
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Dec-2021

Subject: Planning Application 2021/91826 Variation of Condition 30 (Restoration Scheme) of previous permission 2000/90671 for the extension of Carr Hill Quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes, consolidating permission 1987/05723 Extension of a disused quarry for winning minerals and subsequent backfilling with approved inert waste Carr Hill Quarry, Barnsley Road, Shepley, Huddersfield, HD8 8XN

APPLICANT

Danny Watson, PMW
Quarries Ltd

DATE VALID

20-May-2021

TARGET DATE

15-Jul-2021

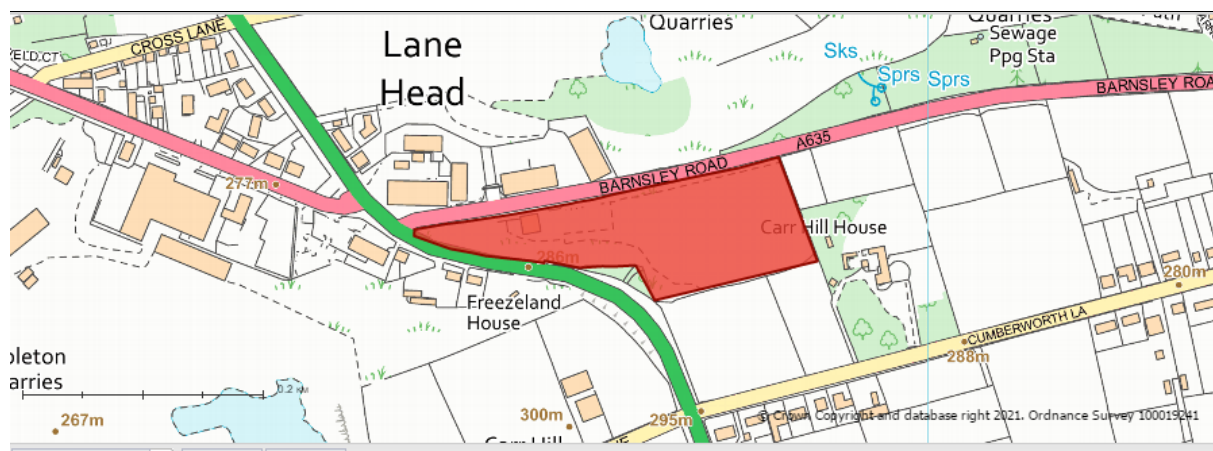
EXTENSION EXPIRY DATE

23-Jul-2021

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Denby Dale

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

Refuse planning permission for the following reason:

1. The proposed revision to the previously-approved restoration scheme includes the introduction of an engineered retaining structure and the retention of a level area, which would harm the visual amenities of the site and its context, would detract from local landscape character, would have an urbanising effect on the site and its surroundings, would result in development encroaching into the countryside, would result in built-up sprawl in the green belt, would fail to preserve the openness of the green belt, and would conflict with the purpose of including the land within the green belt. The proposed soft landscaping would not mitigate the harmful impact of the proposal. The proposal does not fall under any of the exceptions listed under paragraphs 149 and 150 of the NPPF. The proposal is, by definition, inappropriate development in the green belt, and very special circumstances (which clearly outweigh this inappropriateness and other harm) have not been demonstrated. The proposal is therefore contrary to policies LP32 and LP37 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), and seeks to vary condition 30 (restoration scheme) of previous permission ref: 2000/90671.
- 1.2 The application is brought to Strategic Planning Committee (SPC) for determination under the terms of the Delegation Agreement following a request from Ward Councillor Michael Watson. Cllr Watson's grounds for requesting a committee decision are set out at paragraph 7.3 below.
- 1.3 The SPC Chair has confirmed that Cllr Watson's request is valid having regard to the Committee protocol.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site lies approximately 1km southeast of Shepley village and is situated south of and immediately adjacent to the A635 Barnsley Road. Access into the site is approximately 120m metres east of the sovereign crossroads junction with the A629 Penistone Road. The surrounding area is rural in character and the site lies within the green belt.

- 2.2 A mobile crusher / screen plant for recycling of construction, demolition and exaction waste is in operation within the northeast part of the site. This was granted permission under planning application ref: 2011/91942. The permission expires at the same time (31/08/2022) the previously approved restoration scheme should be completed under application ref:2000/90671.
- 2.3 The site also accommodates a workshop / garage west of the site entrance. This was recently confirmed to be lawful for the purpose of planning control under a certificate of lawful development application ref: 2020/93854. Both facilities are served by the existing gated access from Barnsley Road. The site is bound by a palisade fence and an earth bund with landscaping which has matured over time along this road frontage. The site appears to have been restored in part with higher land levels along the southern end of the site adjacent to Penistone Road. Part of this boundary also benefits from mature landscaping. The character of the landscape in the vicinity of the site is that of gently undulating managed pasture / scrub and arable fields with pockets of woodland and intermittent residential elements.

3.0 PROPOSAL:

- 3.1 The application is a resubmission of planning application 2019/93039, refused on 17/12/2021. This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to amend / vary the previously-approved restoration scheme under planning permission 2000/90671 by varying the wording of condition 30, which reads:

After completion of minerals extraction, the site shall be reclaimed progressively in accordance with a detailed scheme submitted for the approval of the Mineral Planning Authority prior to the commencement of backfill operations using imported waste. Unless otherwise agreed in writing by the Mineral Planning Authority the submitted scheme shall provide for;

(a) the phasing and direction of the backfilling of the site with imported waste.

(b) the removal of plant, buildings and structures, machinery and haul roads.

(c) the whole of the area indicated by a brown line on Drawing No.CH006 revision 1 to be planted as amenity woodland.

(d) the location of areas to be restored to woodland, agriculture and the location of hedges, fences and gates.

(e) the use of cell grown tree and shrub plants only; in the approved planting scheme submitted on 5th May 2000 quercus petraea specimens being replaced by quercus robur and the nurse species larix euroleptis and picea sitchensis being replaced by quercus robur anfraxinus excelsior.

(f) on areas of the site to be restored for agriculture a minimum combined depth of 1 metre of topsoil, subsoil and subsoil forming materials shall be placed on the surface of the final waste deposit.

(g) on the areas of the site to be restored for woodland a minimum depth of 1.5 metres of subsoil and subsoil forming materials shall be placed directly on top of the final waste deposit.

(h) the ripping of any compacted layers of final cover on the backfilled waste deposit to ensure adequate drainage and aeration before the spreading of topsoil.

- (i) the final levels and contours of the restored land graded to prevent ponding and promote good drainage*
- (j) grass seeding of any areas to be reclaimed to agriculture*
- (k) details of trees and shrubs to be planted, species, size, density and method of planting, protection against pests by the use of tree shelters, weed control, trees and shrubs to be native specie*
- (l) a land drainage scheme for the restored land to be implemented after the completion of settlement.*
- (m) the removal of all soil storage mounds.*
- (n) new fences, gates and stiles to be in the local style.*
- (o) programme of works.*

3.2 The variation and new wording sought is:

“After the completion of quarrying and backfill, the site shall be reclaimed in accordance with drawings R-2261-1D, PMW/01/01B and 10158A/01C, together with the revised supporting statement dated April 2021”.

3.3 In this instance whilst the applicant has applied to vary one specific planning condition attached to planning permission 2000/90671, Section 73 of the Town and Country Planning Act 1990 (as amended) allows a Local Planning Authority to review all the planning conditions included on that planning permission to update, amend or omit them if required. In the event the proposals are supported by Members, consideration of previous conditions will also be necessary.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2020/93854 – Certificate of lawfulness issued 29/01/2021 for existing use of detached garage for the repair, maintenance and storage of vehicles including those not associated with activities at Carr Hill Quarry.
- 4.2 2019/93039 – Variation of condition 30 (restoration scheme) of previous permission 2000/90671 for extension of Carr Hill quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes – refused 17/12/2019.
- 4.3 2011/91942 – Use of land for recycling of construction, demolition and excavation waste – granted 22/12/2011 subject to all recycling activities at site ceasing by 31/08/2022 under condition 3)
- 4.4 2005/93719 – Telecommunications notification for the prior approval of details for erection 15 metres column 3 pole width, 2 antennas, 1 transmission dish and 1 equipment cabinet – refused 10/10/2005.
- 4.5 2005/90132 – Parking of heavy goods vehicles – refused 13/05/2005 – appeal dismissed November 2005 in relation to the creation of a level area (see assessment below, paragraphs 10.4 and 10.5).
- 4.6 2002/94011 – Erection of detached garage for the maintenance and storage of vehicles associated with ongoing activities at Carr Hill quarry – granted 20/01/2003 for a limited basis to expire on 31/12/2007.

4.7 2000/90671 – Extension of Carr Hill quarry including the extraction of sandstone and clay, associated ancillary activities and its restoration by means of infill with inert wastes – granted 31/08/2000 and condition 30 subsequently discharged.

4.8 1987/05723 – Extension of disused quarry for winning minerals – granted 23/02/1988.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

6.2 The site is in the green belt on the Kirklees Local Plan and relates to an operational quarry where all mineral has been exhausted and restoration has been commenced in part. Relevant Local Plan policies include:

LP21 – Highways and access

LP32 – Landscape

LP37 – Site restoration and aftercare

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.3 Relevant guidance and documents are:

- National Planning Practice Guidance
- National Planning Policy for Waste

National Planning Policy and Guidance:

6.4 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

Section 6 – Building a strong, competitive economy

Section 13- Protecting Green Belt Land

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 17 – Facilitating the sustainable use of minerals

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by a site notice and a press notice published on 11/06/2021 in accordance with the adopted Statement of Community Involvement. Members for Denby Dale ward were also notified. The end date for publicity was 02/07/2021. No local representations were received.
- 7.2 Denby Dale Parish Council – No objection.
- 7.3 Councillor Watson commented as follows:

The Development Plan and The Various Policies

I understand that this is proposed development in the green belt and therefore the application will have to be considered in this context. Given this the process is likely to benefit from the opportunity for interested parties to address the committee members given the potential impact of the decision on the viability of other aspects of the site.

The Planning History of the Site

The current application is intrinsically linked with the long planning history of the site and, therefore, it is important that this should be fully considered and the current application would benefit from being determined by the committee with the benefit of full representations in relation to the planning history of the site and how that has shaped the current situation on site.

The views of local people insofar as they are based on relevant planning issues.

Given the use of the site over many years this is not simply an open and shut case of considering new development in the green belt but rather there appear to be more subtle issues to be considered and with this in mind it would seem prudent to have these matters tested before, and ultimately determined by, the Heavy Woollen sub-committee with members of the local community having the opportunity of addressing the committee directly if they are so minded.

This letter is not intended to be any form of representation as to the merits of the application. It is also not intended to suggest any criticism of officers in their ability to exercise delegated powers to determine planning applications but rather having considered the specific provisions of the council's constitution in relation to referral by members it seems to me that this is an application that satisfies a number of the material considerations.

It also seems to me that it is very much in the interests of everyone involved that it should be determined by the sub-committee having regard to the fact that it relates to a site that historically provided employment within the ward and the outcome is potentially of interest to a number of residents in the ward and accordingly I would venture to suggest that it would be both proper and prudent that elected members should have responsibility for the decision.

Accordingly, I should be grateful if you could arrange for it to be referred as requested.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 Environment Agency – This development has an existing permit under the Environmental Permitting (England and Wales) Regulations 2016, which has differing landform levels to that within the existing planning permission. Should a site deposit more waste than is permitted, or a finished landform that differs from that submitted as part of the permit application, enforcement action may be taken by the Environment Agency.

Based on the information submitted with the planning application, we have not identified any major concerns, though if anything in the planning application is not in the Environmental Permit, then a variation of the Environmental Permit may be required.

This falls outside of our groundwater consulting screening tool (minor aquifer) but we wouldn't have an objection. The variation will have minimal impact on groundwater.

8.3 KC Highways Development Management – A similar proposal was refused on the grounds that the development would harm the openness of the green belt. No highway issues were raised at this time. An existing access is retained, as is off-street space for parking and internal turning. The proposals do not generate any highway concerns, and the scheme is therefore acceptable from a highway perspective.

8.4 Non-statutory:

8.5 KC Ecology – [comment on previous application ref: 2019/93039] No objection based on the scheme presented in the Landscape Details drawing.

9.0 MAIN ISSUES

- Relevant background
- Principle of development and green belt impact
- Other harm
- The applicant's case
- Impact on surrounding amenity
- Highway matters
- Conclusion

10.0 APPRAISAL

Relevant background

10.1 The proposal seeks to amend / vary the previously-approved restoration scheme approved under condition 30 of planning permission ref: 2000/90671. The following paragraphs set out the most relevant events in relation to permissions / refusals at this site since that 2000 permission was granted.

- 10.2 Temporary permission was granted in January 2003 for the erection of a detached garage for the maintenance and storage of vehicles associated with ongoing activities at Carr Hill Quarry under application 2002/94011. That permission expired on 31/12/2007 and upon expiration the site was required to be restored. This was not done and the matter was raised with the applicant by officers at the time of considering application ref: 2019/93039 (see 10.6 below).
- 10.3 A certificate of lawful development was received last year and granted for the retention of the garage / workshop under application 2020/93854. The lawful use under the certificate of lawful application is for the repair, maintenance and storage of vehicles including those not associated with activities at Carr Hill Quarry.
- 10.4 In May 2005 an application (ref: 2005/90132) to create a level plateau area of approximately 160sqm within the site, along the road frontage, was refused on grounds of inappropriate development in the green belt and the impact on visual amenity (due to the proposed parking of vehicles on the level area). An appeal was lodged against the decision and dismissed in November 2005.
- 10.5 The Inspector concluded that creating a level area within the site approximately 160sqm in size and close to and to the east of the entrance and front boundary would be visually intrusive, despite the screening mound to the east of the site entrance. In addition, the Inspector acknowledged the examples quoted by the applicant of other green belt developments in the locality, particularly those on the opposite side of the road. The Inspector concluded none of the quoted cases could be compared to the appeal proposals. This appeal decision is valid and remains a material consideration as the circumstances in terms of considering inappropriate development in the green belt remain the same.
- 10.6 Temporary permission was also granted at the site in December 2011 for use of land for a mobile crusher / screening plant for recycling of construction, demolition and excavation waste under application ref: 2011/91942. All activities should cease by 31/08/2022 under condition 3 of the permission, and the site is required to be restored.
- 10.7 In December 2019, an application was refused for similar proposals (to those now proposed) on green belt grounds, for which no very special circumstance existed to outweigh the inappropriate development and other recognised harm.

Principle of development and green belt impact

- 10.8 The NPPF confirms that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open, and identifies five purposes of the green belt (paragraphs 137 and 138). The most relevant to this case being, a) to check unrestricted sprawl of large built-up areas, and c) to assist in safeguarding the countryside from encroachment. Paragraphs 147 and 148 of the NPPF state that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances which clearly outweigh the harm to the green belt by reason of inappropriateness and any other harm. All proposals for development in the green belt should be treated as inappropriate unless they fall within the exceptions set out in paragraphs 149 or 150 of the NPPF.

- 10.9 At the time of considering the 2019 application, it was common ground between the applicants and officers that the proposals were inappropriate development as they did not fall within one of the exceptions set out in the NPPF. The supporting statement accompanying the 2019 application acknowledged this.
- 10.10 The supporting statement accompanying this application states:
- "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it." One of the listed forms of development is "mineral extraction". When the quarry was extended in 2000 under permission reference 2000/62/90671/EO, and on previous occasions, account will have been taken of the Green Belt status of the Site. The decision to grant permission, since the policy guidance was very similar if not the same, would have been on the basis that quarry operations including restoration preserved openness and did not conflict with the purposes of including land in the Green Belt. The principle of the restoration of the quarry was therefore not inappropriate development in the Green Belt. In the context of this application to vary the restoration scheme, the use to which the land would be put following restoration would remain the same as with the current approved restoration landform, with the exception of the garage, access and hardstanding. The level area facing Barnsley Road, would assist with an agricultural use for stocking."*
- 10.11 In response to the applicant's statement above, it is agreed that the principle itself of a restoration scheme would not be considered inappropriate development, nor would the proposed end use, provided the restoration scheme and end use would prevent urban sprawl and would preserve the openness of the green belt. Planning permission ref: 2000/90671 considered the principle of restoration to be appropriate, however as no details for the restoration scheme were submitted at the time, a condition (30) was imposed on the permission to allow for full details of a restoration scheme of the site to be submitted and approved. The previously approved scheme under condition 30 did not raise concerns in relation to green belt and was considered appropriate development as it proposed to return the site near to its original land levels, with soft planting and dry stone walls to match existing walls in the locality.
- 10.12 Minerals have been exhausted from the site. The details approved in relation to condition 30 of application ref: 2000/90671 indicated returning the site back near to the original land levels, with work to be carried out in four separate phases. Phases 1, 2 and 3 of that restoration scheme show the retention of the garage / maintenance workshop, with it to be removed prior to the commencement of phase 4. Phase 4 involved the remainder of the void being infilled and brought back near to the site's original land levels. The site access is shown to be retained to form an agricultural access with the final stages of the approved scheme providing soft landscape planting with the inclusion of dry stone walls / gates.

- 10.13 The detached garage / workshop for the repair, maintenance and storage of vehicles was granted to be lawful, after the 2019/93039 revised restoration refusal. Therefore, this building is to be retained. Whilst it is reasonable to allow for an area of hardstanding (serving the garage) to be retained for manoeuvring of vehicles associated with the lawful use of the garage / workshop, the extent of this as shown on the submitted plans does not accord with the hardstanding area shown on phase 3 of the approved restoration scheme and as such has not been approved. The area of hardstanding in association with the use of garage / workshop still needs to be determined and approved – this would need to be done with reference to vehicle swept path diagrams accompanying a formal application.
- 10.14 As noted above, the previously-approved restoration scheme would have ensured a reversion almost to the sites original land levels, creating a sloping hillside in a condition that would contribute to the rural character of the area, with little obvious evidence of large-scale human intervention in the shape of the landscape. The proposed revised scheme, however, differs greatly to that earlier scheme, particularly in relation to the previously-approved land levels.
- 10.15 The current revised restoration scheme proposes to create (or retain) a level area along almost the full length of the road frontage past the gated entrance up to the site's eastern boundary, and introduce an engineered retaining structure to accommodate this flat level area, as shown on drawing R/2261/1D. The level area would be approximately 37m at its widest point and 21m at its narrowest. This is identical to the recent refusal under planning application 2019/93039, albeit now proposed to include planting and grass over the level area.
- 10.16 The revised restoration proposals, by retaining the flat area and introducing a harsh engineered retaining structure to accommodate the proposed flat level area along the full site frontage, would result in an urbanising effect at the site. These elements would clearly read as a human intervention in the landscape. The proposed planting and grass to the flat area would not disguise this scar, and would not mitigate the harm caused.
- 10.17 The unrestored site would result in built-up sprawl in the green belt, and encroachment into the countryside, failing to preserve the openness of the green belt, and conflicting with the purpose of including land within it. The proposal is contrary to paragraph 138 points a) and c) of the NPPF and advice in National Planning Practice Guidance. Very special circumstances do not justify this inappropriate green belt development.

Other harm

- 10.18 Local Plan Policy LP37 states that mineral working will be permitted only where the council is satisfied that the site can be restored and managed to a high standard, and where the proposed restoration is sympathetic to the character and setting of the wider area and is capable of sustaining an appropriate after-use. It adds that "restoration proposals for mineral workings should be designed to (inter alia) ensure that restoration and aftercare is appropriate with regard to the characteristics of the site's surroundings, including landscape character".

- 10.19 The revised restoration proposals, by introducing an extensive level platform along the road frontage, together with the harsh engineered retaining structure would create an inappropriate feature within the local landscape. The resultant impact would not only detract from the landform of the site itself and surrounding topography of the site (which consists of gently undulating fields) but would also cause long term permanent harm to the visual amenity of the area, contrary to Local Plan policy LP37 and advice in the NPPF and National Planning Practice Guidance.
- 10.20 Again, it is noted that there are no very special circumstances that would outweigh the recognised harm that would be caused by the proposal.

The applicant's case

- 10.21 The applicant's supporting statement notes:

"The retention of the garage and the operational land around it, as a permanent lawful use, has changed the circumstances which lead to the refusal of the previous application to discharge the condition".

- 10.22 Of note, however, the previous refusal reason did not exclusively relate to the retention of the garage / maintenance workshop but referred also to the creation of a flat level area along almost the full site frontage and the engineered retaining structure.
- 10.23 The granting of the lawful certificate for the garage does not address the concerns relating to preserving the openness of the greenbelt but evidences that the garage is lawful for the purpose of planning control and immune from enforcement action. No level area within the site benefits from the granting of the certificate of lawfulness. The current level areas are used in association with the mobile recycling and screening plant, for which the permission expires in August 2022, the same time the restoration is required to be implemented.
- 10.24 The following is an outline of the applicant's other arguments in support of the proposed revised restoration scheme, along with officers' response to each point:

1. The western end of the gabion wall is required to provide a stable slope above the access and hardstanding.

Officer's response:

The existing stone boulders within the northwest part of the site were placed as toe reinforcement approximately 20 years ago. No evidence or survey results have been provided in the submission documents that suggest there is instability within or close to the entrance to the site or the garage / workshop, which has been operating without any apparent instability issues affecting land surrounding it. The proposed engineered retaining structure is required by the applicant to accommodate the proposed level area beyond the site entrance towards the eastern part of the site, and not the site entrance or land around the garage / workshop.

2. The 1.5m high retaining structure is necessary to provide slope stability whilst enabling a grassed level area on the site frontage to assist with future agricultural use to offer the ability for sheep grazing, to control stock, to bring the beasts in and out, and to provide water and winter fodder.

Officer's response:

The introduction of the retaining structure is to accommodate the proposed level area which is considered, as set out in the assessment above, to be inappropriate development. The flat area would urbanise the site and encroach into the countryside. The previously-approved restoration land levels and end use would see the site brought back to a rolling hillside suitable for agricultural use. Sheep are able to graze on sloped land.

3. The current Environment Agency (EA) permit for the site does not allow for the full infill of the quarry, which is to ensure the long-term stability of the quarry faces and could be open to enforcement action from the EA if failing to obtain a permit that coincides with the approved restoration scheme.

Officer's response:

It is accepted that a current EA permit allows for the stabilising of the exposed quarry faces. Drawing 1320-551 Rev A, submitted with the application indicates the restoration contours to be achieved within the EA permit. Whilst this does not accord with the previously-approved land levels under condition 30, the EA permit would ensure the restoration of the site more in keeping with the surrounding landscape. Moreover, it is unlikely to require the proposed retaining structure as this is to accommodate the creation or retention of a level area within the eastern part of the site. Should a proposal come forward for a revised restoration scheme, to accord with the EA permit, this is more likely to be supported by officers, subject to all other considerations. This would avoid the applicant needing to obtain a variation of the current EA permit but also enforcement action by the EA.

4. To achieve level strip along site frontage to enable access to eastern part of restored area to facilitate better drainage.

Officer's response:

No drainage issues were raised at the time of considering the 2019 application and there are no known land drainage issues at this site. Whilst the Local Lead Flood Authority has been consulted and their response will be included in the committee update or presented on the day of committee, it is noted that condition 30 of the 2000/90671 permission requires a land drainage scheme to be approved and implemented after the completion of the settlement of land within the site.

5. The proposed landform will be more open than the approved restoration scheme, in that the steep slope is set back further from the boundary with Barnsley Road. The visual impact will therefore be reduced when compared with the current approved restoration landform.

Officer's response:

There is no definition of openness in the NPPF in the green belt context. However, in an appeal decision relating to a case (ref: 2018/94092, Emley Fields Liley Lane) which was considered at the Strategic Planning Committee meeting of 23/01/2020, the Inspector states (in the green belt context) "it is generally held to refer to freedom from, or the absence of, development".

The proposed engineered retaining structure and retained level area are development, and – as noted above – would urbanise the site, would fail to preserve the openness of the green belt, would detract from the surrounding landscape and would encroach into the countryside. The development would conflict with the purpose of including land within the green belt.

Impact on surrounding amenity

- 10.25 Whilst mineral extraction at the site has ceased, the site also benefits from an extant permission to use part of the site for recycling of waste. Other than the applicant's own dwelling, beyond the southeastern boundary, the nearest other residential properties lie southwest of the site. However, these dwellings are located on a much higher elevated area of land, set back away from the site, separated by a road and adequately screened with existing mature landscaping on the application site's southern boundary. Subject to restoration proposals being carried out in accordance with relevant conditions of the 2000/90671 permission, it is unlikely that the amenity of the occupants of nearby properties including residential properties would be harmed by the proposal.

Highway matters:

- 10.26 The site is currently accessed via a gated access from the A635 Barnsley Road. The access to the site is constructed to a high standard and provides satisfactory access into the site. HGV movements would continue to be restricted under the terms of the current operative planning permission and the current proposal would not involve any increase in the numbers of HGV movements to and from the site.
- 10.27 Highways Development Management have not raised any concerns regarding the proposal.
- 10.28 In light of the above, given the operations including vehicle movements at the site are controlled by the 2000 permission conditions, the proposal accords with Local Plan Policy LP21 and raises no highway safety concerns.

11.0 CONCLUSION

- 11.1 The site is the subject of an approved restoration scheme which would see the site returned near to the original land levels. The approved scheme allows for the access to the site to be retained and for an agricultural access. The final stages of the approved scheme would involve soft landscape planting with the inclusion of dry stone walls / gates.
- 11.2 The proposed revised restoration scheme, by creating a level flat plateau area along the site frontage and introducing a harsh retaining structure, would fail to preserve the openness of the green belt for the reasons set out above in the assessment. No very special circumstances exist that would be sufficiently exceptional to clearly outweigh the harm caused to the green belt by virtue of inappropriate development and other recognised harm, as set out above.
- 11.3 Submitted drawing 1320-551 Rev A, indicates the restoration contours to be achieved within the EA permit. Despite the land levels to be achieved within the current EA permit not according with the approved restoration scheme under condition 30, this is more likely to be supported by officers. It would

result in the site integrating adequately with the rural characteristics of the surrounding landscape of rolling hillsides and would still be suitable for agricultural use after restoration. In addition, this would alleviate the need for a harsh retaining structures to accommodate the proposed level areas, and potential enforcement action by the EA.

- 11.4 Other than the issue of the “site provided employment historically in the ward” all other issues raised by Cllr Watson are taken into account in the assessment above. With respect to employment, there would be no loss as the garage / workshop has been confirmed to be lawful and would be retained.
- 11.5 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice.
- 11.6 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in Section 13 of the NPPF and National Planning Practice Guidance.

12.0 REASON FOR REFUSAL:

1. The proposed revision to the previously-approved restoration scheme includes the introduction of an engineered retaining structure and the retention of a level area, which would harm the visual amenities of the site and its context, would detract from local landscape character, would have an urbanising effect on the site and its surroundings, would result in development encroaching into the countryside, would result in built-up sprawl in the green belt, would fail to preserve the openness of the green belt, and would conflict with the purpose of including the land within the green belt. The proposed soft landscaping would not mitigate the harmful impact of the proposal. The proposal does not fall under any of the exceptions listed under paragraphs 149 and 150 of the NPPF. The proposal is, by definition, inappropriate development in the green belt, and very special circumstances (which clearly outweigh this inappropriateness and other harm) have not been demonstrated. The proposal is therefore contrary to policies LP32 and LP37 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

Background Papers:

Application and history files – see above “Relevant planning history” and “Relevant background” sections.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f91826>

Certificate of Ownership:

Certificate A signed by the agent on behalf of the applicant.