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## **Rule 6 Statement**

**Land at Kirklees Knowl, Farsley**

**Town and Country Planning Act 1990**

Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

**Appeal by Thornhill Estates  
Against the Failure of Leeds City Council  
to Determine in the Specified Period  
an Outline Planning Application for  
Residential Development (All Matters  
Reserved Except for Partial Means of  
Access to, but not within, the Site)  
at Land at Kirklees Knowl, Bagley  
Lane/Calverley Lane, Farsley, Leeds**

**PINS Reference Number APP/N4720/A/13/2200640/NWF**

**Planning Application Reference Number 12/04046/OT**

Prepared on behalf of

Thornhill Estates

Prepared by

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Dated: August 2013

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## **1.0 Introduction**

- 1.1 This appeal is in response to the failure of Leeds City Council to determine within the specified time period an outline planning application (all matters reserved except for partial means of access to, but not within, the site) for residential development on land at Kirklees Knowl, Bagley Lane/Calverley Lane, Farsley.

## **2.0 Appeal Proposals**

- 2.1 The appellants applied for outline planning permission for residential development on the 21<sup>st</sup> September 2012. The application was considered by officers for some nine months but not determined and as a consequence Thornhill Estates lodged an appeal against non-determination on the 25<sup>th</sup> June 2013.

## **3.0 Background/Site History**

- 3.1 The appellants will refer to all relevant site history on the application site and adjoining land. Reference will also be made to all relevant consultations and correspondence with the Council's Planning Officers and other bodies throughout the application process.

## **4.0 National Planning Policy Guidance**

- 4.1 The appellants will demonstrate the proposals accord with the National Planning Policy Framework.

## **5.0 Statutory Development Plan**

- 5.1 The Statutory Development Plan for the area comprises the saved policies of the Leeds Unitary Development Plan (Review 2006) adopted July 2006. Reference will be made to all relevant policies within the adopted UDP.
- 5.2 The Leeds Unitary Development Plan is in the process of being replaced by a Local Development Framework and the appellants will refer to the emerging Core Strategy, the emerging Allocations Document and all relevant background papers pertaining to the preparation of the LDF.

## **6.0 Appellant's Case**

- 6.1 The appellants will describe the site, its location and physical characteristics and the nature of the development proposed.
- 6.2 The site is identified as a Protected Area of Search on the Leeds Unitary Development Plan Review (adopted 2006) following its removal from Green Belt in the original UDP in 2001. The purpose of excluding the land from the Green Belt and identifying it as a Protected Area of Search was to provide

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opportunity to meet the city's longer term development needs. The appellants will demonstrate that the terms of Safeguarded Land Policy N34 are out of date, that no material harm will be caused by the grant of planning permission in terms of prematurity or otherwise and that there is an absence of a five-year housing land supply, with persistent under supply of housing in Leeds and a growing housing requirement.

- 6.3 The appellants will provide detailed evidence that the site is in a sustainable location, will provide sustainable development and that the Council does not have a deliverable five-year housing land supply and therefore there is a presumption in favour of development of this site. Furthermore, the appellants will demonstrate that even if a five-year supply could be demonstrated the release of the site for housing would not undermine the Council's housing strategy and as such would be acceptable in any event.
- 6.4 The appellants will demonstrate that the site is suitable for residential development given its location adjacent to the Main Urban Area of Leeds and the nature of adjoining land uses. The appellants will refer to the adjoining site which is a housing allocation which was subject to an appeal in 2009 wherein the inspector concluded the site was in a sustainable and suitable location.
- 6.5 Whilst the site constitutes greenfield land, it is located directly adjoining an existing settlement in close proximity to employment opportunities, shopping and leisure facilities and good public transport routes. The development of the site for residential purposes will be shown to be a sustainable form of development that conforms with National and Local Policy objectives and principles.
- 6.6 The appellants will also demonstrate that there are no physical constraints to developing this site in relation to highways, drainage or other issues.
- 6.7 In terms of delivery of affordable housing, green space provision, offsite highway works and other planning gain, the appellants will offer a Unilateral Undertaking to the Inquiry to provide for these elements of planning gain.

## **7.0 Conclusions**

- 7.1 The appellants will contend that it is appropriate to bring forward the site for development at this time and the scheme proposed is wholly acceptable in this location when assessed against all material considerations and will not cause harm to interests of acknowledged importance.
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## Schedule of Supporting Documentation

- A copy of the original appeal application under application reference P/12/04046/OT. Reference will also be made to all relevant correspondence, background papers, maps, diagrams and documents, etc relating to the site which assist in presenting the case on behalf of the appellants;
  - The planning history of the site and the adjoining site;
  - The planning history relating to other PAS sites that have been subject to planning applications and permissions;
  - Appeal decisions relating to eleven Public Inquiries pertaining to Phase II and Phase III housing allocations in Leeds;
  - Housing land supply and housing market information;
  - The Leeds Unitary Development Plan (Review 2006) adopted July 2006;
  - Emerging Local Development Framework;
  - The National Planning Policy Framework;
  - All relevant case documents;
  - Any other documents which the appellants consider would assist in supporting the appeal.
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