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Planning Development

Planning Statement: Land west of Siddal Wells Cottage, Siddal Top Lane, Siddal, Halifax, HX3 9TU

Summary

This is a re-submission of a previously withdrawn application for the demolition of existing buildings and erection of one detached dwelling. Concerns were raised previously by the LPA that the existing buildings were judged to be agricultural and therefore NPPF paragraph 145 (g) disappplies.

However, previously unavailable evidence obtained from the landowner in the form of a sworn statement and other records, clearly demonstrate the buildings were in fact in equestrian and commercial uses over previous decades, and the site therefore qualifies as a brownfield site, allowing re-development in principle under Paragraph 149 (g).

This application also demonstrates that as a result of a reduction in floorspace and volume, the proposals will have less impact on the Green Belt than the existing buildings – thereby fulfilling the Para 149(g) test of having no greater impact on the openness of the Green Belt than the existing development.

Other matters raised by the case officer at the time are addressed in this statement, including highway issues previously raised in connection with intensification of use, the sustainability of the location, and access for refuse vehicles. Reference is made to a recent appeal in connection with sustainable location matters.

Site Description

The site is currently occupied by a number of redundant single storey buildings which have been constructed using various materials including concrete blocks and slabs, brick, timber and corrugated metal. The buildings previous uses have included stables, hay storage, a saddlery / safety equipment shop, workshop, garage / log store, and horse loading / and unloading.

Directly north of the site is a residential property known as Siddal Wells and directly east of the site on the other side of the lane is another residential property known as Siddal Wells Cottage. The site is located on the side of a relatively steep hillside and is largely surrounded by open fields and countryside. Access to the site is via Siddal Top Lane, a single- track road. The site is situated at a lower level to the road.



Photograph of the application site facing north

Planning History

17/00821 – Proposed dwelling on site of redundant agricultural building – Withdrawn

Land Designation

The site lies within the Green Belt and within a Wildlife Corridor in accordance with the Replacement Calderdale Unitary Development Plan Policies Map. The Local Plan Publication Draft also shows the site within the Green Belt and on the edge of the Wildlife Habitat Network.

The Proposals

This application seeks planning permission for the redevelopment of the site and would include the demolition of the existing buildings and the erection of one detached dwelling and the formation of new access.

The proposed dwelling would be two storeys in height with a pitched roof and constructed using coursed natural stone and natural blue slates. A single storey element is also proposed on the north side elevation and this too would have a pitched roof and would contain two rooflights.

Due to the topography of the site and to make the most of the views across the valley, the proposed dwelling would be an upside house with the living accommodation located on the lower ground floor (open kitchen/dining/lounge, family room, utility room, store and W.C.), and the property's three bedrooms and two bathrooms located on the upper ground floor. Windows are proposed on all elevations except the southern elevation. Large-glazed windows and a glazed balcony are also proposed on the west/rear elevation.

The proposed dwelling also includes an attached double garage at the southern end. A new access is proposed from Siddal Top Lane which would enable direct vehicular access to the garage.

Assessment of the proposals

Background

In 2017 an application was submitted to the LPA for a proposed dwelling to replace the redundant agricultural buildings (LPA ref: 17/00821). The application was eventually withdrawn later that year for the following reasons:

- 1) Agricultural buildings are not considered to be brownfield development. No very special circumstances were put forward by the applicant in favour of allowing the development and as such, the LPA considered that the proposals did not comply with the NPPF.
- 2) The LPA considered that a residential use would be more intensive than the previous agricultural use. The application was not supported by the Highways Department due to poor visibility at the junction of Siddal Top Lane and Change Lane where it was felt that any intensification of this junction would give rise to highway safety concerns.
- 3) The LPA considered that the site is not within an accessible location in terms of access to local facilities and amenities, and as a result, residents would be reliant on the private car for their day-to-day needs.
- 4) It was felt that the dwelling would be difficult for refuse vehicles to access, as Siddal Top Lane is unsuitable for HGV's.

Three years on from the application being withdrawn, the applicant sought advice from ourselves and the case was fully reviewed.

A detailed assessment of all the relevant issues are discussed and addressed in detail in the following paragraphs.

1) Brownfield / Greenfield Status

Following discussions with the applicant and upon obtaining further evidence, it has been ascertained that in fact, the buildings on the site have **not** actually been used for agricultural purposes.

The applicant has supplied a sworn statement of declaration (enclosed with Appendices A, B and C) which may be summarised as follows:

- The site has been in the family since 1955.
- Each individual building (10 in total) have been drawn on an 'as existing' plan (Appendix A) and the applicant has described what each building has been used for over the decades.
- The previous uses comprise stables (Photos at Appendix B), hay storage, a saddlery / safety equipment shop (Appendix C photos), workshop, garage / log store, and horse loading / and unloading.

These previous uses were established considerably in excess of ten years ago for the purposes of lawfulness and the site may therefore be considered to be brownfield land for the purposes of NPPG paragraph 149 (g).

As such, redevelopment is acceptable in principle providing that the proposals will have no greater impact on the Green Belt than the existing buildings.

2) Green Belt impact

Paragraph 145 g) in the NPPF states the following:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this (include):

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

not have a greater impact on the openness of the Green Belt than the existing development.'

It is considered that the redevelopment of the site would have no greater impact on the openness of the Green Belt for the following reasons:

- The proposed new dwelling would have a substantially smaller footprint than the existing buildings to be demolished (308 sq.m proposed [over two floors] vs 406 sq.m single storey – **a 24% reduction**). Moreover, the current buildings are spread over a relatively large area, including Building's 9 and 10 which are separate from the main group. The proposed development would result in a much tighter, single footprint, benefiting Green Belt openness considerably.
- The overall volume of built development on the site would also be significantly reduced. The proposed new dwelling would have a volume of 863.1 cu.m compared with the volume of the existing buildings, which is 1145.33 cu.m (**a 25% reduction**). Again, the amalgamation of the built form into a single, more compact floorplate, over two floors instead of one, aids Green Belt openness.
- The proposed dwelling would be built as a split-level property within the hillside, allowing a single storey along Siddal Top Lane, and two storeys to the rear. The roof of the proposed dwelling would be stepped down with the natural topography, when travelling from south to north along Siddal Top Lane.
- Referring in particular to the 'Proposed Plans and Elevations' drawing, the profile of the existing buildings is shown in a dotted line, with the proposed dwelling elevations overlaid. As can be seen the proposed dwelling roofline is comparable to the height and profile of the existing roofline, with areas of the proposed dwelling projecting slightly above, with other parts being below. Moreover, with the more compact footprint lengthways and widthways of the proposed dwelling, the overall impact on openness is considerably reduced.
- This also means that the overall visual prominence of the proposed building compared to the existing buildings would significantly lower than the existing sprawl of dilapidated buildings –

in particular given the significant floorspace and volume reduction proposed. Please refer to the photographs below taken from the southern and northern end of the buildings.

- It is also considered fair to acknowledge that the ramshackle, ad hoc layout and massing of current buildings represent a significant detractor from the visual amenity of the Green Belt at present. NPPF paragraph 145 emphasises the need for Local Authorities to “plan positively to enhance their (Green Belt) beneficial use, such as looking for opportunities to.....retain and enhance landscapes, visual amenity and biodiversity; or to improve derelict or neglected land.”
- We consider it is important to weigh in the planning balance the significant improvements to the wider landscape and visual amenity resulting from these proposals, as well as of course the improvement of this derelict / neglected site, thereby fulfilling the objectives of NPPF Paragraph 145.



Photo - View of buildings from northern end

Design and Visual Amenity

RCUDP Policy BE 1 (Design Criteria) states that, ‘Development proposals should make a positive contribution to the quality of the existing environment, or at the very least, maintain that quality by means of high standards of design.’

Paragraph 130 in the NPPF also states that, 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.'

The design of the proposed dwelling would be sympathetic and in keeping with the character and appearance of neighbouring properties in terms of roof style, architectural detailing, fenestration and materials of construction (natural stone and roof slate).

The proposed development is therefore considered to comply with local and national planning policy objectives with regard to design.



Photo - View of buildings from southern end

Re-use of brownfield land and housing supply

The re-use of brownfield land is strongly supported by national planning policy as a contributory factor to its core aim of sustainable development. ¹

¹ NPPF paragraph's 8(c) and 118

NPPF Paragraph 60 states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.'*

The Council is currently unable to deliver sufficient homes according to the 2020 Government published Housing Delivery Test, which shows that Calderdale's housing delivery result was 55%. This triggers the presumption in favour of housing development as per NPPF Paragraph 11 (d).

This proposals would therefore help boost housing supply in the light of current housing delivery shortfalls.

Residential Amenity

There are only two properties within close proximity to the proposed dwelling. Siddal Wells is located approximately 20m north-east of the proposed dwelling on the opposite side of Siddal Top Lane, and Siddal Wells Cottage is located approximately 12m south-east of the proposed dwelling, also on the opposite side of Siddal Top Lane.

It is considered that residential amenity for both existing and future occupants would not be detrimentally affected in terms of privacy, natural light and outlook. This is due to the angle, orientation and location of the proposed dwelling in relation to the existing dwellings, the angle and location of existing and proposed windows, and the siting of the proposed dwelling, which would be at a much lower level to the existing dwellings.

The next closest dwellings are located over 100m away. The proposed development is therefore considered to be acceptable and complies with paragraph 130 (f) in the NPPF and Policy BE 2 (Privacy, Daylighting and Amenity Space) in the RCUDP.

Highways and Accessibility

Highways Development management raised three matters in the 2017 case and these are addressed in turn below.

1) Intensification of use of access with substandard visibility splays

The sworn statement from the applicant details traffic associated with the existing buildings totalling over 400 sq.m in floor space. This has included landrovers, trailers, tractors, a 7.7 tonne flatback wagon, blacksmiths for horses, veterinary visitors, shop visitors and casual labour staff.

This evidence demonstrates that the previous traffic associated with the existing building group would have most likely far exceeded the traffic generated from the single proposed dwelling and as such, no intensification of use of Siddal Top Lane would occur.

It must also be noted that the NPPF now states ² *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

² Paragraph 109

It is not considered that on balance there would be an **unacceptable** impact on highway safety in this instance, nor that there would be **severe** cumulative impacts on the road network.

Of final note is that Siddal Top Lane is a highway maintainable at public expense.

2) Alleged unsustainable location

Green Belt policy supports the redevelopment of brownfield sites in the Green Belt and there are no policies within the National Planning Policy Framework preventing development on grounds of lack of accessibility by non-car modes of transport.

Again, we would also refer to NPPF paragraph 109. NPPF paragraph 103 also recognises that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

Therefore, the NPPF draws a distinction between significant development, and also between rural vs urban situations.

Furthermore, numerous rural houses are granted on a regular basis in similar (often more remote) situations in the Calderdale borough. A recent appeal decision at Oldroyd Road, Todmorden ³ was allowed for two holiday cottages in a similar proximity to the urban areas as this application. In that case, the nearest bus stop was half a mile away along a country lane; Todmorden town centre and train station were over a mile away, however the Inspector stated at Paragraph 11:

Todmorden train station, a bus service, a national cycle route as well as local services and facilities are located nearby. This means that occupiers of the holiday flats would not need to be fully reliant on the use of a private car. Thus, occupiers of the holiday flats could utilise public transport and could walk and cycle to local services and facilities.

In the case of the current application:

- a) Southowram and the bus stop for services 349 and 571 (serving Brighouse / Halifax) are located 0.6 miles away (a 11 min walk).
- b) The urban centre of Siddal with various day-to-day local shops, post office etc. is located 0.7 miles away (13 min walk), and includes a bus stop at the bottom of Park Head Lane serving the 541 and 542 buses (to Halifax).
- c) Walking north along Siddal Topp Lane and down Pheobe Lane provides another bus stop 0.7 miles away (541 and 542 again), and this would be a virtually traffic-free route. Along the same route, it is actually only 1.5 miles (30 mins) walk to Halifax town centre.

As such, the accessibility to local services and public transport stops and services is actually reasonable for its semi-rural location, and is certainly on a par with the situation the Inspector found acceptable in the Todmorden appeal case.

³ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3279287>

The applicant would however be content to accept an electric charging point condition, in order to encourage use of low emission / electric vehicles.

3) Difficult access for refuse collection vehicles

The few properties on Siddal Top Lane are currently served by a smaller refuse vehicle (as per the picture below). As such, large bin lorry access is not required.

Furthermore, as detailed above, the existing site has previously generated waste (and presumably collection) and therefore one dwelling in place of all these buildings is considered to represent a de-intensification of use.



Photo – Existing Council bin collection utilising smaller vehicle

Drainage

The Council's foul drainage assessment form has been completed. This confirms that no local sewers are available and that a package treatment plant and soakaway will be utilised to serve the proposed development.

We therefore respectfully request that the Council grants planning permission accordingly.

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