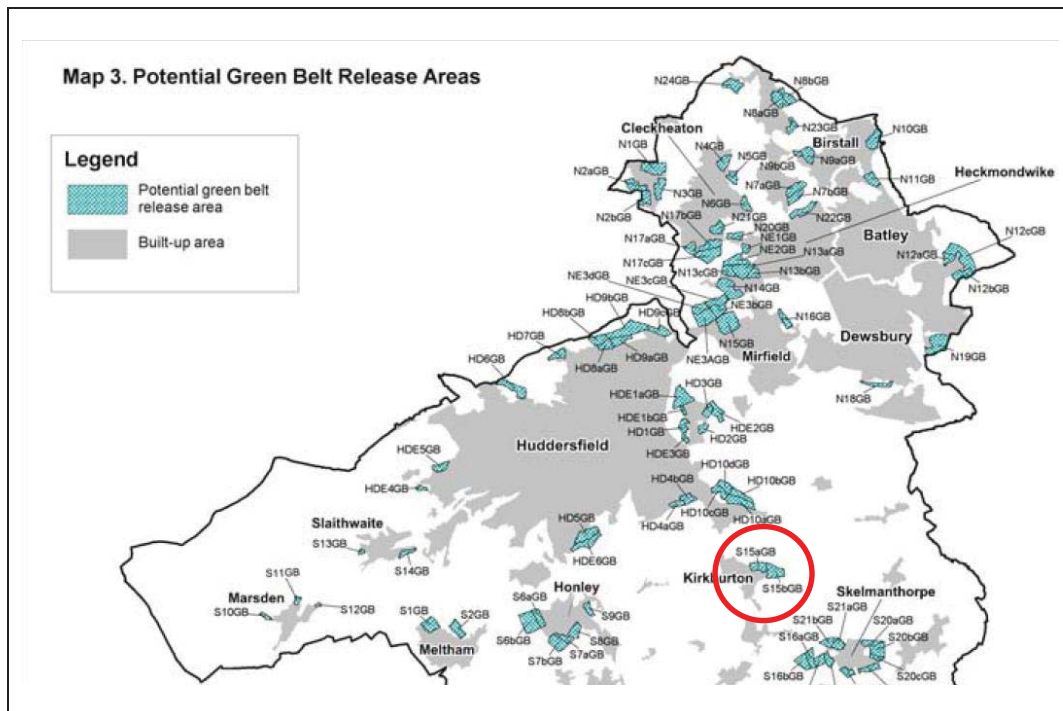


Figure 8: Kirklees Green Belt Review November 2011 Map 3

- 1.21. The Kirkburton site is shown on this map and identified as ref S15a. An accompanying table notes that S15a [and the adjacent S15b] ***'have a number of potential access points and no obvious constraints, (but site 15b [further to the west] in particular is remote from the local centre'***.
- 1.22. In summary the site was identified for potential Green Belt release in the 2011 study and has been accepted as 'Safeguarded Land' in the Accepted Options of the Draft Local Plan in September 2015. Further discussion on the site in relation to a 'red' overall site assessment score for the Green Belt Technical Assessment against an 'orange' score in relation to the Green Belt edge review in the 2015 Rejected Site Options Report is discussed in more detail below.

2. Green Belt Assessment

2.1. The following section is a detailed assessment of the site against the five purposes of the Green Belt as set out in the NPPF. This assessment has been undertaken by a Chartered Landscape Architect using a combination of site visits and desk study.

Purpose 1 'to check the unrestricted sprawl of large built up areas'

2.2. Assessment of the relationship of the proposed site and the existing Green Belt area with the current built up area boundary requires consideration in relation to the potential for Urban Sprawl.

2.3. The parcel is well contained, in that it has two boundaries which are directly connected to the main urban area to the south and west. The north east portion of the site abuts a small collection of properties at the junction of Paddock Road, Linfit Lane, Burton Royd Lane and Moor Lane. The existing streetscapes of the abutting Moor Lane and Paddock Roads have become "suburbanised" by street lighting columns and footpaths edged with precast concrete road kerbs linking them to current urban development within Kirkburton.

2.4. The location of existing properties to the north western, north eastern and south eastern corners of the site provide potential for the "rounding off" the existing built up area. Development of this portion of the Green Belt would allow development to extend to a new boundary which already exhibits suburban influences in the form of street-lit roads and footpaths. Classed as 'B' roads Moor Lane and Paddock Road are permanent, recognisable physical boundaries that separate the site from the wider Green Belt. Moor Lane to the northern site boundary runs approximately contiguous with the 150m contour forming a physical edge to the landform which then falls away from the road to the north down to the Beldon Brook, running eventually into Fenay Beck to the north west. The more elevated parts of the site in the south east portion of the parcel are located immediately adjacent to existing property at a greater elevation to the adjacent site.

2.5. The performance of the existing Green Belt within the proposed site can be identified as being of lower importance in checking unrestricted sprawl for the following reasons:

- The site closely adjoins the existing built area and the in part suburbanised Paddock Road and Moor Lane.

- There is potential for “rounding off” the settlement of Kirkburton in this location.
- Moor Lane, the adjoining topography and Paddock Road form well defined physical boundaries which would provide a strong limit to further development beyond this potential new Green Belt boundary. These boundaries could be further strengthened as part of a development proposal.

Conclusion: There would be no unrestricted sprawl.

Purpose 2 ‘to prevent neighbouring towns from merging into one another’

- 2.6. Strategically in the context of Kirklees, assessment of this Green Belt purpose is the role this portion of the Green Belt performs in terms of preventing built up areas, (i.e. land not in the Green Belt) from merging into one another. In the context of the proposed Kirkburton site this relates to the settlements of Kirkburton and the adjoining Highburton and the Fenay Bridge/Lepton district of south eastern Huddersfield to the north.
- 2.7. The existing width of the Green Belt gap is substantial to the north, extending up to approximately 1.5km to Fenay Bridge and Lepton. The site area can be identified as performing a role of lower importance in preventing built up areas from merging as it is part of an extensive gap. The intervening valley topography and associated woodland lower of Lepton Great Wood provides a good level of physical and visual separation from Fenay Bridge and Lepton. In summary, the portion of Green Belt in which the site is located is part of an extensive gap between settlements and has no role in preventing the merging of settlements.

Conclusion: There would be no merging of neighbouring towns

Purpose 3 ‘to assist in safeguarding the countryside from encroachment’

- 2.8. To assess this aspect of the five purposes of the Green Belt an appraisal of the extent to which the land constitutes open countryside can be made.
- 2.9. The site is located within the landscape character type E ‘Rural Fringes’ and Character Area E6 ‘Fenay Beck Valley Rural Fringes’ in the 2015 Kirklees District Landscape Character Assessment prepared by LUC.

- 2.10. The character area description identifies that the area surrounds the incised wooded valley of Fenay Beck, (into which Beldon Brook to the north runs). The area forms open, elevated and visually prominent fringe farmland on a ridge of higher ground sloping towards the valleys. The wider landscape appears well wooded with shelter belts and plantations as a result of parkland influences and inter-visibility with the adjoining wooded valleys. Rural villages sit within this landscape overlooking the valleys and the landscape, of generally good condition, is traversed by a dense pattern of winding rural lanes.
- 2.11. The site demonstrates some characteristics of the wider landscape character as an area of pasture located above the valley side. This character is experienced from locations within the immediate vicinity (by adjacent residents and footpath users) and from more distant elevated locations on the opposite valley side to the north.
- 2.12. The land use is slightly less demonstrative of the wider 'farmland' character in that it is in part host to horse grazing and associated stabling structures, indicating a transition in character between the current urban edge and the wider countryside to the north and east.
- 2.13. There is no direct access across the land, footpath ref. KIR/91/10 runs adjacent to the western boundary partially adjacent to an area of public open space to the south west and partially adjacent to high close board fencing associated with gardens backing onto the site area to the north west. Beyond the Moor Lane boundary to the north, access can be gained over the road to an extensive network of footpaths within the Beldon Brook valley landscape and immediately adjacent to the site, onto the more urbanised street-lit footpaths around the periphery of the settlement.
- 2.14. In summary, whilst the site currently demonstrates some rural/farmland characteristics, it forms a parcel adjacent to an area of wider countryside, separated and bordered by tarmac surfaced, kerbed and street-lit footpaths. It can be demonstrated therefore that it is separate from the adjacent valley landscape which forms the wider countryside beyond Moor Lane and Paddock Road.

Conclusion: The site is not part of the open countryside

Purpose 4 'to preserve the setting and special character of historic towns'

2.15. Both the 2011 and 2015 Kirklees Green Belt reviews identify that there are no historic towns within Kirklees.

2.16. Therefore to assess this purpose in relation to the site, consideration is given to conservation areas, listed buildings and other features of historic significance.

The nearest conservation area is within Kirkburton 400m to the south west between which there is no intervisibility. In terms of listed buildings number 118 Paddock Road is a grade II listed property located adjacent to the south east corner of the proposed site.

Conclusion: The site is not part of an historic town

Purpose 5 'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'.

2.17. It has been identified as part of the production of the new Local Plan process that there is insufficient capacity available from urban regeneration to meet proposed future development growth in Kirklees, therefore sites will have to be sought outside the currently defined urban area.

Conclusion: The site does not perform a role in this purpose.

3. Proposed Green Belt Boundary and the wider Green Belt Context

- 3.1. To the northern and eastern site boundaries Moor Lane and Paddock Road could form a strong revised Green Belt boundary. They are classified as 'B' roads and the existing strength of these boundaries could be supplemented with structural planting to form a strong green edge and filter views towards the proposed site from the wider Green Belt.

Potential landscape and visual effects and positive benefits of development on the remaining adjacent Green Belt.

- 3.2. Views are available towards the site from the footpath network in the wider Green Belt to the north and east. Views of proposed development on the site would largely be seen in the context of the existing residential development immediately adjacent to the site area. Views from the highway network beyond the immediate surroundings of the site are generally over longer distances and interrupted by intervening vegetation and landform.
- 3.3. Both Moor Lane and Paddock Road provide an edge which contains the proposed site and the existing settlement to the south and west and creates a defining interface beyond which the wider countryside extends to the north. The character of the countryside to the north is defined and enveloped by the falling ground associated with the valley sides, which also helps to contain views and provide separation from the settlement on the higher ground as elevations reduce towards the valley floor.
- 3.4. The existing footpath ref Kir/70/10 adjacent to the western site boundary is located between close boarded fences at the rear of adjacent properties to the west and a stone boundary wall to the site. Development of the parcel would provide opportunities to improve this footpath by integrating it into an improved green corridor adjacent to the proposed development, linked both to the existing public open space (Urban Greenspace) to the south west and out into the wider countryside to the north beyond Moor Lane via footpath ref KIR/91/10 and the Lepton Lane track opposite the northern boundary. This link could potentially be improved by the provision of suitable road crossing measures over Moor Lane to the surfaced and lit footpath on the northern side of Moor Lane.

- 3.5. Landscape buffers to the site boundaries would help to protect/filter views from the wider Green Belt and improve and strengthen green infrastructure and wildlife corridors immediately adjacent to and feeding into the wider Green Belt.

4. Conclusion

- 4.1. From analysis of the 2015 Kirklees Green Belt review documentation it is unclear why the site area was identified with a 'red' Green Belt technical assessment score as compared to a 'green belt edge' score of 3, (defined in the legend of the map at Appendix 5c of the Kirklees Green Belt Review and Outcomes document as 'development adjacent to the boundary with the green belt would lead to a [moderate] degree of conflict with green belt purposes') translating to an 'orange' score in the Rejected Site Options Report. An 'orange' green belt edge score for the site does not meet the criteria set out by Kirklees Council at figure 4 for a 'red' overall Green Belt constraint.
- 4.2. The Kirklees Council assessment acknowledges the site would be **'well contained'**, the accompanying statement that **'development could be more prominent towards the south on higher ground'** is challenged by this study in that the elevated parts of the site are located immediately adjacent to existing property at a greater elevation to the highest points of the site.
- 4.3. The technical assessment and green belt review is also further questioned in light of the assessment of the site against the five purposes of the Green Belt undertaken in this document, summarised as follows:

Green Belt Purpose	Performance of proposed site at Paddock Road, Kirkburton
1. To check the unrestricted sprawl of large built up areas.	The Green Belt in this location is of lower importance in checking unrestricted sprawl.
2. To prevent neighbouring towns from merging into one another	The site is located in part of an extensive gap between existing settlements.
3. To assist in safeguarding the countryside from encroachment	The site forms part of the transitional urban/rural landscape and does not perform a key role as open countryside.
4. To preserve the setting and special character of historic towns.	No role

5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	No role.
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- 4.4. This document identifies that the site currently identified as 'Safeguarded Land' in the Draft Local Plan would be an appropriate extension to Kirkburton and would have minimal impact on the purposes of including land in the Green Belt. Moor Lane and Paddock Road could provide a strong new defensible Green Belt boundary to the north and east.