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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 10-Feb-2022**

**Subject: Planning Application 2021/91302 Erection of 7 eco dwellings land off, Netherley Drive, Marsden, Huddersfield, HD7 6HL**

**APPLICANT**

J Carter

**DATE VALID**

09-Jun-2021

**TARGET DATE**

04-Aug-2021

**EXTENSION EXPIRY DATE**

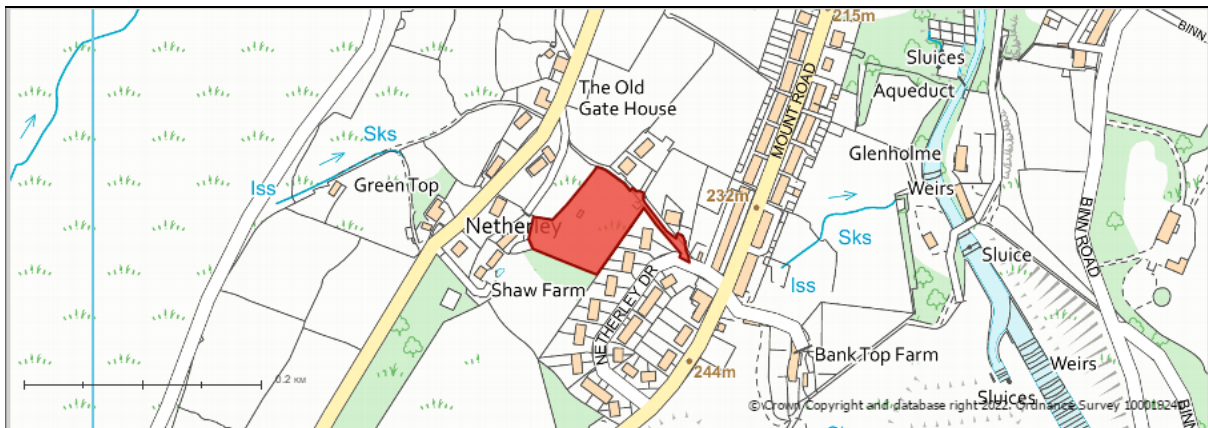
01-Sep-2021

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Colne Valley**

**Ward Councillors consulted: No**

**Public or private: Public**

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**RECOMMENDATION: REFUSAL**

**Reasons for Refusal**

**1. The site is within land designated as Green Belt within the Kirklees Local Plan proposals map. The development of the site for new housing would be inappropriate in principle under paragraphs 149-150 of the National Planning Policy Framework (NPPF), and would cause harm to the Green Belt by extending built development into open land, thereby undermining the aims of the Green Belt as set out in paragraphs 137-138 of the NPPF. Very special circumstances showing that the harm to the Green Belt would in this instance be clearly outweighed by other considerations have not been demonstrated, as required by paragraph 147-148 of the National Planning Policy Framework.**

**2. The access track serving the site is severely substandard owing to its width and gradient, it carries the route of a Public Right of Way (COL/207/40 and 60) and would not be accessible by a standard refuse collection vehicle. It is considered that the development would fail to provide safe or satisfactory access to the site and would materially increase risks to other highway users, including users of the public footpath, contrary to the aims of Policies LP20 and LP21(a, b, e & f) of the Kirklees Local Plan and Design Principles set out the Highways Design Guide SPD.**

**3. Plots 1-3, owing to their scale and layout, would appear visually jarring when seen in a rural context and close to the small vernacular dwellings, 1-4 Manor House Farm. The development as a whole, by introducing housing into an open and rural setting, would negatively affect local landscape character and views towards the Peak District National Park, contrary to the strategic objectives and Policy LP24(a) of the Kirklees Local Plan, Design Principles of the House Builders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.**

**4. Proposed house types 1 & 2, the smaller bedroom (bedroom 2) would have an internal area of only 6sqm, which falls significantly short of the minimum standard of 7.8sqm set out in the Nationally Described Space Standards. For House Type 4, the adequacy of room sizes has not been demonstrated. Owing to the lack of justification for the substandard room size in House Types 1 & 2 and lack of clarity concerning internal layout for House Type 4, it is considered that the proposed dwellings would fail to provide an acceptable level of amenity for future occupants, contrary to the aims of Policy LP24(b) of the Kirklees Local Plan, Design Principles of the House Builders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.**

**5. The presence of trees adjacent to the south-western and north-western boundaries of the site, which are large enough to provide public amenity and enhance the setting of the area, has not been acknowledged on the submitted plans, nor has an Arboricultural Report or Impact Assessment been submitted. There is a significant risk that groundworks associated with the proposed Plots 3 and 4, and subsequent shading of the development once completed, would lead to damage to the trees' root structure or pressure for their subsequent removal. The submitted information fails to demonstrate that the development would secure the retention of the trees and their continued viability, contrary to the aims of Policy LP33 of the Kirklees Local Plan.**

**6. The site is within land designated as Wildlife Habitat Network within the Local Plan and the development proposal is not supported by a baseline ecological survey or impact assessment. In the absence of such evidence, it is likely that the development would result in net harm to biodiversity, contrary to the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.**

## **1.0 INTRODUCTION:**

1.1 This application is brought before Huddersfield Planning Committee for determination under the terms of the Delegation Agreement since the application is for residential development and the site exceeds 0.5 hectare in area.

## **2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises an area of steeply sloping rough pasture situated just outside the built-up part of Marsden which lies to the south-east or lower boundary of the site. Roughly rectangular in shape, and with a south-west / north-east orientation, the site is approached by means of a metalled, but unadopted access track that passes it on its north-eastern side. From here, there is a wooden gateway giving access into the field and a small timber garage next to it, neither of which have any formal access track or hardstanding associated with them. Above the site, the track becomes a footpath only.

2.2 The north-eastern and north-western (or upper) boundaries are marked by a stone boundary or retaining walls with a wire fence above. Above the site is more undeveloped land with scattered dwellings and other buildings.

## **3.0 PROPOSAL:**

3.1 The proposal is for the erection of 7 no. dwellings and associated works. The three development plots situated towards the rear of the site, 1-3, are the largest plots and would also have the largest dwellings placed on them. The largest, house type 3, would be two-storey, four-bedroomed, have an integral double garage. The two adjacent ones, type 4, would each have an integral single garage – they also appear to be two-storey but the precise amount of living accommodation cannot be determined because a first-floor plan has not been supplied.

- 3.2 The remaining 4 houses, house types 1 and 2, are relatively small, single-storey, comprising two bedrooms, bathroom and living area, and would be built on small plots, would lack integral garages and would be oriented at roughly 45 degrees to the lower site boundary. Those on Plots 4 and 5 would form a pair of semi-detached houses but would join each other at right angles.
- 3.3 The 7 dwellings would be served by a central access road. The external walling material would be predominantly reclaimed natural stone, with substantial amounts of glazing in green oak or zinc frames, roofing materials grey slate.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 None.

Pre-application advice 2017/20062. Officer advice was that the adverse impacts of the proposal would outweigh the benefits notwithstanding the (at the time) inability to demonstrate a 5-year housing land supply.

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

- 5.1 None. Agent was advised by email in October that there were several planning concerns over the proposal and whilst it might be possible to address some of them, a refusal was likely on account of Green Belt location.

#### **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<sup>th</sup> February 2019).

##### Kirklees Local Plan (2019):

- 6.2 The site is within land designated as Green Belt, Strategic Green Infrastructure Network, and Wildlife Habitat Network on the Local Plan proposals map. There is also a Public Right of Way which follows the line of Shaw Lane and is partly within the red line boundary.

- **LP 7:** Efficient and effective use of land and buildings
- **LP 20:** Sustainable travel
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees
- **LP 35:** Historic environment
- **LP 53:** Contaminated and unstable land

### 6.3 Supplementary Planning Guidance / Documents:

- KC Highways Design Guide 2019

The following SPDs were adopted on 29<sup>th</sup> June 2021 can be viewed on the council's website at <https://www.kirklees.gov.uk/beta/planning-policy/adopted-supplementary-planning-documents.aspx>:

- Housebuilders Design Guide Supplementary Planning Document,
- House Extensions and Alterations Supplementary Planning Document
- Open Space Supplementary Planning Document

These are now a material consideration in the determination of planning applications. The following two documents have also recently been approved by Cabinet and these can be viewed at: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx>

#### National Planning Guidance:

### 6.4 National Planning Policy Framework

- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt land.
- Section 14 – Planning for climate change, flooding and coastal change.
- Section 15 – Conserving and enhancing the natural environment.
- Section 16 – Conserving and enhancing the historic environment.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 Publicity period expired 21-Jul-2021 (publicity by site notice and press advertisement in addition to neighbour letter on the grounds of it affecting Public Right of Way and being a departure from the development plan).

7.2 30 representations received, consisting of 27 objections and 3 comments

#### Summary of concerns raised:

1. Greenbelt land therefore inappropriate;
2. It would establish a dangerous precedent for development on adjacent fields where permission previously refused;
3. Impact on wider rural character including Peak Park, South Pennines Special Protection Area;
4. Would not harmonise with existing residential development by reason of scale, mass, height and design details;
5. Possible privacy impact;
6. Impact on setting of Listed Buildings;
7. Unsuitable access, and would lead to conflict with users of PROW;
8. Increase in traffic when Netherley Drive / Mount Road junction is already hazardous;
9. Access may be difficult in snowy or icy conditions, giving the future residents an incentive to park their cars on Mount Road where a lot of on-street parking already occurs.

10. The land drainage system already struggles to cope with run-off from the fields, where there are springs and a well (which may mean pollution of private water supply);
11. Impact on wildlife including hedgehogs and toads;
12. Loss of trees and other greenery;
13. Added light pollution;
14. Additional demand for water, gas and telephone lines which it may not be able to supply.
15. Further demand for overstretched public services;
16. Insufficient supporting information;
17. Not enough publicity was done.

7.3 No Ward Councillor comments have been received during the course of the application.

## **8.0 CONSULTATION RESPONSES:**

8.1 Statutory:

- Natural England – Did not offer any specific observations on this proposal but repeated standing advice.
- KC Highways Development Management – Recommend refusal
- KC Environmental Health – Acceptable subject to conditions

8.2 Non-statutory:

- KC Public Rights of Way – Recommend refusal
- KC Arboricultural Officer – Recommend refusal
- KC Landscape – Have concerns about impact on wider landscape including Peak Park. If approved will need a detailed landscape scheme
- KC Ecology – Were consulted but did not respond.

## **9.0 MAIN ISSUES**

- Principle of development
- Green belt issues
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

10.1 The site lies within land designated Green Belt on the Local Plan proposals map and the impact of the development on the Green Belt is a key consideration with this proposal.

- 10.2 Under Chapter 13 of the National Planning Policy Framework, it sets out that 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 their permanence. The erection of new buildings within the Green Belt forms inappropriate development unless it falls within one of the exceptions set out in paragraphs 149 and 150 and these will be considered as part of the Green Belt assessment. Chapter 13, paragraph 144, states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, especially to its openness.
- 10.3 With regard to housing provision in the district, as set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.17 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19<sup>th</sup> January 2021).
- 10.4 As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27<sup>th</sup> February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. It is noted that the development of this plot would be contribute to the housing supply in the district.
- 10.5 However, the provision of housing needs to be balanced against all policies and material planning considerations considered below, and especially its Green Belt allocation. The development proposal will further be assessed according to its impact on visual amenity, residential amenity for existing and future residents, impact on highway safety, trees, biodiversity and other material considerations, as set out in the above national and local policies listed in section 9 of this report.

#### Green Belt issues

- 10.6 The development of new build housing is classed as an inappropriate form of development in principle unless it consists of "limited infilling within villages" (149e) or the redevelopment of previously developed land (149g). The land is greenfield, not previously developed, so 149(g) does not apply.
- 10.7 In terms of "limiting infilling within villages", the Local Plan does not have a specific policy on infill development but paragraph 19.31 of the Local Plan highlights that limited infilling can be permitted under national planning guidance and states: "If it is established that the site is within a village the plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage."
- 10.8 The starting point however is to consider whether the site itself is "in a village". As a general principle, where a village is inset within the Green Belt, the Green Belt boundary will be treated as the edge of the village. Following this principle, if the site is on the edge of an inset village but on land designated as Green Belt, as is the case here, it is outside the village, and therefore cannot qualify

as infill development. Appeal decisions (such as Coppull Moor Lane Nurseries, 2016), have however held that any boundary as it appears on the proposals map is not necessarily decisive, and that the decision maker must take a balanced view based on the pattern of development on the ground.

- 10.9 For the application now being assessed, it is considered that the rear plot boundaries to the existing development on the north-western side of Netherley Drive form a clear-cut visual boundary to the village of Marsden as well as being the Green Belt boundary on the proposals map. There is some loose-knit, sporadic development on the hillside above the application site, including agricultural buildings, and the dwelling houses and Working Men's Club on the other side of Old Mount Road, but the undeveloped application site itself forms a clear visual break and separation between the densely built-up 15-59 Netherley Drive and the older informal development beyond. It is therefore concluded that the site does not fall within the village of Marsden.
- 10.10 Even if the site were to be accepted as "within a village" the proposal could not reasonably be described as infill because it does not constitute a small gap in an otherwise built-up frontage, nor is it largely surrounded by development. There is further open land to the south-west, and again, the development above the site to the north-west is fragmented and not continuous. The proposal for seven dwellings is also substantially larger than the stated two dwelling limit for infill.
- 10.11 The development therefore represents inappropriate development within the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that "Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
- 10.12 In term of Green Belt impact, it is considered that the proposal would adversely impact on the openness of the site with the proposed built form both physically reducing openness but having a detrimental visual impact. Furthermore, the proposal would lead to an encroachment into open countryside one of the five purposes of including land within the Green Belt.
- 10.13 No very special circumstances or supporting information have been submitted with the application and therefore Planning Officers have not been able to assess any other merits of the case. Whilst it is noted that the application description sets out that the dwellings are "eco-dwellings" no specific details as to what this means has been provided with the application and therefore no meaningful weight can be afforded to any benefits provided the described "eco-dwellings."
- 10.14 The proposal would therefore represent inappropriate development in the Green Belt and would form a further extension of the built-up part of Marsden into open countryside and would harm the openness of the Green Belt, thereby undermining the purposes of including land within the Green Belt as set out in paragraphs 137-138 of the NPPF.



## Urban Design and Landscape issues

- 10.15 General design considerations are set out in Policies LP7 and LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity and make an efficient use of the available land. The House Builders Design Guide SPD also sets out a number of design principles which should be considered to achieve good design.
- 10.16 A key strategic objective of the adopted Local Plan is to “Protect and enhance the characteristics of the built, natural & historic environment, and local distinctiveness which contribute to the character of Kirklees, including the South Pennine Moors, Moorland fringe and the area's industrial heritage”. Section 11.4 of the Local Plan also says “The topography across much of the district, particularly towards the Pennines in the west of the district, means that views and vistas should be given particular consideration, especially towards the Peak District National Park”
- 10.17 The impact on the wider landscape would be somewhat mitigated by the very sharp rise in ground level at the upper (north-western) edge of the site and the mature woodland to the south-west, which would limit and soften the impact of any development on the site. Development would however certainly affect views into the Peak Park, which lies 320m away at its closest point, from Old Mount Road. In the absence of a visual envelope diagram or sectional drawings is it difficult to assess precisely what the impact would be, but it is considered that it would be negative and therefore not in keeping with the above strategic objective.
- 10.18 The dwellings would incorporate some modern features, including very tall narrow windows and floor-to-roof level glazing on some elevations. However, they would also incorporate features that reflect local vernacular architecture, including outshot extensions and quoins, and it is considered that the palette of materials, with extensive use of timber and dry stone in the external walls, would go some way towards helping the new dwellings to blend into their rural setting. An attempt has been made to reconcile the new build with the surrounding pattern of development by placing the smaller houses and higher-density plots on the lower part of the site next to established development. The houses on the upper part of the site would however be unusually large and would be visually jarring when seen against a backdrop of open land (including the Peak Park to the south) and next to the small vernacular dwellings, 1-4 Manor House Farm.
- 10.19 There is a Listed Building 25m west of the site, but it is considered that as the development would be to the side of it rather than directly facing, its setting would not be adversely affected.

10.20 Considered in isolation from their surroundings, the design of the proposed dwellings might be viewed positively but viewing them in context it is considered that the overall impact on landscape, local visual character, and views towards the Peak Park, would be detrimental, and therefore not in accordance with the above Policies including policy LP24a of the KLP, and Principles 1-3 of the Housebuilder Design Guide.

#### Residential Amenity

- 10.21 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to “*provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.*” This is further supported by policies set out in Chapters 12 and 15 of the NPPF. The application has also been assessed by Environmental Services. The House Builders Design Guide SPD sets out a number of design principles which will need to be considered when assessing a proposals impact on residential amenity.
- 10.22 It is noted that the 4 dwellings on the lower part of the site would have habitable room windows facing the existing dwellings on Netherley Drive. Most of these would comply with the recommended 21m separation distance specified in Principle 6 of the Housebuilders’ Design Guide. One bedroom window would fail to comply (being about 16m from the facing rear elevation in 57-59 Netherley Drive) but it is considered that the angle between the two properties would ensure that no intrusive overlooking would occur.
- 10.23 Some of the windows would be very close to the common boundary to the south-east; in particular, the living-kitchen area to the easternmost plot would average only 4m from the boundary. This room however has an alternative outlook to the north-west so would not be wholly reliant on the south-east facing window. Furthermore, since these are single-storey dwellings, it might be possible to prevent or limit mutual overlooking through screening at the boundary. If officers were in principle supportive, further details of this could be sought, including sections to show relative levels.
- 10.24 It is considered that all dwellings would benefit from an acceptable outlook and adequate natural light, and that the amount of private amenity space provided is acceptable having regard to the amount of floorspace.
- 10.25 For house types 1 & 2, the smaller bedroom (bedroom 2) would however have an area of only 6sqm. This fails to meet the minimum standard of 7.8sqm set out in the Nationally Described Space Standards. For House Type 4, the plans do not clearly show the internal distribution of floor space so the adequacy of room sizes have not been demonstrated. The floorplans for house types 1 & 2 suggest that the houses have been designed to be accessible for a wheelchair user. But no explicit reason has been given for the deficiencies in room size. In the absence of a clear justification for this deficiency, and insufficient floorplans for house type 4, it has not been demonstrated that these dwellings would provide adequate levels of amenity for future occupiers of bedroom 2. The proposal is therefore considered to be contrary to the aims of Policy LP24(b) of the KLP.

## Highway issues

- 10.26 Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options. Design principles of the Housebuilders Design Guide SPD also need to be considered, along with the details in the Highways Design Guide SPD.
- 10.27 In line with the Councils Supplementary Planning Document (SPD) – Highway Design Guide, developments serving more than 5 dwellings should be adopted by the Council and therefore built to adoptable standards. The site is served by a narrow and steeply sloping track that in its present condition is unsuitable for the development proposed, and the applicant has not demonstrated that it will be possible to improve this to adoptable standards. On the basis of the information supplied it is unlikely that access for a standard refuse vehicle would be achievable, so it is unclear how refuse disposal could be safely and conveniently undertaken.
- 10.28 The site plan acknowledges that one PROW crosses the site (COL/207/50) and would have to be re-routed, and on the site plan as proposed is shown to be retained as a 1m wide footway by the side of the proposed access road and continuing as a 1.2m wide path between Plots 2 and 3. This would appear to provide safe provision for future users, and if officers were in principle minded to approve, further details (width, surfacing, etc) could be resolved by negotiation or be conditioned. A Diversion Order would also have to be obtained. There has however been no acknowledgement of the PROW which shares the proposed access track (COL/207/40 and 60). The increased vehicular use could result in conflict with the users of the footpath and increase the possibility of collisions.
- 10.29 Based on the Highway Officer's assessment of the proposal, which is supported by the case officer's own observations on site, it is considered that the development would give fail to provide safe or satisfactory access to the site and would materially increase risks to other highway users, including users of the adjoining PROW, contrary to the aims of policies LP20 and of LP21(a, b, e & f) of the KLP.

## Other Matters

### *Ecology and trees*

- 10.30 There are no significant trees within the boundaries of the site. However adjacent there is one mature tree close to the north-western boundary and a group of trees on the south-western boundary. These trees are large enough to provide public amenity and enhance the setting of the area. They are close enough to the boundaries to be influenced directly by any development of the site and should have been considered in designing the layout, as required by Policy LP33 of the KLP.

- 10.31 The Proposed Site Plan submitted shows plot 3 and 4 in close proximity to the boundary trees and, given the topography of the site, significant ground works, with consequent root damage, are likely. Without further information it is not possible to assess if shading of plots 3 and 4, leading to pressure for their removal, will be an issue. The submitted information therefore fails to demonstrate that the development would secure the retention of the trees and their continued viability, contrary to the aims of policy LP33.
- 10.32 The site lies within land designated as Wildlife Habitat Network. It is also within the twite buffer zone and within a Site of Special Scientific Interest IRZ, within which Natural England must be consulted. Natural England have raised no specific concerns about the application but given the designation of the site as Wildlife Habitat Network, a baseline Ecological Survey and Impact Assessment would be an absolute requirement for any housing application. No ecological information has been submitted, which is unacceptable in planning terms since it not possible to accurately assess the wildlife value of the site, nor the impacts of the development and potential for enhancement, which means it would not comply with the aims of LP30 and Chapter 15 of the NPPF.

*Contamination:*

- 10.33 The site has been identified as potentially contaminated owing to its proximity to a former landfill site, meaning that a Phase 1 preliminary risk assessment is necessary to ensure it can be developed safely. It is considered that in this instance the level of risk is such that it could be dealt with by a set of pre-commencement conditions if officers were otherwise minded to approve.

*Climate Change:*

- 10.34 On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.35 In this instance the applicant has not submitted any supplementary statement or other information to explain how the proposed development would help to address or combat climate change effects. The site is in a moderately accessible location, being roughly 100m from a bus stop with an hourly service to Huddersfield Town Centre via Marsden village centre, so future occupants would not be wholly dependent on the use of a private car for their daily and weekly needs.

10.36 The application is described as being for “eco-dwellings” but a supporting statement demonstrating that they would be carbon-neutral, or even of higher than average performance in terms of energy usage, has not been supplied. The only distinctive features shown on the drawings are triple-glazing and solar panels. The benefits of on-site renewable generation and improved insulation are noted but do not amount to very special circumstances overcoming the presumption against inappropriate development in the Green Belt.

*Strategic Green Infrastructure Network:*

10.37 In addition to being within the Green Belt, the site forms part of the Strategic Green Infrastructure Network. Policy LP31 states that development proposals in these areas will not necessarily be prevented provided they protect and enhance green infrastructure assets and minimise fragmentation of the network. If the site were not in the Green Belt, then the Strategic Green Infrastructure Network would not in itself rule out housing as inappropriate. The proposal’s impact on the function and connectivity of the network could be minimised by providing enhanced green infrastructure within the site. It is therefore considered that the designation does not in itself amount to a reason for refusal.

Representations

10.38 The comments made are summarised here with officer responses.

1. Greenbelt land therefore inappropriate;

**Response:** This concern is considered to be substantiated assessed above and forms a reason for refusal.

2. It would establish a dangerous precedent for development on adjacent fields where permission previously refused;

**Response:** Any further development proposals in the area would have to be assessed on their own merits, but if the land is Green Belt the same considerations would apply.

3. Impact on wider rural character including Peak Park, South Pennines Special Protection Area;

**Response:** Officers concur that the development would cause harm to landscape character.

4. Would not harmonise with existing residential development by reason of scale, mass, height and design details;

**Response:** This is especially the case for House Types 3 & 4, as noted in paragraphs 10.15-19 above.

5. Possible privacy impact;

**Response:** This concern has been addressed in part 4 of the Assessment above.

6. Impact on setting of Listed Buildings;

**Response:** There are no Listed Buildings that are considered to be close enough to the site for their setting to be affected (see Section 3 above).

7. Unsuitable access, and would lead to conflict with users of PROW;  
**Response:** This concern is considered to be substantiated.
8. Increase in traffic when Netherley Drive / Mount Road junction is already hazardous;  
**Response:** It is noted that junction visibility may be somewhat limited by parked cars, but the Highway Officer has not raised this specific concern and it might be difficult to justify a refusal on this basis.
9. Access may be difficult in snowy or icy conditions, giving the future residents an incentive to park their cars on Mount Road where a lot of on-street parking already occurs.  
**Response:** Difficult access in severe weather conditions would not necessarily amount to a reason for refusal in itself, but the overall access arrangements would.
10. The land drainage system already struggles to cope with run-off from the fields, where there are springs and a well (which may mean pollution of private water supply);  
**Response:** In the event of officers being minded to approve, a drainage scheme, with flow attenuation if appropriate, could be required either in advance or by condition.
11. Impact on wildlife including hedgehogs and toads;  
**Response:** The site forms part of a Wildlife Habitat Network, no ecological supporting information has been supplied and in the absence of this it can be assumed that net impact on biodiversity would be negative.
12. Loss of trees and other greenery;  
**Response:** Possible impact on trees is a concern as set out previously.
13. Added light pollution;  
**Response:** Outdoor lighting can be controlled by condition where appropriate (e.g. in the interests of avoiding impacts on biodiversity).
14. Additional demand for water, gas and telephone lines which it may not be able to supply.  
**Response:** For a development of this scale, it would normally be treated as a matter for Building Regulations or to be resolved by negotiation between the developer and the utility suppliers.
15. Further demand for overstretched public services;  
**Response:** For a development of this scale, it would be difficult to demonstrate that the impact would be significant and a contribution would not normally be sought.
16. Insufficient supporting information;  
**Response:** The information and plans provided amount to the bare minimum required to validate the application. The applicant was notified of some of the main shortcomings in the application (trees and highway issues) but did not submit any further information in response.

17. Not enough publicity was done.

**Response:** Several neighbouring properties were individually notified in addition to site notices and a press notice being served. Publicity was undertaken in accordance with Kirklees procedures and went beyond the statutory minimum of site / press publicity only.

## **11.0 CONCLUSION**

11.1 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 the NPPF and other material consideration. The proposal would be detrimental to the Green Belt, Highway Safety and local ecology and specific policies in the NPPF and Local Plan indicate development should be restricted.

**12.0 The application is recommended for REFUSAL for the reasons set out at the beginning of this officer report.**

### **Background Papers:**

- Application Website [Link to application details](#)
- Certificate of Ownership – Notice served on 4 separate third parties and Certificate B filled in.