
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 23-Nov-2017

Subject: Planning Application 2017/93282 Outline application for erection of one dwelling 80, Cliff Road, Holmfirth, HD9 1UZ

APPLICANT

E & A Booth

DATE VALID

21-Sep-2017

TARGET DATE

16-Nov-2017

EXTENSION EXPIRY DATE

29-Nov-2017

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

<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: Holme Valley South

No

Ward Members consulted

RECOMMENDATION:

Refuse for the following reason:

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework, most development, subject to certain exceptions, is regarded as inappropriate. Policy D13 of the Kirklees Unitary Development Plan and Paragraph 89 of the National Planning Policy Framework sets out when 'infill' development in the Green Belt may be acceptable. However, the site is not considered to be within an existing settlement as required by Policy D13 or within a village as required by the National Planning Policy Framework. The proposed dwelling would therefore constitute inappropriate development in the Green Belt. Furthermore the dwelling would harm the openness of the Green Belt resulting in further consolidation of sporadic ribbon development. There are no very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm. The proposal is contrary to paragraph 89 of the National Planning Policy Framework and Policy D13 of the Kirklees Unitary Development Plan.

1.0 INTRODUCTION

1.1 The application is brought to Sub-Committee as it has been submitted by a family member of a member of staff for the Investment and Regeneration Service. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS

2.1 The application site forms a piece of land located to the immediate south of no.80 Cliff Road, to which the site is associated. No.80 is accessed via two separate driveways from Cliff Road. Land levels for the area rise upwards steeply from Cliff Road.

2.2 The site itself hosts various small agricultural buildings, principally of timber and steel construction. The site consists of one large parcel of land a small penned area. Both are mainly grassed.

2.3 The site is allocated Green Belt. Open fields continue to the east. Across Cliff Road, to the west, is an area of Provisional Open Land.

3.0 PROPOSAL

- 3.1 The application seeks outline consent with all matters reserved for the erection of one dwelling.
- 3.2 The application is supported by a location plan and Planning Statement. The statement confirms that several agricultural buildings on site would be removed to facilitate the development.
- 3.3 Indicative plans have not been provided.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

The application site has no relevant planning history.

4.2 Site adjacent

2014/92102: Outline application for erection of detached dwelling – Refused (Appeal Dismissed)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 No negotiations have taken place between officers and the applicant as officer concerns relate to the principle of the development.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.
- 6.2 On the UDP Proposals Map the site is allocated as Green Belt.
- 6.3 The site is allocated as Green Belt on the PDLP Proposals Map.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D13** – Infill development within the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highways accessibility considerations in new development
- **H1** – Housing: Strategy

6.5 Supplementary Planning Guidance / Documents

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP21** – Highway safety and access
- **PLP24** – Design

6.6 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Preserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 9th of November, 2017.

7.2 No public representations were received.

7.3 Holme Valley Parish Council: 'Concerns that proposed development in the Green Belt'

8.0 **CONSULTATION RESPONSES**

8.1 No consultations were required.

9.0 **MAIN ISSUES**

- Principle of development
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal.
- 10.2 Further to the above the Council are unable to demonstrate a 5 year supply of housing land. Therefore relevant policies for the supply of housing should not be considered up to date. Notwithstanding this the site is not subject to policies which restrict the supply of housing. In addition National Planning Practice Guidance states that 'unmet housing demand...is unlikely to outweigh the harm to the Green Belt and other harm to constitute 'very special circumstances' justifying inappropriate development in the Green Belt.
- 10.3 In addition Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted; this includes 'land designated as Green Belt' (footnote 9).

Land allocation (Green Belt)

- 10.4 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 89 or 90 of the NPPF.
- 10.5 Paragraph 89 permits limited infilling in villages. This is in general conformity with D13 of the UDP which states that within existing settlements in the Green Belt infill development will normally be permitted subject to certain criteria. These include the site being small in scale and within a built up frontage or being small and largely surrounded by development. The PDLP does not have a Greenfield site infilling policy. The Framework does not provide a definition of what constitutes a "village", and the UDP does not provide a definition of what constitutes a "settlement". Accordingly, this is a matter of planning judgement.

Whether the proposal is inappropriate development in the Green Belt

- 10.6 Although there is no definition of village/settlement where a settlement is inset within the Green Belt on the UDP and surrounded by it, the Green Belt boundary is usually treated as being co-existent with the settlement/village boundary. This means that if a site is on the edge of the settlement/village but is designated as Green Belt on the UDP proposals map, it is not within a settlement/village and cannot qualify as "limited infill within" a village.

10.7 This approach has been called into question by a recent court case, Julian Wood -V- The Secretary of State for Communities and Local Government and Gravesham Borough Council. It was ruled that an Inspector had misdirected himself by concluding that an appeal site lay outside the village based on the village boundary on the local plan proposals map, rather than on his own assessment of the village boundary on the ground.

10.8 There is also a recent appeal decision, against refusal of permission for the erection of a single detached dwelling at Coppull Moor Lane Nurseries, Chorley (ref 3154595). The Inspector concluded that:

“Both parties accept that the site is outside of the settlement area; the appellant indicating that it is some 256m away from the boundary. That said, the site is within a clear continuum of development spreading out from the settlement.

Notwithstanding the location of the formal boundary, there is nothing to obviously separate the site from the rest of the settlement. Therefore it is my view that the appeal site forms part of the settlement”

10.9 So, the question of whether a site forms part of a village has to be assessed in each instance based on the characteristics of the site and its surroundings. A village boundary, or a line forming the boundary between Green Belt and unallocated land on an adopted Proposals Map, is not necessarily determinative.

10.10 An outline application for one dwelling was submitted 75.0m to the site's south, also accessed from Cliff Road. The application was refused and dismissed at appeal. Officers considered the site to be outside of a village/settlement. This assessment was supported by the inspector. The distance of 75.0m between the sites is not considered to change this previous assessment.

10.11 Accordingly the site is neither considered to be in a village nor settlement. Considering the other criteria of D13 the site is also noted to be part of neither a continuous built up frontage or largely surrounded by development. It is therefore concluded that the development would not comply with Policy D13 of the UDP or Paragraph 89 of the NPPF and therefore represents inappropriate development in the Green Belt. It is noted within the submitted Planning Statement that the applicant agrees with this, and does not claim that the site is within a village/settlement.

Whether there would be any other harm to the Green Belt, including visual amenity

10.12 Whilst no details of the proposed dwelling has been submitted (layout, scale, appearance, landscaping and access are reserved) it is considered that the erection of a new dwelling, plus the likely engineering works that would be required to form a suitable access (due to the site's topography) would result in a significant reduction in the openness to this part of the Green Belt.

- 10.13 Therefore the development would prejudice the objective of keeping land permanently open through the introduction of a new built form on previously undeveloped land. The application site is an area of land that is generally free from any built development and contributes to the verdant character of the wider surroundings and makes a positive contribution to the character and appearance of the area. While the existing agricultural buildings are noted, their removal would provide limited benefit to openness. Agricultural buildings are deemed appropriate in the Green Belt, and are not classed as previously developed land. Furthermore they are small in scale.
- 10.14 Considering the wider area, the proposal would also have an urbanising impact on the site and would unacceptably consolidate the sporadic built development in the area. This would be harmful to the character and appearance of the area. Furthermore, the proposal would be contrary to three of the five purposes of green belts, which is to safeguard the countryside from encroachment, *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land* and to *to prevent neighboring towns merging into one another* These adverse effects would add to the harm already identified above.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

- 10.15 In accordance with Paragraph 87 consideration needs to be given to whether there are any 'very special circumstances', specific to the application, which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.
- 10.16 The application is supported by a planning statement which offers the following circumstances for the applicant;

'Mr Booth is suffering from COPD (chronic obstructive pulmonary disease) and can no longer climb stairs. Mrs Booth has arthritis and cannot move around the house without the use of a wheelchair. It is now impractical for them to continue living in the [two storey] existing house.

Their physical needs now also mean that they require additional care which at the moment requires family to visit daily (a minimum of one visit).'

- 10.17 The statement continues by considering the options for applicants; move into a care home, extend the house or (as proposed) build a new dwelling. The applicants do not wish to go to a care home, due to the cost and the presumption that the strain of moving would have a detrimental physical and mental impact. Regarding the potential for an extension, it would have to be *'significant'* to address the applicant's needs and would not comply with policy for domestic extensions in the Green Belt. Furthermore the built time to the dwelling would cause disturbance and affect the applicant's health. The reason for the erection of a new dwelling being the preferred option is given as *'it provides an adapted house, allows the applicant to remain on their own land, and provides home care from family'*.

- 10.18 In certain situations personal circumstances may form material planning considerations. However, guidance indicates that such arguments should seldom outweigh the more general planning considerations. As has been outlined above the development would cause harm to the Green Belt, impacting upon openness, permanence and being contrary to the NPPF's purposes of the Green Belt. The NPPF requires circumstances to clearly outweigh the identified harm to the Green Belt. While officers sympathise with the situation of the applicant, their circumstances are not considered to amount to Very Special Circumstances which clearly outweigh the identified harm to the Green Belt.

Conclusion

- 10.19 Whilst the council is unable to demonstrate a 5-year supply of housing sites, in this case specific policies in the NPPF indicate that development should be restricted. The proposal has been assessed against policy D13 of the UDP and Paragraph 89 of the NPPF. It is concluded that the proposal would not comply with these policies, therefore being inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore the development would cause further harm to the Green Belt's openness and permanence.
- 10.20 In accordance with Paragraph 87 of the NPPF consideration has been given as to whether any Very Special Circumstances exist which clearly outweigh the harm to the Green Belt. While officers sympathise with the circumstances of the applicant, personal circumstances are not considered to amount to very special circumstances which outweigh the identified harm to the Green Belt.
- 10.21 The proposal is contrary to policy D13 of the UDP and Chapter 9 of the NPPF. Therefore the principle of development is considered unacceptable.

Residential Amenity

- 10.22 As the application is at outline stage with all matters reserved the impacts the proposed development would have on the amenities of neighbouring dwellings and the future occupiers of the proposed development cannot be fully considered at this stage.
- 10.23 Notwithstanding this consideration can be given to the space standards outline in Policy D12. The application's red line is large, with limited development around. Subject to appropriately addressing layout, scale and appearance, the proposal would not give rise to adverse material impacts upon the amenities of neighbouring dwellings or the amenities of future occupiers. The proposal is therefore not considered to be contrary with BE12 of the UDP at this stage, PLP24 of the PDLP and Paragraph 17 of the NPPF.

Highway issues

- 10.24 The application is made at outline stage, with all matters reserved. At layout stage consideration would be given to the provision of off-street parking. Nonetheless, at this stage, the site is considered a suitable size to accommodate a dwelling and a satisfactory level of parking.

- 10.25 Access is a reserved matter. At this stage there are considered no prohibitive reasons as to why a suitable details could not be provided at reserved matters stage. Currently the proposal is not anticipated to prejudice the safe and efficient operation of the highway, in accordance with Policies T10 and PLP21.

Other Matters

Impact on local ecology

- 10.26 The site is adjacent to the council's identified bat alert layer. However the site is grassland, with no large mature trees. Therefore it is considered to provide limited roosting potential and ecological value. This includes the buildings proposed to be removed. It is not considered that the development would detrimental impact local ecology.
- 10.27 Notwithstanding this the NPPF requires planning permissions to enhance local ecology. However opportunities for this could be explored through landscape, as a reserved matter. It is considered that, at outline with all matters reserved, the proposal complies with Chapter 11 of the NPPF.

Representations

- 10.28 No public representations were received.
- 10.29 Holme Valley Parish Council: 'Concerns that proposed development in the Green Belt'

Response: This is noted and conforms to officer concerns outlined in paragraphs 10.6 – 10.11.

11.0 CONCLUSION

- 11.1 Whilst the Council is unable to demonstrate a 5 year supply of housing sites, in this case, specific policies in the Framework (relating to Green Belt) indicate that development should be restricted. The proposal would constitute inappropriate development in Green Belt and would reduce openness in this location. The other material considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development have not been demonstrated. The development would also be contrary to Policy D13 of the Kirklees UDP.
- 11.2 As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this application, the material considerations considered above do not justify making a decision other than in accordance with the development plan which require the application to be refused.

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93282>

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