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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 29-Mar-2018**

**Subject: Planning Application 2017/91922 Outline application for erection of one dwelling adj, 102, Gawthorpe Lane, Lepton, Huddersfield, HD5 0NZ**

**APPLICANT**

R Holroyd

**DATE VALID**

23-Oct-2017

**TARGET DATE**

18-Dec-2017

**EXTENSION EXPIRY DATE**

05-Apr-2018

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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.

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

**LOCATION PLAN**



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

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**Electoral Wards Affected: Almondbury**

No

Ward Members consulted

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**RECOMMENDATION: REFUSE**

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 through the introduction of new built 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.

2. The application has failed to demonstrate that the proposal would avoid significant harm or loss to biodiversity or that such harm/loss could be adequately mitigated or compensated for. No ecological surveys have been provided to assess the impact of the proposal on habitats or species of principal importance which have a reasonable likelihood of being affected by the development. This includes a known Great Crested Newt breeding pond being within 500m of the application site. To approve the development would be contrary to Policy PLP30 of the Kirklees Publication Draft Local Plan and the aims and objectives of Chapter 11 of the National Planning Policy Framework.

3. The application has failed to demonstrate that the proposed access is capable of serving two dwellings without harming the safe and efficient operation of the local highway network. This relates specifically to access width, sightlines and capacity for on-site turning. To approve the development without this would be contrary to Policy T10 of the Kirklees Unitary Development Plan and PLP21 of the Kirklees Publication Draft Local Plan.

## 1.0 INTRODUCTION

1.1 The application is brought to committee at the request of Cllr Bernard McGuin for the following reasons;

- a. *To look at the argument about the definition of a village and its impact on this application*
- b. *Dispute over effect on the environment*
- c. *The receipt of support from the neighbours*
- d. *To look at if any special reasons can be taken into account when considering the application*
- e. *The overall effect of building on the present footprint*

1.2 The Chair of Sub-Committee confirmed that Cllr Bernard McGuin's reason for making this request was valid having regard to the Councillors' Protocol for Planning Committees. Cllr Bernard McGuin also requested a site visit, which was likewise accepted by the Chair of Sub-Committee.

1.3 **Note: 2017/91921 and 2017/91922 have been submitted simultaneously, each seeking outline permission for a single dwelling however they are different locations. 2017/91921 seeks a dwelling to the west of no.102, 2017/9192 seeks a dwelling to the east of no.102. Both are to be considered, separately, by Planning Committee.**

## 2.0 SITE AND SURROUNDINGS

2.1 No.102 Gawthorpe Lane is a detached two storey dwelling faced in brick. The dwelling has a two storey side extension and a brick faced detached garage. The dwelling is set back from Gawthorpe Lane by approx.13.0m, and benefits from a larger rear garden. The site is accessed via a driveway from Gawthorpe Lane.

2.2 To the South and East of the site is open land. To the West is Cow Hey Farm. To the north is Gawthorpe, a grouping of approx.10 dwellings and a local club.

## 3.0 PROPOSAL

3.1 The application seeks outline planning permission for a single dwelling with access as a consideration. All other matters (appearance, landscaping, layout and scale) are reserved.

3.2 The dwelling is to be located to the east (rear) of No.102 Gawthorpe Lane. No.102's existing garage would be demolished to facilitate the development.

3.3 Access is to be via no.102's existing driveway onto Gawthorpe Lane.

3.4 The application is supported by a location plan, Coal Mining Risk Assessment and Planning Statement. Indicative block plans have been provided.

## 4.0 RELEVANT PLANNING HISTORY

### 4.1 Application Site

2016/92556: Change of use of land to domestic curtilage and erection of two storey side extension – Conditional Full Permission (Unimplemented, extant)

### 4.2 Surrounding Area

*Site adjacent, no.102 Gawthorpe Lane*

2017/91921: Outline application for erection of one dwelling – Ongoing

**Note: 2017/91921 and 2017/91922 have been submitted simultaneously, each seeking outline permission for a single dwelling however they are different locations. 2017/91921 seeks a dwelling to the west of no.102, 2017/9192 seeks a dwelling to the east of no.102. Both are to be considered, separately, by Planning Committee.**

## 5.0 HISTORY OF NEGOTIATIONS

5.1 The applicant was contacted by officers who expressed concerns regarding the proposals impact on the Green Belt. Furthermore the applicant was advised further details in relation to Highways and Local Ecology were required. However due to the Green Belt concerns, officers did not formally request this.

5.2 The applicant requested time to consider officers' response. Following this a request for the application to go to planning committee was received from Cllr McGuin. The applicant was informed of this, and then stated the intent to provide the required Highways and Local Ecology details prior to the committee.

5.3 A deadline was given for the applicant to provide the required Highways and Local Ecology details. The deadline has passed without the details being provided. Therefore the proposal has been assessed as submitted.

## 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
- **BE12** – Space About Dwellings
- **T10** – Highways accessibility considerations in new development
- **H1** – Housing: Strategy

6.5 Supplementary Planning Guidance / Documents

- **PLP 1** – Presumption in favour of sustainable development
- **PLP 2** – Place sharpening
- **PLP 3** – Location of new development
- **PLP 21** – Highway safety and access
- **PLP 24** – Design
- **PLP 30** – Biodiversity and geodiversity
- **PLP 51** – Protection and improvement of local air quality
- **PLP 53** – Contaminated and unstable land

6.6 National Planning Policy Framework

- **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 Six representation were received in objection to the proposal. The following is a summary of the concerns raised;

- The application claims that Gawthorpe is a village because it has a number of dwellings, farm and a local club and is a named settlement on OS maps. This is disputed. Other than the club there are no services or amenities within Gawthorpe (i.e. church, school, shop) or a defined centre. There are also no other roads which feed into Gawthorpe, thus built development is restricted to Gawthorpe Lane only, where there are only 14 dwellings.

- Other local residents have approached the Local Planning Authority to develop within the area, where officers stated the principle would not be supported as officer did not consider Gawthorpe a village.
- The proposal fails to comply with Policy D13 of the UDP because it is not larger surrounded by development and not part of a built up frontage.
- The development would harm the amenity of no.104's residents and harm visual amenity.
- The proposal is contrary to the NPPF's five purposes of the Green Belt (Paragraph 80).
- The proposal would cause an overdevelopment of the site, out of keeping with local development. It is questioned whether the site could accommodate a dwelling, outdoor amenity, parking and turning.
- The previous owner contacted the LPA to discuss developing the application site, where they were told as it is in the Green Belt approval would not initially be supported. To approve the application would not be fair, and the council 'going back on their word', causing the previous owner to be 'cheated out of something we could have potentially built'.
- The proposal would raise highway concerns as too many drives would lead onto the road, which at peak times is busy.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

The Coal Authority: No objection subject to conditions.

K.C. Highways: Object due to insufficient details being submitted to assess highway implications of the development.

### **8.2 Non-statutory**

K.C. Ecology: Object due to insufficient details being submitted to assess biodiversity implications of the development.

K.C. Trees: No objection.

## **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.
- 10.6 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*

- 10.7 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.
- 10.8 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.

- 10.9 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”*
- 10.10 So, the question of whether a site forms part of a settlement/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.
- 10.11 Gawthorpe has fifteen registered addresses. This includes 1 commercial stable and a commercial club, leaving thirteen residential units. This limited amount of residential units is below what would typically be enough to be a village/settlement. Also there is no convenience shop, school or church which would be typical within a recognised settlement/village. There is no ‘village centre’ or similar central point typical of historic villages, with dwellings in Gawthorpe principally built along the roadside, similar to ribbon development, or off small private off-shoot roads. The applicant has noted that Gawthorpe is named on the Ordinance Survey (OS) base maps, however this is not considered to have any planning merits. It is therefore concluded that Gawthorpe is not a settlement/village in its own right.
- 10.12 In regards to whether Gawthorpe is part of a larger settlement, beyond the core cluster of dwellings there is only very intermittent development on Gawthorpe Lane leading into the area. The nearest recognised settlement is Fenay Bridge, which is 500m to the south-west via direct route. There is no ribbon development or other built development connecting Gawthorpe to Fenay Bridge, with the separation consisting of numerous large open fields. Gawthorpe is thus not considered part of a larger settlement/village.
- 10.13 This site sits within an area over washed by Green Belt, with the boundary being 500m away. Within the Local Plan’s ‘Green Belt Review – April 2017’ the closest boundary to land not within Green Belt is noted as having topography which is an absolute barrier to development, forming a hard boundary between developed and undeveloped land. The adjacent boundary sections have been identified as ‘more important’, being of value to ‘prevent the sprawl of large built up areas’ and to ‘safeguard the countryside from encroachment’, which form two of the five purposes of the Green Belt. It is considered that the proposed development would prejudice the assessment of this boundary, being in breach of the two purposes of the Green Belt that were identified.

- 10.14 The site is not considered to be within a village or settlement for the purposes of Green Belt infill policy, failing to comply with Policy D13 and Paragraph 89 of the NPPF, therefore constituting inappropriate development in the Green Belt.

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

- 10.15 Whilst no details of the proposed dwelling has been submitted (layout, scale, appearance and landscaping are reserved) it is considered that the erection of a new dwelling would result in a significant reduction in the openness to this part of the Green Belt over and above the small structure that would be removed.
- 10.16 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 garden space, which is considered Greenfield land, with the footprint of any building to be removed brownfield. There is open land to the immediate south and east, with the wider area being open fields. While there is built development to the north, the dwellings are spaciouly laid out, retaining a sense of openness. The site is generally free from any built development, save for a small structure, and contributes to the verdant character of the wider surroundings and makes a positive contribution to the character and appearance of the area. 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.
- 10.17 Consideration is also given to the further assessments of Policy D13. Where a development is considered to be within a settlement, which for clarity is not the case, the following additional tests are applied;
- i. The site is small, normally sufficient for not more than two dwellings and within an otherwise continuously built up frontage, or*
  - ii. The site is small and largely surrounded by development, and*
  - iii. No detriment will be caused to adjoining occupied of land or to the character of the surrounding area.*
- 10.18 While the site can be considered small, it does not form part of a continuously built up frontage. The land is rear garden space and does not front onto a road, with there being no adjacent aligned development which could be considered either frontage or a 'building line'. The application site is the edge of built development, with the land to the south and east being large open fields that each continue for some distance. Therefore, the site's frontage is not considered to be 'continuously built up'. Considering the second test, the site is not largely surrounded by development with the land to the immediate south and east being open. While there is development to the north, as noted above it is of a low density and intermittent. The application site is not considered to be largely surrounded by development. Turning to the final test, for the reasons outlined in the above paragraphs the development is considered harmful to the character of the surrounding area. As such, where the development deemed to be within a settlement, the proposal would fail each of the subsequent tests of policy D13.

- 10.19 The proposed dwelling would introduce additional built footprint and volume onto land that is currently principally open. Openness is defined by an absence of buildings, or other forms of development. Therefore, the development would result in a reduction in openness to this part of the Green Belt. Furthermore, new development would harm the permanence of the surrounding. Paragraph 79 of the NPPF identifies the Green Belt's openness and permanence as the essential characteristics of the Green Belt. In this instance the increased extent of built development would cause significant harm to the identified characteristics of the Green Belt.

*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*

- 10.20 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 identified harm to the Green Belt by reason of inappropriateness and any other harm.
- 10.21 No very special circumstances, have been offered as part of the application as the applicant claims the proposal is within a village, thus being appropriate development via Paragraph 89 of the NPPF and therefore no Very Special Circumstances are required. For the reasons outlined above, officers dispute this.
- 10.22 Officers dispute that the site is within a village and have assessed the proposal to be inappropriate within the Green Belt. Officers do not consider there to be any very special circumstances with the application that clearly outweigh the harm caused by reason of inappropriateness or the other harm highlighted above.
- 10.23 Notwithstanding the above, within the submitted planning statement, reference is made to the proposal supporting 'the vitality of Gawthorpe as a village and assist in supporting other local services', which is supported by paragraph 55 of the NPPF. Nonetheless, as officers have concluded Gawthorpe is not a village, limited weight is afforded to this. Although reference is also made to the Council lacking a 5-year housing land supply, as set out in para 10.2 of this assessment unmet housing demand is unlikely to outweigh the harm to the Green Belt by reason of inappropriateness. This is considered to be the case here.

#### *Conclusion*

- 10.24 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.

- 10.25 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. None have been offered by the applicant, and officers have not independently identified any.
- 10.26 The proposal is contrary to policy D13 of the UDP and Chapter 9 of the NPPF and it is concluded that the principle of development is considered unacceptable within the Green Belt.

#### Residential Amenity

- 10.27 As the application is at outline stage with the matters of scale, appearance and layout 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.
- 10.28 Notwithstanding this consideration can be given to the space standards outline in Policy BE12. The dwelling is located 13.5m from no.104 to the north and 6.4m from the host dwelling, no.102. Considering these distances there is no immediate concern that the proposal could not comply with BE12. At Reserved Matters stage careful consideration of the scale of the dwelling and the placement of windows would be required, given that no. 104's garden space would be adjacent to a gable wall of the proposed dwelling and therefore has the potential to cause a loss of privacy through overlooking. Nonetheless this is not considered to prohibit the potential development of the site.
- 10.29 While the plot is smaller than typical for neighbouring dwellings it is not considered future residents would have unacceptable amenity standard.
- 10.30 Subject to appropriately addressing layout, scale and appearance (including window arrangement), the proposal would not necessarily 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, PLP24 of the PDLP and Paragraph 17 of the NPPF at this stage.

#### Highway issues

- 10.31 Access is a matter for consideration. Other than the proposed point of access, which is to be shared between the proposed dwelling and the existing no.102, limited details have been provided. While it is acknowledged the access is established, there would be material intensification in use of the access, going from serving one dwelling to two.
- 10.32 As the access would serve two dwellings Planning and Highways officers seek the access width to be increased to 4.5m for the length utilised by multiple dwellings. This is to ensure the access can allow for passing, to prevent vehicles having to wait on Gawthorpe Lane. Furthermore, Highways have requested that the plans be updated demonstrating that sightlines of 2.4m x 43.0m can be achieved, along with swept path analysis of a car being able to turn to access and egress the site in a forward gear.

- 10.33 These details were required of the agent, but not received. Based on the submitted details Planning and Highways officers hold concerns that the access would not be suitable for two dwellings, causing harm to the safe and efficient operation of the highway network. Thus, the proposal fails to comply with Policy T10 of the UDP and PLP21 of the PDLP.

#### Other Matters

##### *Impact on local ecology*

- 10.34 The site is within 500m of a known great crested newt breeding pond. Great crested newts are a protected species and consideration must be given to the development's potential impact upon them.
- 10.35 The Local Planning Authority has a duty under the Conservation of Habitats and Species Regulations 2017 to consider if the proposals are likely to impact European protected species (such as bats, great crested newts (GCN), otters and white-clawed crayfish) to the extent that this would cause an offence under the same Regulations. If an offence is likely, then the Local Planning Authority also needs to be satisfied that Natural England are likely to grant a licence to carry out the works. This requires information on how the proposals are likely to affect European protected species (e.g. are GCN present on site, how much suitable habitat will be lost, will any GCN be killed), and how the applicant proposes to avoid or reduce these impacts.
- 10.36 The application is not supported by any ecological information. As such officers are unable to determine whether the proposal would harmful impact on protected species, specifically Great Crested Newts, or any mitigation or compensation for that impact. It is not therefore possible to perform the statutory duties in relation to local ecology or properly assess the development against emerging local and national policy. The proposal fails to comply with policy PLP30 of the PDLP and does not adhere to the objectives of Chapter 11 of the NPPF.

##### *Coal Mining Legacy*

- 10.37 The application site is in an area where there is a high risk of historic mining activity. Policies G6 and PLP53 seek to ensure that development proposals are considered having regard to available information about contamination and instability of the land concerned. In addition it is a requirement of the NPPF (paras 120-121) that the applicant should demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development and that planning decisions should ensure that the site is suitable for its new use taking account of former activities such as mining in the area.

- 10.38 A Coal Mining Risk Assessment was submitted with the application, which indicated a potential risk for development of the site, and thus made recommendations for safe development. The report was submitted for consideration by the Coal Authority, who concurs with the conclusion and recommendations of the CMRA. Subject to conditions requiring the recommended works be undertaken, and detailed reports provided for review, the Coal Authority does not object to the proposal. These conditions are deemed to comply with the NPPF's six tests, so as to accord with Policy G6 and BE1 of the UDP and Paragraphs 120 and 121 of the NPPF. Given the importance of ensuring a safe development, and the potential impact of coal legacy, pre-commencement conditions are deemed justifiable.

#### *Air quality*

- 10.39 In accordance with government guidance on air quality mitigation, outlined within Policies PLP21, PLP24 and PLP51 of the PDLP along with the NPPG and Chapter 10 of the NPPF, it is considered reasonable and necessary to seek air quality enhancement as part of the application. Therefore, if minded to approve, a condition will be imposed requiring the provision of an electric vehicle charging point.

#### Representations

- 10.40 *Object*

Six representation were received in objection to the proposal. The following is a summary of the concerns raised along with a response to the points raised;

- The application claims that Gawthorpe is a village because it has a number of dwellings, farm and a local club and is a named settlement on OS maps. This is disputed. Other than the club there are no services or amenities within Gawthorpe (i.e. church, school, shop) or a defined centre. There are also no other roads which feed into Gawthorpe, thus built development is restricted to Gawthorpe Lane only, where there are only 14 dwellings.
- The proposal is contrary to the NPPF's five purposes of the Green Belt (Paragraph 80).
- Other local residents have approached the Local Planning Authority to develop within the area, where officers stated the principle would not be supported as officer did not consider Gawthorpe a village.

**Response:** These comments generally concur with the officer's assessment of the proposal, as detailed within paragraphs 10.7 – 10.26.

In regards to advice given to local residents regarding the principle of development, officers maintain that the Gawthorpe does not form a village from a planning perspective, and that the principle is not supported.

- The proposal fails to comply with Policy D13 of the UDP because it is not larger surrounded by development and not part of a built up frontage.

**Response:** This is noted. However the application does not seek to comply with D13, instead stating the proposal complies with Paragraph 89 of the NPPF.

- The development would harm the amenity of no.104's residents and harm visual amenity.
- The proposal would cause an overdevelopment of the site, out of keeping with local development. It is questioned whether the site could accommodate a dwelling, outdoor amenity, parking and turning.

**Response:** As per paragraphs 10.27 – 10.30 of this assessment officers conclude, at outline stage with the relevant considerations reserved, the proposal would not in principle harm the amenity of nearby residents. However, officers concur that the proposal would be detrimental to the openness (visual amenity), through the introduction of new built development within the Green Belt.

- The previous owner contacted the LPA to discuss developing the application site, where they were told as it is in the Green Belt approval would not initially be supported. To approve the application would not be fair, and the council 'going back on their word', causing the previous owner to be 'cheated out of something we could have potentially built'.

**Response:** These comments are noted. As detailed within this report, officers maintain that the proposal is inappropriate within the Green Belt and that there are no very special circumstances which outweigh the harm caused.

Notwithstanding this advice from officers outside of the formal Pre-Application Service is informal only and does not constitute a formal advice or assessment of development. Any submitted application would be assessed on its own merits taking into account all relevant material considerations at that time.

- The proposal would raise highway concerns as too many drives would lead onto the road, which at peak times is busy.

**Response:** The access referred to currently exists, however officers have concerns that, without appropriate improvements, it would be unsuitable to serve two dwellings.

#### 10.41 *Support*

No representations in support were received.

## 10.42 Cllr Comments

Cllr Bernard McGuin requested the application be determined by sub-committee for the following reasons:

1. *To look at the argument about the definition of a village and its impact on this application*

**Response:** Officer's assessment on the definition of a village is outlined within Paragraphs 10.6 – 10.14.

2. *Dispute over effect on the environment*

**Response:** In regards to the impact on the environment, officers are unable to assess this as the application has not been supported by the relevant assessment.

3. *The receipt of support from the neighbours*

**Response:** No comments in support have been received from neighbours.

4. *To look at if any special reasons can be taken into account when considering the application*

**Response:** No very special circumstances have been offered by the applicant, and none are evident to officers.

5. *The overall effect of building on the present footprint*

**Response:** The site currently hosts a garage. While this is noted, a dwelling will inevitably have a greater impact on the surrounding area, most notably in scale and mass within the Green Belt.

## 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 Further to the above it has not been demonstrated that the development could be undertaken without significant loss or harm to biodiversity as required by PLP30 of the PDLP and Chapter 11 of the NPPF.

11.3 The application is made at outline; however, access is a matter for consideration as part of this application. The application has failed to demonstrate that a safe and efficient access can be formed onto Gawthorpe Lane, in breach of Policy T10 of the UDP and PLP21 of the PDLP.

- 11.4 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%2f91922>

Certificate of Ownership: Certificate A signed