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

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 19-Mar-2020**

**Subject: Planning Application 2019/93579 Outline application for erection of detached dwelling with integral garage adj, 7, Drummer Lane, Bolster Moor, Huddersfield, HD7 4JT**

**APPLICANT**

Mr & Mrs Hepworth

**DATE VALID**

01-Nov-2019

**TARGET DATE**

27-Dec-2019

**EXTENSION EXPIRY DATE**

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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: Colne Valley**

**Ward Councillors consulted: No**

**Public or private: Public**

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## **RECOMMENDATION: REFUSE**

1. The application site is within designated Green Belt, whereby as set out in the National Planning Policy Framework (NPPF), the construction of new buildings, subject to certain exceptions are regarding as inappropriate development. Paragraph 145 of the NPPF and paragraph 19.31 of the Kirklees Local Plan sets out when 'infill' development in the Green Belt may be acceptable. The application site is not considered to be located within a village, nor is it within an otherwise continuously built up frontage or largely surrounded by development. As such the proposal is not considered to constitute infill development. Furthermore, the development would harm the openness of the Green Belt by introducing additional built form within an open field that would diminish the open space between the existing buildings and would lead to an encroachment into the countryside. As such the erection of a dwelling on this site would constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. No very special circumstances exist that clearly outweigh the harm this development would cause to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal. The proposed development would be contrary to the aims of Chapter 13 of the National Planning Policy Framework.

### **1.0 INTRODUCTION:**

1.1 The application is brought to Planning Sub Committee at the request of Ward Councillor Bellamy who has provided the following reason:

*"The site could potentially be seen as infill with regards to there being properties adjacent and also new properties being built on the site on Slades Road, also after reading the report with regards to Bolster Moor being a village, due to it not having a GP surgery or pharmacy there are many other villages that also do not contain these amenities"*

### **2.0 SITE AND SURROUNDINGS:**

2.1 The site relates to land adjacent to 7 Drummer Lane, a self-contained field, surrounded by dry stone walls and a tall evergreen hedge to the South West. To the North of the site is Drummer Lane where in the far northern corner is a field accessed by a 5-bar gate. To the north east is 1 Drummer Lane which is constructed right up to the shared boundary, with habitable room openings looking over the field.

2.2 Surrounding the site is a mix of buildings and uses with residential and farming uses and buildings present. The common construction material is stone.

### **3.0 PROPOSAL:**

3.1 The applicant is seeking outline permission for the erection of one detached dwelling with integral garage. Permission is also sought for access with all other matters reserved.

3.2 As part of this application an indicative site plan has been provided, alongside supporting statements.

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

##### 4.1 Application site:

2004/91521 Outline application for residential development – Refused, including reason related to inappropriate development in the Green Belt.

##### 4.2 Wider vicinity:

2002/91106 Change of abattoir and butchers shop to one dwelling – Granted (1 Drummer Lane)

2015/93066 Outline application for demolition of existing buildings and erection of residential development (8 dwellings) – Condition Permission (HI Pylon Works)

2016/91881 Erection of 14 dwellings – Refused and dismissed at appeal (HI Pylon Works)

2017/90989 Erection of 5 dwellings – Granted (HI Pylon Works)

93/04630 Outline application for 16 earth sheltered dwellings and dedicated woodland and nature area – Refused (Bolster Moor Road/Slades Lane)

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

5.1 The officer contacted the applicant to advise that the proposal represented inappropriate development within the Green Belt in principle. This provided an opportunity to set out what ‘very special circumstances’ the applicant considered may exist to clearly outweigh the harm to the Green Belt that would accrue. The applicant put forward that the proposal represents infill within an existing settlement and provided a supporting statement to justify this position; this argument being that the development was not inappropriate in the Green Belt. The application has therefore been assessed on the basis of the submitted plans and additional statement.

#### **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).

The site is located within the Green Belt on the Kirklees Local Plan.

##### 6.2 Kirklees Local Plan

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP21 – Highway safety and access

LP24 – Design

LP30 – Ecology and geodiversity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

Paragraph 19.31 Limited infilling in villages.

### 6.3 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 2 – Achieving sustainable development

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well design places

Chapter 13 – Protecting Green Belt land

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

Chapter 15 – Protecting and enhancing the natural environment

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by site notice and neighbour notification letters. Final publicity expires on 11<sup>th</sup> December 2019. As a result of the above, no representations have been received.

## 8.0 CONSULTATION RESPONSES:

8.1 **KC Policy:** Object in principle and consider the additional information does not constitute 'very special circumstances'.

**KC Environmental Health:** No objection subject to a condition regarding an electric vehicle charging point.

**KC Highway Development Management:** No objection to the proposal, but the only concern would be that the proposed sight lines are potentially over third party land which is outside the red line boundary.

## 9.0 MAIN ISSUES

- Principle of development: Green Belt
- Housing Supply
- Residential amenity
- Highway Safety
- Other matters
- Representations

## 10.0 APPRAISAL

### 10.1 Principle of development: Green Belt

10.2 The site's location within the Green Belt requires chapter 13 of the NPPF to be considered in detail. It identifies the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The construction of new buildings within the Green Belt are regarded as inappropriate unless they fall within one of the categories set out within paragraphs 145 and 146 of the NPPF.

- 10.3 The applicant contends that the proposal represents limited infilling within a village, and therefore accords with paragraph 145 (e) of the NPPF. There is no infill policy contained within the Local Plan, however paragraph 19.31 details the LPAs position, setting out:

*19.31 National planning guidance states that new dwellings may not be inappropriate in the Green Belt where they constitute limited infilling within villages. There are a number of smaller settlements in Kirklees which are either overwashed by the Green Belt or inset within it and the level of services contained within these settlements varies considerably. Any application for infill development within the Green Belt will therefore be judged in the first instance on whether the settlement is a village for the purposes of Green Belt policy. 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.*

- 10.4 Given that the framework does not provide a definition to what constitutes to a village/settlement, this would be a matter of planning judgement.
- 10.5 The applicant has set out that they consider Bolster Moor to form an existing village because it contains several service uses that would normally be associated with a village. There is a public house, primary school, children's nursery and after school club and also Bolster Moor farm shop and cafe, which now caters for day to day needs because it sells the sort of provisions normally associated with a convenience shop.
- 10.6 It is acknowledged that there are a number of services at Bolster Moor that support the people who live in the area, including the junior and infant school, playgroup and pub as well as the farm shop and cafe. However, Bolster Moor is characterised as an area of sporadic older development dispersed over a wide area, without a core or village centre. The school stands in a somewhat isolated location and serves a large rural catchment. The former chapel is now a nursery and there is a play area. However, there are no other day to day services such as GP, pharmacy, hairdressers or other service or facility normally associated with a village. There is an hourly bus service and a school bus service too but there is little doubt that the residents of the new property would use a private car for most day to day needs. As such Bolster Moor is not considered to be a village for the purpose of Green Belt policy.
- 10.7 Whilst Bolster Moor is not considered to form a village, paragraph 19.31 of the Local Plan sets out other factors to be considered, and for completeness these other matters will be considered. Paragraph 19.31 states that to be considered an infill plot a site should be within an otherwise continuously built up frontage and small, normally sufficient for not more than 2 houses.
- 10.8 The character of Bolster Moor is of sporadic and dispersed settlement in an upland rural landscape, with isolated or small groups of buildings with open space between them, contributing to the strong rural character. The open spaces between the buildings are therefore very important to the openness of the Green Belt. The site fronts Drummer Lane which is one of three roads (Drummer Lane, Bolster Moor Road and Slades Road) forming a 'triangle' of roads with frontage development along them, although Drummer Lane is characterised in the location of the application site by widely spaced properties.

- 10.9 The application site is a green field that creates a sizeable and significant gap between nos. 1 and 7 Drummer Lane. The agricultural land, dry stone wall and lack of footway all contribute to a strong rural character on this road which is not therefore considered to be continuously built up. Opposite the site is a small cluster of older cottages with associated agricultural buildings/stables, which add to the rural character. At approximately 0.13ha in size this plot could accommodate between 4 and 5 houses at a standard density of 35 dwellings per hectare so is not small for the purposes of paragraph 19.31 of the Local Plan. The site cannot therefore be considered to be an infill plot for the purposes of Green Belt policy and would represent inappropriate development.
- 10.10 As set out in paragraph 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 details that substantial weight is given to any harm to the Green Belt. '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.
- 10.11 The information outlined within the planning statement and email dated the 10th January 2020 are not considered to amount to very special circumstances, as they primarily consider the reasons why Bolster Moor is a village given the surrounding amenities and why the site should be considered as infill given the existing surrounding residential development.
- 10.12 The harm to the Green Belt would come from the introduction of built form, hard surfacing and garden areas on an area which is currently an open agricultural field. Whilst the application seeks outline consent with all matters bar access reserved, an indicative layout has been provided which details a single large detached dwelling with access. Such development would be significantly detrimental to the open and rural character of the area. As one of the purposes of the Green Belt is to safeguard the countryside from encroachment, and the proposal would result in the loss of a small field that adds materially and significantly to the rural character of Drummer Lane, it is considered that the proposal would introduce a significant incongruous urban development to the detriment of the openness of the Green Belt and contrary to the purposes of including the land within the Green Belt.
- 10.13 With regard to the design, given that all matters bar access are reserved, limited indicative detail has been provided, however as set out above there are concerns that in principle the development of the site would be detrimental to the rural character of the local area.
- 10.14 The proposal is therefore considered to represent inappropriate development within the Green Belt and very special circumstances that clearly outweigh this harm and other harm have not been demonstrated. The proposal therefore fails to accord with the requirements of Chapter 13 of the NPPF.

## **Housing Supply**

- 10.15 Turning to matters of housing supply, the council can demonstrate 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the 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 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).
- 10.16 Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer. Notwithstanding this, windfall sites also help contribute to housing delivery.
- 10.17 Whilst acknowledging that the site would provide for new housing at a time of general shortage, this provision has to be balanced against other material planning considerations. As set out above, the harm to the Green Belt is considered to be significant and the provision of housing is considered not to outweigh this harm. Furthermore, policy LP7 of the KLP establishes a desired target density of 35 dwellings per hectare. If this density level is used for the application site, it could accommodate between 4 and 5 units which would intensify the harm to the openness of the Green Belt.

## **Residential Amenity**

- 10.18 The application is at outline stage with the matters of scale, appearance and layout reserved, therefore the impacts of the proposed development would have on the amenities of the occupants of the neighbouring properties cannot fully be assessed at this stage.
- 10.19 Nonetheless, Policy LP24 of the Kirklees Local Plan states that "good design should be at the core of all proposals by ensure that development provides a high standard of amenity for future and neighbouring properties". This is also reiterated in Chapter 12 of the National Planning Policy Framework. The impact of the development on each property will be assessed in turn.
- 10.20 7 Drummer Lane is the neighbouring property to the South West of the application site. The scheme is likely to have some impact on these neighbour's amenity, as the site is currently vacant from any built form. Whilst the overall scale and massing cannot be established as part of this application, there is existing substantial boundary treatment between the sites which would alleviate some of the impact.
- 10.21 In terms of habitable windows, it appears that the main outlook at no.7 is to the North West and South East which would provide the opportunity for a dwelling to be designed to retain an acceptable level of amenity for this property. Control over window openings and scale could also ensure that the impact is acceptable.

- 10.22 1 Drummer Lane is the neighbouring property to the North East of the application. It is likely that there would be some impact on these neighbour's amenity given the fact that the property is situated on the shared boundary with the application site. Alongside this, the dwelling benefits from various openings within its South Western facing elevation which look directly across the application site. For these reasons, concern is raised in terms of a potential loss of privacy for these neighbours and the future occupants of the new dwelling. Nevertheless, it has been considered that any undue impact could be overcome by appropriate landscaping and control over layout and appearance, to be assessed in a reserved matters application.
- 10.23 2 and 6 Drummer Lane are the neighbouring properties to the North West of the application site. Given that there would be an acceptable separation distance of at least 23m retained, a proposed dwelling is unlikely to have any significant impact on these neighbour's amenity.
- 10.24 Based on the details held, officers are satisfied that an acceptable level of amenity could be retained at the neighbouring sites. This would be in accordance with Policy LP24 of the Kirklees Local Plan.

### **Highway safety**

- 10.25 The application seeks approval for details of access. The site is around 7m from the junction with Slades Lane and the proposed access is shown to be at the furthest point from the junction; taken directly from Drummer Lane via a private driveway formed in the drystone wall. The submitted plans show 2.4 x 43 sight lines from the access from Drummer Lane, alongside off-street parking and internal turning arrangements.
- 10.26 The site is considered to be a sufficient size to accommodate parking and internal vehicle turning. The proposed gates are shown to be set back into the site at a distance of 5.5m from the carriageway edge which should allow a vehicle to pull off the highway in front of the gates.
- 10.27 The impact of the development on highway safety has been assessed against Policies LP21 and LP22 of the Local Plan which seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Based on the submitted details the proposed would accord with the aforementioned policies.

### **Other matters**

#### *Air quality*

- 10.28 In accordance with government guidance on air quality mitigation outlined within Policies LP24 and LP51 of the Kirklees Local Plan, it is considered reasonable and necessary to seek air quality enhancement as part of this application. Therefore, if minded to approve, a condition could be imposed requiring the provision of an electric charging vehicle point within the site.

### *Climate change*

- 10.29 On 12th 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 predates 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.
- 10.30 In this case, it has been considered that the proposed development would have a negative impact on climate change as it would result in the development of a greenfield site in an unsustainable location where future residents would be reliant on the private car. Although any new dwelling would be constructed to modern building standards and could be designed to be thermally efficient and include an orientation which supports solar gain, this does not outweigh the concerns regarding the principle of development.

### *Foul sewerage*

- 10.31 The submitted information outlines that the foul sewage will be disposed of through a Mains Sewer at no. 7 Drummer Lane. This has been considered satisfactory for the scale of development and it considered to comply with the aims of Policy LP53 of the Kirklees Local Plan.

### *Ecology*

- 10.32 The site is an open agricultural field which is considered to be of low ecological value. The development whilst having all matters reserved could secure appropriate ecological enhancement measures which could be secured by condition.

### **Representations**

- 10.33 No representations have been received as a result of the above publicity.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. In this instance, the development proposed does not accord with paragraph 19.31 of the Local Plan or Policies within Chapter 13 of the NPPF. The application of policies in the NPPF that protect areas of particular importance, in this case Green Belt, provides a clear reason for refusing the development proposed.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93579>.

Certificate A signed.