

**Hearing Statement – Matter 8**

# **Kirklees Local Plan**

On behalf of Taylor Wimpey

August 2017



## I. Introduction

- I.1. This is a Hearing Statement prepared by Spawforths on behalf of Taylor Wimpey in respect of:
- Matter 8: Approach to site allocations and Green Belt release
- I.2. Taylor Wimpey has significant land interests in the area and has made representations to earlier stages of the Local Plan process.
- I.3. The Inspector's Issues and Questions are included in **bold** for ease of reference. The following responses should be read in conjunction with Taylor Wimpey's comments upon the submission version of the Kirklees Local Plan, dated December 2016.
- I.4. Taylor Wimpey has also expressed a desire to attend and participate in Matter 8 of the Examination in Public.

## 2. Matter 8 – Approach to site allocations and Green Belt release

**Issue – Is the Plan’s approach to identifying site allocations (housing, employment and mixed use), safeguarded land and Green Belt releases soundly based and in line with national policy?**

**a) Has the Council undertaken a robust and comprehensive assessment of development capacity within existing urban areas and other areas outside the current Green Belt?**

2.1. Taylor Wimpey has no specific comment in relation to this issue.

**b) Do exceptional circumstances exist which justify the release of Green Belt land to accommodate some 11,500 new dwellings and additional land for employment uses?**

2.2. Taylor Wimpey considers that due to the significant need and demand for housing and aspirations for economic and housing growth there is clearly a requirement for a strategic review of the approach to locations for future growth within the district. In order to plan appropriately for the plan period there is a need to review the Green Belt boundaries.

**c) What approximate proportion of land in Kirklees which would remain in the Green Belt following the implementation of proposals in the Local Plan?**

2.3. Taylor Wimpey has no specific comment in relation to this issue.

- d) Is the Council’s approach to assessing potential sites in the Green Belt for development soundly based and in line with national guidance?**
- i. Is the approach in the Green Belt Review, based on the assessment of Green Belt edge sites, robust and justified?**
  - ii. As part of the overall site allocations methodology, is there clear evidence to show that site options not captured or full appraised in the Green Belt Review have subsequently been fully assessed against relevant Green Belt purposes?**
  - iii. Is the ‘gateway’ approach in the Green Belt Review justified? (whereby failure to meet Test 1 meant Test 2 on Green Belt purposes was not engaged, and failure to meet Test 2a meant no further assessment against other Green Belt purposes)**
  - iv. Are the other assessment tests in the Green Belt Review justified and soundly based? To what degree are the identified topographical, physical and environmental constraints absolute, and were site-specific solutions or partial development options taken into account? Is test 2d consistent with Green Belt purposes as defined in the NPPF and as they relate to Kirklees?**
  - v. To what extent has the process of assessing Green Belt sites taken account of the extent of remaining gaps between different settlements and the maintenance of separate settlement identity, and emerging proposals in neighbouring authorities that would reduce these gaps?**
  - vi. Is it clear how site development options were identified?**
  - vii. How have sustainable development requirements and the need to promote sustainable patterns of development been taken into account in decisions on site options, in accordance with paragraphs 84 and 85 in the NPPF? Are there specific examples of sites which scored well in the technical appraisal and Green Belt Review but were rejected for reasons linked to**

**the sustainability of a settlement?**

**viii. Have all sites which scored well in the site assessment process for housing been allocated for this purpose?**

- 2.4. The boundaries of the West Yorkshire Green Belt were identified in the late 1950s by the former West Riding County Council. Areas in Kirklees to which green belt policies apply were first defined in the West Riding County Development Plan and Town Maps prepared in the 1960's. The West Yorkshire Structure Plan, approved in 1980, confirmed the general area of the green belt in the District and subsequently local plans identified detailed boundaries which in places are different from those originally defined in the County Development Plan and Town Maps.
- 2.5. The Green Belt Review and Outcomes Report (2015) states that these boundaries were largely carried through into the Kirklees UDP (1999). Therefore, the Green Belt boundaries for Kirklees have therefore not been reviewed since the 1980s. The Green Belt Review for the emerging Kirklees Local Plan is therefore the first review for nearly 40 years.
- 2.6. The Green Belt Review largely takes the form of a review of the Green Belt edge. This Review then informs individual site assessments as part of the review of potential site allocations.
- 2.7. Taylor Wimpey considers that the Green Belt Review undertaken around Shelley is deficient as it appears to only take the form of an urban edge assessment and does not thoroughly consider the role and purpose of the Green Belt around Shelley.
- 2.8. Therefore there is no up to date Green Belt Review which has set out a rigorous and robust methodology. Taylor Wimpey considers that Kirklees should have undertaken a three stage approach:
- Stage 1 – Identify general areas within the Green Belt
  - Stage 2 – Technical site assessment
  - Stage 3 – Re-appraisal of resultant land parcels.
- 2.9. Such an approach has been undertaken elsewhere in the country, such as in Nottinghamshire and is a more transparent and rigorous approach.

### **Penistone Road, Shelley**

- 2.10. Taylor Wimpey has undertaken their own assessment of land to the west of Shelley and the report is attached to these submissions. The Council's Assessment therefore is not a full consideration or strategic review of the Green Belt. The Assessment does not reflect the contained setting of the site and strong physical features and boundaries surrounding the site. The Assessment also does not reflect the poor boundary that currently exists which is the rear boundary of properties. Taylor Wimpey consider that the Council's view on the "strong existing boundary" is incorrect and does not consider the context and setting of the area as the Green Belt Review has focussed on edges and not the role and purpose of the land.
- 2.11. From the attached Green Belt Assessment (Appendix 2) Taylor Wimpey's conclusions against the purposes are as follows:
- 2.12. Contextually, the site is "contained" by development and activity being adjacent to residential properties, businesses and properties along Penistone Road, an access road to a farm and the Trans Pennine Trail and woodland to the north. Within this context the release of the site from the Green Belt has limited impact on "openness" and that redevelopment of the site would have low impact on the purposes of including land within the Green Belt:
- 2.13. Paragraph 85 of the Framework states that Green Belt boundaries should be drawn so as not to include land which it is unnecessary to keep permanently open. The site lies on the edge of Shelley with residential development located to the east and the A629 Penistone Road to the south, Healey Farm access road and the Trans Pennine Trail to the west and woodland/meadow to the north.
- 2.14. Penistone Road, Shelley is therefore "contained" and will not lead to unrestricted sprawl or encroachment. The site is located on the edge of Shelley and is contained within its setting. The site would not therefore lead to the coalescence of towns. Whilst the development would result in development of some countryside the degree of encroachment into the countryside would be minimised. The site has no impact upon the setting of a historic town.
- 2.15. The current location of the Green Belt boundary around Shelley is not robust and does not accord with the Framework where boundaries should be clearly defined using readily recognisable features to ensure permanency. In this area the Green Belt boundary is drawn

tightly around the edge of Shelley. The boundary in this location is defined by the rear boundaries of properties along Park Avenue and Hawthorn Way, which are primarily low walls and fences.

- 2.16. The built form surrounding the site suggests that the existing Green Belt boundary is not one that is logical. The proposed new boundary would be defined by roads (A629 Penistone Road and Healey Farm access road which are both well-defined) and tracks (Box Ings Lane which is clear and well defined by trees, hedgerows and walls). Healey Farm access road and Box Ings Lane also form the Trans Pennine Trail in this location. To the north the boundary would be formed by Healey Greave Wood and meadow with the boundary formed by woodland, wide tree belt and thick hedgerows and a well-defined footpath. This boundary would accord with the Framework and ensure that the Green Belt is clearly defined using readily recognisable features to ensure permanency reinforcing the urban context whilst providing a robust boundary for the future.
- 2.17. All the boundaries have the potential to be further reinforced within the site through additional planting to ensure an effective transition between the development and the countryside beyond.
- 2.18. Taylor Wimpey would like to emphasise that Green Belt boundaries should be reviewed and drawn in accordance with Framework and with respect to the purposes of including land in the Green Belt (para 80) and how to define boundaries (para 85). **Taylor Wimpey therefore suggests that the existing and proposed Green Belt boundaries in this location be reviewed in accordance with the Framework.**

e) **Is the Council's approach to other proposed changes to the Green Belt boundaries, including those arising from the digitising exercise, small site assessment, consequential changes and proposed additions, justified and robustly based? Have exceptional circumstances been broadly demonstrated?**

- 2.19. Taylor Wimpey has no specific comment in relation to this issue.

**f) The Plan identifies a number of safeguarded sites on land not currently within the Green Belt. Is this approach justified and in line with national policy and guidance?**

2.20. Taylor Wimpey has no specific comment in relation to this issue.

**g) What evidence is there to demonstrate that safeguarded sites which have been assessed as unsuitable or undeliverable for housing development over the Plan period will be capable of delivery for this use in the longer term?**

2.21. Taylor Wimpey are encouraged by the acknowledgement in Policy PLP6 that safeguarded land will be identified in the Local Plan to ensure that Green Belt boundaries will endure and provide permanence in the long term. Although safeguarded from development, safeguarded sites are generally considered to be the next pool of sites as they are excluded from the Green Belt. As such they can also be considered reserve sites, if allocations do not proceed as expected, as they have already been considered through a Green Belt Review and Site Assessment.

2.22. Safeguarded sites therefore need to accord with the Framework criteria for allocation and be available, suitable, achievable and therefore deliverable. Safeguarded sites also need to accord with the Spatial Development Strategy. Furthermore, in relation to the quantum of safeguarded land therefore should be at least 10 to 15 years' worth of housing provision to ensure the Green Belt boundary endures beyond the plan period.

2.23. Paragraph 85 of the Framework identifies that where necessary Local Plans should provide safeguarded land to meet longer term development needs stretching "well beyond the plan period" and that local authorities should satisfy themselves that Green Belt boundaries "will not need to be altered at the end of the development plan period". Furthermore, the Framework is clear that once established Green Belt boundaries should be "capable of enduring beyond the plan period" (para 83). There is therefore an in-built presumption within the Framework that where it is justified to amend Green Belt boundaries this should



be undertaken as part of the local plan process and that the new Green Belt boundaries should not require alteration at the end of the plan period.

2.24. Taylor Wimpey question whether sufficient land has been identified as safeguarded land and whether it is in the right locations or whether the right sites have been identified. Analysis shows that only 115ha of land is proposed as safeguarded land which is the equivalent of approximately 1.5 years' worth of housing land. Taylor Wimpey disagrees with the Council's analysis in the Housing Technical Paper para 6.11 that 115 hectares equates to circa 4,000 dwellings at 35dph. This calculation appears to have been based on gross hectares rather than a net basis. On net hectares the provision of safeguarded land is more likely to yield in the region of 2,600 dwellings, which is only 1.5 years' worth of housing land and on that basis with larger allocations yielding beyond Plan period the other calculations in para 6.11 would be a total provision of approximately 4,600 dwellings beyond plan period, which is the equivalent of 21% of capacity on housing allocations or almost 15 of the objectively assessed need. These figures are substantially below the 28% and 20% put forward by the Council and over 1,500 homes less. **The Council therefore needs to identify more safeguarded land.**

2.25. The number of safeguarded sites has declined from the Draft Local Plan in 2015 to the current Publication Draft. Furthermore, the sites identified for safeguarding are also largely small, from the 51 sites identified 32 are less than 2ha and only one is over 10ha. Therefore, nearly two-thirds of the sites are small in nature and arguably not strategic. Taylor Wimpey also question whether the right criteria in accordance with the Framework has been utilised. The Housing Technical Paper (Nov 2016) states that sites have been safeguarded "where constraints are such that site would not be appropriate to accommodate development within the Local Plan period but with a realistic prospect that these constraints can be overcome to accommodate development in the longer term". This is incorrect, Taylor Wimpey consider that to satisfy the tests that there should be reasonable prospects for delivery in this plan period to justify a sites removal from the Green Belt and allocation for safeguarding.

**Safeguarded Sites SL2173 and SL3356**

2.26. Taylor Wimpey is concerned that safeguarded sites are being allocated in the Local Plan are with significant constraints to delivery and without any evidence or prospects that these constraints could be overcome.

- 2.27. For example, in Shelley Site SL2173 East of Far Bank has been identified, which is 2.5ha in size. This site has no available access, is in disparate ownerships and therefore does not accord with the Framework criteria for allocation. The site is not deliverable and does not satisfy the criteria for allocation. This position is reaffirmed in the Council's own Technical Appraisal (November 2016) which states "significant third party land required for access. In sufficient road frontage to gain access from Far Bank" that the "site is not deliverable or developable" and that there is a "lack of evidence that access can be achieved to ensure a deliverable or developable site".
- 2.28. The Technical Appraisal does state that one option to access the site is on land to the east, which is a new safeguarded site SL3356 Land to the East of Far Bank. However, the Technical Appraisal reinforces that both of these sites have no access and are not deliverable stating for SL3356 that "third party land is required for access" and that "access could only be achieved through the housing option to the east which has not been accepted" and as such remains in the Green Belt, therefore there is "no site frontage to adopted highway". Site SL3356 is therefore landlocked with no feasible access. The Technical Appraisal therefore concludes that the "site is not deliverable or developable" and that there is a "lack of evidence that access can be achieved to ensure a deliverable or developable site". Furthermore, the Appraisal explains that the site has potential impacts on the Grade 2 listed Shelley Methodist Church, which lies just west of the site adjacent to site SL2173, which also has impacts on the Church. The site contains a pond and a well/spring and has potential overland drainage issues. The site is identified as 4.66 ha, but a significant proportion is heavily constrained. Furthermore, Site SL3356 is also in a number of ownerships. **Therefore both SL2173 and SL3356 are not developable or deliverable and should not be identified in the Plan.**
- 2.29. Taylor Wimpey therefore suggests that the approach to safeguarded land be reviewed and further land be identified.

## Proposed Change

- 2.30. To overcome the objection and address soundness matters, the following changes are proposed:
- Review the Green Belt around Shelley in accordance with national guidance
  - Review the approach to safeguarded sites to accord with national guidance

- Remove the site at Penistone Road, Shelley from the Green Belt (HI69/H2731)
- Remove safeguarded sites SL2173 and SL3356
- Allocate further safeguarded sites

### **3. Appendix I: Penistone Road Green Belt Assessment**

**Taylor Wimpey**

# **Penistone Road, Shelley**

## **Green Belt Assessment**

Revision A January 2016



## Revision Record

Revision Reference	Date of Revision	Nature of Revision	Author	Checked By
A	January 2016		AR	AR

<b>Report Author</b>	Andrew Rose
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## **I. Introduction and Purpose of Review**

Spawforths have been instructed by Taylor Wimpey to undertake an assessment of the West Yorkshire Green Belt in the context of Kirklees Metropolitan District Council administrative area with specific reference to their site at Penistone Road, Shelley. Consequently, this review therefore only covers those parts of the Green Belt designation falling within Kirklees Council and more specifically at Penistone Road, Shelley. As such, this review is not intended to be a strategic assessment of the wider Green Belt but is instead to be a site specific assessment of the Green Belt in order to satisfy national policy objectives in relation to the site at Penistone Road, Shelley.

The Review considers the national and local policy context, prior to reviewing the Green Belt at Penistone Road against the five purposes of the Green Belt.



## 2. National Planning Policy Context

### 2.1. National Planning Policy and Guidance

#### 2.1.1. National Planning Policy Framework (The Framework)

The Framework sets out the Governments' planning policies for England and how it expects these to be applied. It contains a presumption in favour of sustainable development, which it defines as having three dimensions: economic, social and environmental. The Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

Government policy on the protection of Green Belt is set out in section 9 of the Framework. Key paragraphs are detailed as follows:

Paragraphs 79 & 80:

*“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.*

*Green Belt serves five purposes:*

- to check the unrestricted sprawl of large built-up areas;*
- to prevent neighbouring towns 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”*

Paragraph 82 advises that the general extent of Green belts across the country is already established and new Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions.

Paragraph 82 advises that existing Green Belt boundaries should only be altered in exceptional circumstances through preparation or review of Local Plan. New boundaries should have intended permanence in the long term and be capable of enduring beyond the plan period.

Paragraph 84 confirms that

*“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary”*

In relation to boundaries, paragraph 85 advises that

*“When defining boundaries, local planning authorities should:*

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- not include land which it is unnecessary to keep permanently open;*
- where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.*

### **2.1.2. National Planning Practice Guidance (PPG)**

The PPG provides guidance to support and expand on policies within the Framework, and in that sense does not provide additional policy but rather more detailed consideration of how policies within the NPPF should be approached and met. The guidance covers all relevant planning policy areas under separate topics and will be updated online as and when required.

### 3. Local Planning Policy Context

#### 3.1. Kirklees UDP

The statutory development plan for the area is the saved policies of the Kirklees Unitary Development Plan adopted on 1<sup>st</sup> March 1999. These policies were saved on 28<sup>th</sup> September 2007. However, this Plan pre-dates the Framework and the policy and strategy are presently under review as part of the emerging Local Plan.

#### 3.2. Emerging Local Policy: Kirklees Draft Local Plan (2015)

The emerging Local Plan is seeking to identify in the order of 29,340 new homes and 265ha of employment land. The Spatial Development Strategy recognises to achieve this level of growth that the Green Belt boundary in the District will need to be reviewed through identifying sustainable urban extensions and detached Green Belt sites. Shelley is identified in the Kirklees Rural sub-area, which recognises in relation to place shaping that settlement are well connected and that there are opportunities to expand settlements in the eastern area.

The emerging Plan seeks to allocate sites to meet the housing and employment requirement. The Draft Local Plan includes the Penistone Road, Shelley site (HI69) in the Green Belt, as shown below:

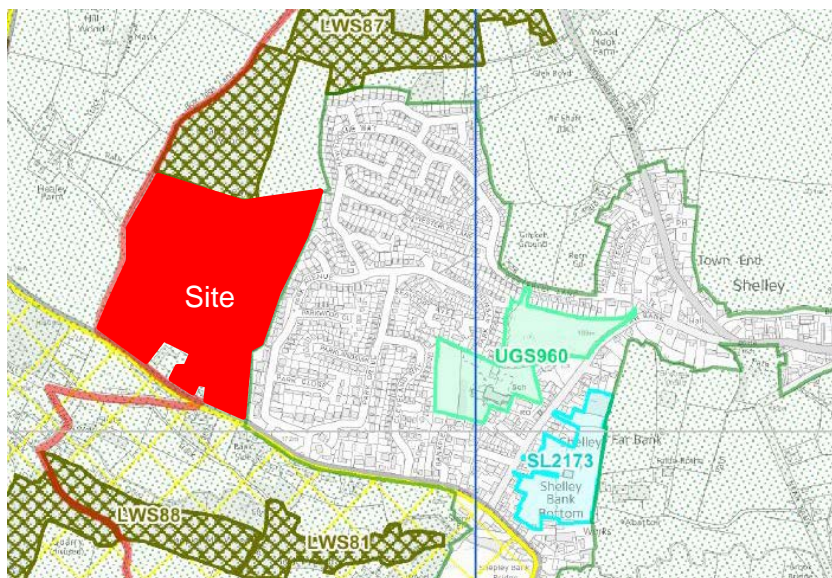


Figure 1: Site Allocations Plan Proposals Map with Pontefract Road, Shelley site included

## 4. The West Yorkshire Green Belt

### 4.1. West Yorkshire Green Belt Origins

The boundaries of the West Yorkshire Green Belt were identified in the late 1950s by the former West Riding County Council. Areas in Kirklees to which green belt policies apply were first defined in the West Riding County Development Plan and Town Maps prepared in the 1960's. The West Yorkshire Structure Plan, approved in 1980, confirmed the general area of the green belt in the District and subsequently local plans identified detailed boundaries which in places are different from those originally defined in the County Development Plan and Town Maps.

The Green Belt Review and Outcomes Report (2015) states that these boundaries were largely carried through into the Kirklees UDP (1999). Therefore, the Green Belt boundaries for Kirklees have therefore not been reviewed since the 1980s.

The Kirklees UDP indicates that 71% of the District is designated Green Belt. The Kirklees UDP also designated areas of "Provisional Open Land" or safeguarded sites. The UDP states that these sites are capable of development and their consideration for allocation will be reviewed when the UDP is updated.

The purpose of the South and West Yorkshire Green Belt is to prevent the metropolitan areas including Leeds, Bradford and Wakefield from merging and to support the regeneration of these urban centres. The purposes of the green belt in West Yorkshire have been defined as:

- Regulating the growth of urban areas,
- Preventing the coalescence of settlements,
- Preserving the open land that extends into the urban area for recreational and amenity use,
- Providing for easy access to open country, and
- Assisting in the process of urban regeneration.

Excluding the London Metropolitan Green Belt, the South and West Yorkshire Green Belt is the largest Green Belt in England with 248,241ha of land falling within this designation (Source: 'Green Belts: a greener future joint report by CPRE AND Natural England' January 2010).

## 4.2. Kirklees Green Belt

The UDP sets the precise Green Belt boundaries for the area; however these boundaries were largely carried through from the 1980s West Yorkshire Structure Plan. The Green Belt Review being undertaken as part of the emerging Kirklees Local Plan is therefore the first review since the 1980s.

The Green Belt Review largely takes the form of a review of the Green Belt edge. This Review then informs individual site assessments as part of the review of potential site allocations. The summary of the assessment for the Green Belt edge for the land at Penistone Road, Shelley (SHL1 I) is contained below:

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		
SH11	Minor	None	Protected trees	Grazing land	Extensive gap	Penistone Road, field boundaries, woodland provide potential containment but strong existing urban edge	Landform restricts visual relationship with wider countryside, strong urban edge	No impact	Existing strong and uniform urban edge restricts sprawl and guards against encroachment. Development towards the north could be more prominent on rising ground and begin to impact on Healey Greave Wood.	4

## 5. Green Belt Site Assessment

The Green Belt Review that the Council is undertaking only considers Green Belt edges against the five purposes of the Green Belt and is therefore not a full consideration or strategic review of the Green Belt. However, within that general constraint and in order to assess in terms of commonality of approach the Spawforth Assessment will:

1. Consider the Green Belt strategically on the western side of Shelley in the context of the Draft Local Plan; and
2. Consider Penistone Road, Shelley (HI69) against the five purposes.

### 5.1. Stage One: Shelley West Green Belt

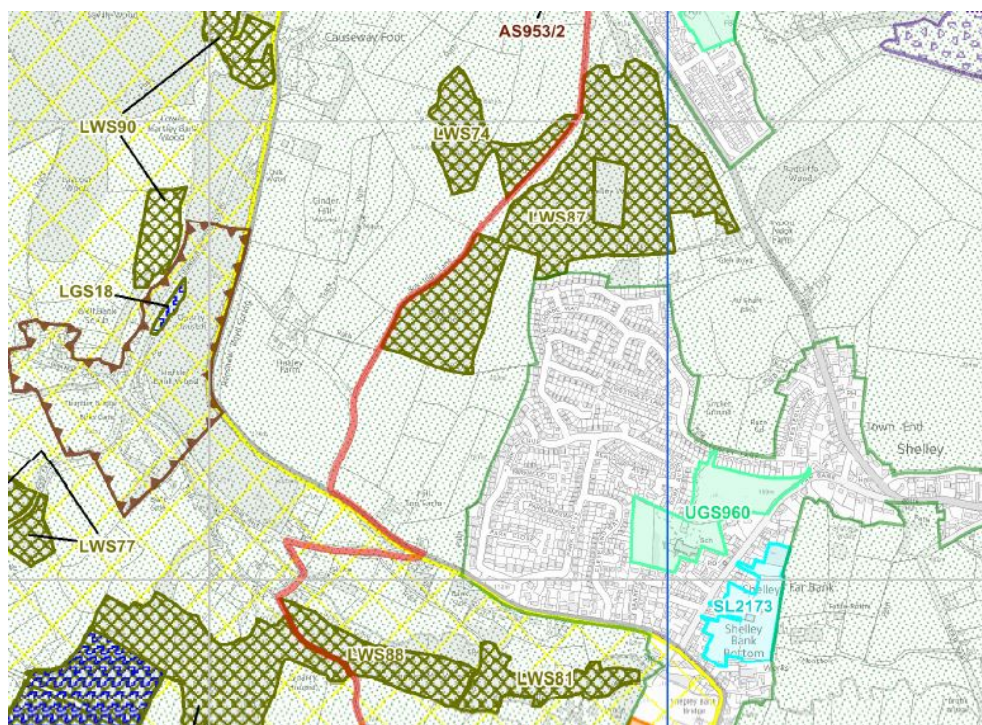


Figure 2: Site Allocations Plan Publication Draft Proposals Map for Shelley

The Green Belt on the western side of Shelley is bounded to the north by Shelley Wood (LWS87), to the east by the rear garden boundaries of properties on Park Avenue and Hawthorne Way, to the south by the A629 Penistone Road, and to the west by the access

road to Healey Farm, Box Ings Lane and the Trans Pennine Trail. The Trans Pennine Trail at this point runs along Box Ings Lane and the access road to Healey Farm. Beyond the Trans Pennine Trail is Healey Farm itself and Penistone Road which at this point has doglegged and is now running north to south. The distinct demarcation of the walled boundaries and tarmaced Healey Farm access road and the walled and tree'd Box Ings Lane segregate this area from the surrounding countryside. This is amplified by the Trans Pennine Trail, which extends to the north and the role and function of Healey Greave Wood, which demarks and effectively encloses this area.

This parcel of land can therefore be considered in isolation. This area contains Healey Greave Wood, an undulating area of open meadow and arable land.



Figure 3: Area assessment of Green Belt to West of Shelley



In relation to the importance and purpose of this land within the wider Green Belt, it is evident that it already is of mixed quality with the majority of the area in agricultural use.

**Area 1 – Land off Penistone Road:** This area comprises farmland and farmsteads. It is visually contained as it abuts the urban area of Shelley to the east, Healey Greave Wood to the north and strong hedgerows and trees, Healey Farm access road and trees to the west and Penistone Road to the south. Along the southern boundary are two farmsteads/former farmsteads which are accessed off Penistone Road. The area is therefore contained within its setting and development would not lead to unrestricted sprawl or encroachment as each boundary is strong and the site is contained. The area is criss-crossed by low dry stone walls and interspersed with vegetation. Development would also not lead to the coalescence of towns as the nearest towns to the west are Brockholes and Honley around 3 miles away; whilst the small hamlet of Thunderbridge is washed over in the Green Belt and is visually contained in its own setting in the valley below Penistone Road around half a mile away. The whole site is contained by existing landforms and developments and hence the degree of encroachment into the countryside would be minimised. The area has no impact upon the setting of a historic town. The area therefore scores **low** in terms of Green Belt purposes.

**Area 2 – Healey Greave Wood:** This area comprises Healey Greave Wood which is a local wildlife site. This area has a prominent position being on a slight rise in the landscape. The site is bound by the Trans Pennine Trail to the west, further woodland to the north (Shelley Wood), the open meadow of Area 3 to the east and the fields of Area 1 to the south, beyond which is Penistone Road. Due to its prominent position in the landscape and the fact that it is not connected to the urban area, means that development of it would be considered as leading to unrestricted sprawl or encroachment into the countryside. The area has no impact upon the setting of a historic town. The area therefore is of **high** importance in terms of Green Belt purposes.

**Area 3 – Land off Hawthorne Way:** This area forms an undulating open meadow between the built up area of Shelley and Healey Greave Wood. It forms an informal area of amenity open space, which is criss-crossed by formal and informal footpaths. The area is bound to the west by Healey Greave Wood, to the north by Shelley Wood, to the east by Shelley itself and to the south by a footpath and a wide band of trees beyond which are the fields of Area 1. The site is therefore contained within its setting and would not lead to unrestricted sprawl or encroachment. Development would therefore not lead to the

coalescence of towns. The area has no impact upon the setting of a historic town. The area therefore scores **low** in terms of Green Belt purposes.

## **5.2. Stage Two: Assessment of Area One – Penistone Road, Shelley Site Assessment**

The Stage One assessment shows that Area 3 – Land off Hawthorne Way scores low in terms of Green Belt purposes. However, this area forms an informal area of amenity open space and meadow area, which along with Healey Greave Wood is managed by Kirklees Council. The area has therefore been discounted for housing purposes.

Area One – Land off Penistone Road also scores low in terms of Green Belt purposes and hence will be considered at the next stage of the assessment for employment purposes. This seeks to refine the review to ensure that ‘deliverable’ sites are identified and assessed. This sift should remove land which falls within formal national-level Statutory Designations such as SSSIs, RAMSAR, National Parks as it is unlikely that such land would be deemed suitable and deliverable, and therefore it is not appropriate that this land remains in the assessment process.

The methodology includes an assessment of site constraints including both quantitative constraints and qualitative constraints to help further refine the general areas which will then assist in identifying potential suitable sites for release from the Green belt.

### **5.2.1. Quantitative Constraints**

Quantitative Constraints include Flood Risk (referencing Environment Agency Flood Risk Zones 1, 2, 3a and 3b) or Other Statutory Designations (Conservation Areas, Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens). As such, a quantitative constraints appraisal has been undertaken in respect of Area 1 and is detailed on the table below:

<b>Non Policy Designation or Planning Consideration</b>	<b>Site Address / Proximity to the Site</b>
Flood Risk Zone	The site is located in Flood Zone 1 and is therefore not at risk from flooding.
Conservation Areas	The site is not located within or adjacent to a defined Conservation Area.
Listed Buildings	There are no known listed buildings located on the site or within close proximity to the site which development of this parcel of land would have an impact upon.
Ancient Monuments	There are no known ancient monuments located on the site or within close proximity to the site which development of this parcel of land would have an impact upon.
Tree Preservation Orders	There are two TPOs located on the eastern boundary, which can be accommodated within the development and as such the development would not have an impact upon.
Registered Parks and Gardens	There are no known Registered Parks and Gardens located on the site or within close proximity to the site which development of this parcel of land would have an impact upon.

<b>Non Policy Designation or Planning Consideration</b>	<b>Site Address / Proximity to the Site</b>
SSIs/SSSIs	The site is not identified as a SSI / SSI. There are no known SSIs or SSSIs located on the site or within close proximity to the site which development of this parcel of land would have an impact upon.
Air Quality Management Area	The site is not located within an AQMA.
Other Ecology Designations	Healey Greave Wood is located on the northern boundary and is separated from the site by a wall and footpath. The development will therefore not have an impact upon the woodland.
Heritage Assets	There are no known Heritage Assets located on the site or within close proximity to the site which the development of this parcel of land would have an impact upon.
Rights of Way (including PROW, bridleways etc.)	There is a public footpath located within the site along the south eastern boundary and an informal footpath within the site along the northern boundary. Outside of the site the Trans Pennine Trail is located along the western boundary and a footpath is also located along the northern boundary. There are no footpaths or bridleways within the main body of the site.

<b>Non Policy Designation or Planning Consideration</b>	<b>Site Address / Proximity to the Site</b>
AONB or Landscape Designation	There are no known AONBs or Landscape designations on or adjacent to the site.

### 5.2.2. Qualitative Constraints

Qualitative constraints are noted as Land Use and Built Environment; Biodiversity and Natural Environment, including specified designations, and the biological, ecological and natural environmental characteristics of an area; Topography; Landscape Character and Visual Assessment; Historic Environment (the character, sensitivity and value of an area's historic environment); Infrastructure 'show-stoppers'; and Access/ Accessibility and Connectivity.

#### **Land Use**

The site currently comprises agricultural land.

#### **Biodiversity and Natural Environment**

There is no known ecology designations located on the site or within close proximity to the site which the development of this parcel of land would have an impact upon.

#### **Topography**

The site is broadly flat but rises slightly at the northern end of the site and as such the site is contained within its setting due to its enclosure by the woodland to the north, Shelley to the east and the tree belts, hedgerows and walls demarking the Trans Pennine Trail to the west.

#### **Landscape Character and Visual Assessment**

There are no known AONBs or Landscape designations on or adjacent to the site. A High Level Landscape Assessment has been undertaken by Spawforths Landscape Architects which indicates that the development of this parcel of land would have a limited impact on the visual openness of the existing landscape, given its location and surrounding residential

development. There are limited longer distance views from the south due to the contained nature of the area and limited open views from or into the site.

The photographs below have been taken from within the site:



Photo 1: View north from Penistone Road along eastern boundary



Photo 2: View westward into site from Penistone Road



Photo 3: View across site towards northern boundary and woodland



Photo 4: View eastwards towards Shelley from the western boundary of the site

### **Historic Environment**

There are no known Heritage Assets located on the site or within close proximity to the site which the development of this parcel of land would have an impact upon.

### **Infrastructure ‘show stoppers’**

There are no known infrastructure issues within close proximity to the site which the development of Penistone Road, Shelley would have an impact upon. Vehicular access can be achieved via the A629 Penistone Road and is well served by utilities.

### **Access/Accessibility and Connectivity**

The main access into the site will be taken from Penistone Road. It is considered that a safe and suitable accesses can be created into the site, and that the development would not have a significant detrimental impact on the local highways network. There is therefore no insurmountable constraint with regard to impact on local highways and access.

The site fronts on to the A629 which provides good accessibility to Huddersfield and Sheffield and onwards to the M1 and M62 Motorways. The site is adjacent to a number of bus stops which provide access to routes, including towards Huddersfield Town Centre and Denby Dale (Routes 80, 81, 82, 83 and 84). The site is also only around 1 mile to Shepley train station which has routes to Huddersfield and Sheffield. The site is close to services and facilities, including schools, local shops and employment opportunities. The site is approximately 7 miles from Huddersfield Town Centre. The site is therefore in a sustainable and accessible location.

### **Effective Use of Land**

Although the site is greenfield, the proposed scheme will utilise and enhance existing infrastructure. Although the site is not previously developed it is currently under-utilised. The site is easily accessible and the proposed main access is off Penistone Road. The scheme is therefore making an efficient and effective use of land and infrastructure.

### **5.2.3. Technical Assessment of Green Belt Boundary**

The Framework explains that there are five purposes of including land within the Green Belt, which are:

1. To check the unrestricted sprawl of large built up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and



5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Contextually, the site is “contained” by development and activity being adjacent to residential properties, businesses and properties along Penistone Road, an access road to a farm and the Trans Pennine Trail and woodland to the north. Within this context the release of the site from the Green Belt has limited impact on “openness” and that redevelopment of the site would have low impact on the purposes of including land within the Green Belt.

Paragraph 85 of the Framework states that Green Belt boundaries should be drawn so as not to include land which it is unnecessary to keep permanently open. The site lies on the edge of Shelley with residential development located to the east and the A629 Penistone Road to the south, Healey Farm access road and the Trans Pennine Trail to the west and woodland/meadow to the north.

Penistone Road, Shelley is therefore “contained” and will not lead to unrestricted sprawl or encroachment. The site is located on the edge of Shelley and is contained within its setting. The site would not therefore lead to the coalescence of towns. Whilst the development would result in development of some countryside the degree of encroachment into the countryside would be minimised. The site has no impact upon the setting of a historic town.

The current location of the Green Belt boundary around Shelley is not robust and does not accord with the Framework where boundaries should be clearly defined using readily recognisable features to ensure permanency. In this area the Green Belt boundary is drawn tightly around the edge of Shelley. The boundary in this location is defined by the rear boundaries of properties along Park Avenue and Hawthorn Way, which are primarily low walls and fences as shown in the photo below:



Photo 5: View of rear boundary wall of properties along Park Avenue and Hawthorne Way

The built form surrounding the site suggests that the existing Green Belt boundary is not one that is logical. The proposed new boundary would be defined by roads (A629 Penistone Road and Healey Farm access road which are both well-defined) and tracks (Box Ings Lane) which is clear and well defined by trees, hedgerows and walls). Healey Farm access road and Box Ings Lane also form the Trans Pennine Trail in this location. To the north the boundary would be formed by Healey Greave Wood and meadow with the boundary formed by woodland, wide tree belt and thick hedgerows and a well-defined footpath. This boundary would accord with the Framework and ensure that the Green Belt is clearly defined using readily recognisable features to ensure permanency reinforcing the urban context whilst providing a robust boundary for the future.

All the boundaries have the potential to be further reinforced within the site through additional planting to ensure an effective transition between the development and the countryside beyond.



Figure 4: Proposed Green Belt boundary to the west of Shelley

The photos below illustrate the new Green Belt boundary:



Photo 6: View along southern boundary with Penistone Road



Photo 7: View along western boundary (Healey Farm access Road)



Photo 8: View along western boundary (Box Ings Lane / Trans Pennine Trail)



Photo 9: View along northern boundary

#### **5.2.4. Re-Appraisal against The Council's Assessment Process**

The Council's assessment criteria are attached at Appendix 2. The assessment shows:

<b>Green Belt Review Stage</b>	<b>Analysis</b>	
<b>Test 1a – Topography Constraint / Slope Analysis</b>	The site is broadly flat and therefore there are no topographical constraints.	None or minor
<b>Test 1b – Physical Constraint</b>	Within the site there are no listed buildings, conservation areas, ancient monuments. There are no mineral workings or waste disposal sites in the vicinity. There is no infrastructure which is a potential barrier or existing built form within and around the area under consideration	None/minor
<b>Test 1c – Environmental Constraint</b>	The site is in Flood Zone 1 and is not at risk from flooding. There is no known ecology designations located on the site or within close proximity to the site. There are no buffer zones related to hazardous installations, pipelines, power lines and landfill gas. The site is a significant distance from the Peak District National Park. There are two TPOs located on the eastern boundary, which can be accommodated within the development, similarly Healey Greave Wood is located on the northern boundary separated by a wall and footpath and as such the development would not have an impact.	None/minor
<b>Stage I conclusion</b>	The site is not considered to be constrained by either slope, physical or environmental factors.	

<b>Green Belt Review Stage</b>	<b>Analysis</b>	
<b>Test 2a – Preventing neighbouring towns from merging</b>	There is an extensive gap between the site and the nearest town. Therefore the site can be accommodated without significantly reducing separation from neighbouring towns.	Extensive gap
<b>Test 2b – Checks unrestricted sprawl</b>	The site will not lead to unrestricted sprawl. The site is well contained within its setting providing a stronger boundary than that which exists, which runs along the rear boundaries of properties. The new boundary will be Penistone Road, an access road to Healey Farm, the Trans Pennine Trail and woodland. These are all strong physical boundaries and in the context of the Council assessment are “black” boundaries which are constraints and absolute barriers which cannot be breached.	Will not lead to unrestricted sprawl
<b>Test 2c – Safeguarding the countryside from encroachment</b>	The site is well contained by development and activity being adjacent to residential properties, businesses and properties along Penistone Road, an access road to a farm and the Trans Pennine Trail and woodland to the north. The site therefore is an urban fringe location on the edge of Shelley and is not associated with the wider countryside.	Will not lead to encroachment
<b>Stage 2 Conclusion</b>	The site is well contained and does not prevent neighbouring towns from merging; it will not lead to unrestricted sprawl or encroachment.	

<b>Green Belt Review Stage</b>	<b>Analysis</b>
<b>Overall Conclusion</b>	The site satisfies both parts of the Council's Tests. There are no physical constraints and the site does not serve a Green Belt purpose. The site therefore has a less important role based on the Council's matrix.



## 6. Conclusions

The Green Belt Assessment has been undertaken in two stages:

1. Consider the Green Belt strategically on the western side of Shelley in the context of the Draft Local Plan; and
2. Consider Penistone Road, Shelley (HI69) against the five purposes.

The Assessment has also considered the Penistone Road, Shelley site in the context of the Council's own Green Belt Assessment criteria.

The Assessment has shown that Penistone Road, Shelley is contained and will not lead to unrestricted sprawl or encroachment. The site is located on the edge of Shelley with residential development located to the east and the A629 Penistone Road to the south, Healey Farm access road and the Trans Pennine Trail to the west and woodland/meadow to the north.

The site would not therefore lead to the coalescence of towns. Whilst the development would result in development of some countryside the degree of encroachment into the countryside would be minimised. The site has no impact upon the setting of a historic town.

The current location of the Green Belt boundary around Shelley is not robust and does not accord with the Framework where boundaries should be clearly defined using readily recognisable features to ensure permanency. In this area the Green Belt boundary is drawn tightly along the rear garden boundaries of properties along Park Avenue and Hawthorne Way.

The proposed new boundary would be defined by roads (A629 Penistone Road and Healey Farm access road which are both well-defined) and tracks (Box Ings Lane) which is clear and well defined by trees, hedgerows and walls). Healey Farm access road and Box Ings Lane also form the Trans Pennine Trail in this location. To the north the boundary would be formed by Healey Greave Wood and meadow with the boundary formed by trees and a well-defined footpath. This boundary would accord with the Framework and ensure that the Green Belt is clearly defined using readily recognisable features to ensure permanency reinforcing the urban context whilst providing a robust boundary for the future.

All the boundaries have the potential to be further reinforced within the site through additional planting to ensure an effective transition between the development and the countryside beyond.

## 7. Appendices

## **Appendix I: Strategic Location of Site**



KEY



Site area



Key Roads



Railway



Public Footpaths



Public Bridleway



Trans Pennine Trail



Green Belt boundary

Kirkburton

A629

A6116

Site

Shelley

Stocksmoor

Shepley

Shepley

A635

2km

1km



## **Appendix 2: Council's Green Belt Assessment Methodology**

### GREEN BELT ASSESSMENT MATRIX

Degree of importance of green belt role				
Less important role		Moderately important role		Important role
1	2	3	4	5

Green Belt Purpose			Assessment conclusion: green belt role points
Checking unrestricted sprawl of built up areas	Safeguarding countryside from encroachment	Preserving setting & special character of historic towns	
<i>Less important</i>	<i>Less important</i>	<i>Less important</i>	1
<i>Less important</i>	<i>Less important</i>	<i>Moderate</i>	2
<i>Less important</i>	<i>Less important</i>	<i>Important</i>	3
<i>Less important</i>	<i>Moderate</i>	<i>Less important</i>	2
<i>Less important</i>	<i>Moderate</i>	<i>Moderate</i>	3
<i>Less important</i>	<i>Moderate</i>	<i>Important</i>	3
<i>Less important</i>	<i>Important</i>	<i>Less important</i>	3
<i>Less important</i>	<i>Important</i>	<i>Moderate</i>	3
<i>Less important</i>	<i>Important</i>	<i>Important</i>	4
<i>Moderate</i>	<i>Less important</i>	<i>Less important</i>	2
<i>Moderate</i>	<i>Less important</i>	<i>Moderate</i>	3
<i>Moderate</i>	<i>Less important</i>	<i>Important</i>	3
<i>Moderate</i>	<i>Moderate</i>	<i>Moderate</i>	3
<i>Moderate</i>	<i>Moderate</i>	<i>Less important</i>	3
<i>Moderate</i>	<i>Moderate</i>	<i>Important</i>	3
<i>Moderate</i>	<i>Important</i>	<i>Important</i>	4
<i>Moderate</i>	<i>Important</i>	<i>Less important</i>	3
<i>Moderate</i>	<i>Important</i>	<i>Moderate</i>	3
<i>Important</i>	<i>Less important</i>	<i>Less important</i>	4
<i>Important</i>	<i>Less important</i>	<i>Moderate</i>	4
<i>Important</i>	<i>Less important</i>	<i>Important</i>	5
<i>Important</i>	<i>Moderate</i>	<i>Less important</i>	4
<i>Important</i>	<i>Moderate</i>	<i>Moderate</i>	4
<i>Important</i>	<i>Moderate</i>	<i>Important</i>	5
<i>Important</i>	<i>Important</i>	<i>Important</i>	5
<i>Important</i>	<i>Important</i>	<i>Less important</i>	5
<i>Important</i>	<i>Important</i>	<i>Moderate</i>	5