



## Report of the Chief Planning Officer

### SOUTH & WEST PLANS PANEL

Date: 11 January 2024

**Subject: 23/03467/OT– Outline Planning Application for the erection of nine dwellings, with some matters reserved except for access at Field off Westerton Road, Tingley, WF3 1AE**

**APPLICANT**

Binks Executive Homes

**DATE VALID**

07.06.2023

**TARGET DATE**

02.08.2023

**Electoral Wards Affected:**

Ardley & Robin Hood

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: REFUSE for the following reason:**

**The Local Planning Authority considers that the development fails to comply with saved Policy N11, which seeks to protect open land, allowing only necessary buildings for the operation of farming or recreational uses. The proposed development of 9 dwellings and associated infrastructure does not fall within the operation of farming or recreational uses deemed to be 'necessary' nor is the development considered to be 'open'. As such, the proposal represents inappropriate development which would have a harmful impact on the openness of the site, contrary to saved UDP Policy N11 of the Unitary Development Plan (Review 2006).**

**INTRODUCTION:**

1. The application relates to outline planning permission for 9 dwellings including access, with all other matters reserved. The application site is within designated land under saved UDP Policy N11, which restricts uses within the land to open uses only, such as agriculture or recreation. The application is reported to Plans Panel as it triggers the following exceptions to the Chief Planning Officer Delegation Scheme; (b) the

proposed development is a departure from the adopted Development Plan and (a) a Local Ward Member Cllr Foster has submitted a Panel request for the application to be heard at Plans Panel, due to its impact upon the character of the area, highways safety and harm to residential amenity through loss of light, noise and disturbance.

### **PROPOSAL:**

2. Outline planning permission is sought for the construction of 9 dwellings in East Ardsley. The application includes the principle of development for housing including details of Access. Layout, Landscaping, Scale and Appearance will be the subject of future Reserved Matters. Vehicular access is taken from the new road and junction from Westerton Road. This leads through the site resulting in a cul-de-sac and turning head adjacent to an area of greenspace.

An area of open land is retained on site, on a piece of land towards the southern boundary that will result in the retention of a number of mature trees. The open space sits within the applicant's ownership and is shown within a blue line on the block plan.

### **SITE AND SURROUNDINGS**

3. The site is a small field of 0.92 hectares in total (including 0.25 ha for recreation and biodiversity improvements to the south of the site). The development will be accessed off the new road and junction from Westerton Road (currently being constructed) serving part of the adjacent Redrow Homes development. The latter being built out pursuant to SAP allocations HG2-168 and HG2-169, under outline planning permission ref 17/08262/OT dated 21 Oct 2020 (for up to 299 dwellings) and reserved matters approval 21/07156/RM dated 13 June 2022 (for 289 dwellings). The site is a small agricultural parcel of land that forms part of a wider area of open land that in itself sits within the built-up area of West Ardsley, which is designated as open land for open uses only under Saved UDP policy N11.
4. The site is relatively flat but slopes downwards in a southerly direction and there are a number of notable and mature trees within the sites' boundary to the North, South and West. The surrounding areas are predominantly residential and there are no prevalent styles of types of homes, with the majority of homes being two storey 20<sup>th</sup> and 21<sup>st</sup> Century construction. A small number of older buildings point to a rural heritage.

### **RELEVANT PLANNING HISTORY:**

#### Planning applications:

5. None relating to this specific site area, although a number of applications have been approved on the land surrounding for housing.  
17/08262/OT – 299 dwellings – Approved on 21 October 2020  
21/07156/RM – 289 dwellings – Approved on 13 June 2022

### **CONSULTATION RESPONSES:**

#### Statutory Consultees:

6. Coal Authority – Object due to insufficient information  
  
West Yorkshire Archaeology Services – No objection

Non-Statutory Consultees:

7. Policy and Plans – Object to the development as it falls within land designated under UDP Policy N11.

Landscape – Further information required, in terms of tree retention and an arboricultural impact assessment. Technical guidance is provided in terms of a detailed site layout. *It is noted that layout is not being applied for as part of this Outline application.*

Highways – Proposed access is suitable and safe for vehicles and pedestrians.

Contaminated Land – No objections, phase 2 site investigation required.

Flood Risk Management – No objection

Environmental Studies Transport Strategy – No objection

**PUBLIC/LOCAL RESPONSE:**

8. The application was advertised as a departure to the development by the posting of site notices on 27 July 2023 and advertised within the Yorkshire Evening Post on 11 August 2023. To date, the following comments have been received.

Ward Member Comments:

9. Cllr Foster objects to the application due to the impact upon the character of the area, highways safety and harm to residential amenity through loss of light, noise and disturbance.
- The application outlines designs for 9, 4 bedroom luxury homes which doesn't meet the need within the community
  - The area needs homes for young people
  - Lack of affordable housing, scrutiny should be given on whether this applies
  - Unmarked mine workings may impact construction
  - Public Transport links are in a critical state further housing shouldn't be permitted until this is rectified

Morley Town Council:

10. Morley Town Council object to the application as the site is not allocated for housing as it is a greenfield site. Impact upon Westerton Road, amenities, local schools, health centres and request for the item be taken to plans panel.

Comments in Objection:

A total of 17 letters of representation have been received, objecting to the application on the following grounds:

- 11.
- Site forms part of Haigh Wood tract of open land (N11)
  - Only open uses permitted on the land
  - Contrary to Council's own policy
  - Garage structure will obscure views
  - Proximity of garage to neighbours property
  - Object to any windows that would result in overlooking
  - The layout is not consistent or sympathetic with the houses to the north
  - Development of the land is increasing the density of the area
  - The plans show Redrow houses but it is considered a separate development

- This keeps Redrow under the threshold to not need to contribute to infrastructure
- No affordable housing, health facilities, dentists, high school places, public transport or road infrastructure
- Too many houses in the area already
- Increase in traffic
- Losing open green space
- Lack of site Notices
- Risk of onsite flooding
- Adequate boundary treatments should be provided to prevent loss of privacy
- Existing property will overlook development
- Imposes on open views
- Five year housing supply
- Access from Westerton Road was not permitted to serve an additional 9 dwellings
- Site boundaries not addressed
- Transition between open land and development not addressed
- Appropriate planting not addressed by applicant
- The link road between the two developments will remove planting and green space, will this be replaced
- Poor quality green space in village
- Deficiencies in the ward of green space
- Comments removed from public access could impact process
- Noise and disturbance during construction
- Sites will merge and result in urban sprawl
- Luxury housing will not help with need for affordable housing
- Impact upon wildlife and biodiversity
- Impact upon trees
- Pollution

## **PLANNING POLICIES:**

### *LOCAL PLANNING POLICY AND GUIDANCE*

#### The Development Plan

12. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises the adopted Local Development Framework Core Strategy ( as amended 2019), those policies saved from the Leeds Unitary Development Plan (Review 2006), the Site Allocations Plan (2019), the Natural Resources and Waste Development Plan Document (2013 and 2015) and any made neighbourhood plan.

13. The following policies from the Core Strategy are considered to be of most relevance to this development proposal:

General Policy – Sustainable Development and the NPPF

SP1 - Location of development

SP6 - The housing requirement and allocation of housing land

SP7 - Distribution of Housing Land and Allocations

SP13 - Strategic Green Infrastructure

H2 - Housing Density

H4 - Housing Mix

H9 - Minimum Space Standards

H10 - Accessible Housing Standards



P10 - Design and Context  
P11 – Conservation  
P12 - Landscape  
T2 - Accessibility requirements  
G1 - Enhancing and Extending Green Infrastructure  
G6 - Protection and Redevelopment of Existing Green Space  
G8 - Protection of species and habitats  
G9 - Biodiversity improvements  
EN1 - Climate change  
EN2 - Sustainable design and construction  
EN5 - Managing flood risk  
EN8 - Electric Vehicle Charging Infrastructure  
ID2 - Planning obligations

14. The following saved policies from the Unitary Development Plan are considered to be of most relevance to this development proposal:

GP5 - General planning considerations  
N25 - Site Boundaries  
BD5 - New buildings and amenity  
LD1 - Landscaping  
N11 - on the following tracts of open land, only open uses will be permitted. Building will only be allowed if it can be shown that it is necessary for the operation of farming or recreational Uses, and if it would not adversely affect the open character of the area:

- Haigh Wood, West Ardsley

15. The following policies from the Natural Resources and Waste Local DPD are considered to be of most relevance to this development proposal:

AIR 1 – Management of Air Quality  
WATER 1 – Water Efficiency  
WATER 2 – Protection of Water Quality  
WATER 6 – Flood Risk Assessments  
WATER 7 – Surface Water Run Off  
LAND 1 – Land Contamination  
LAND2 – Development and Trees

16. The site is not part of adopted Neighbourhood Plan.

Relevant Local Supplementary Planning Guidance/Documents

17. The most relevant local supplementary planning guidance (SPG), supplementary planning documents (SPD) are outlined below:

SPD Travel Plans (2015)  
SPD Building for Tomorrow Today: Sustainable Design and Construction (2011)  
SPG Neighbourhoods for Living (2003, Updated 2015)  
SPD Transport (2023)  
SPD Accessible Leeds (2016)

Other relevant documents

## *NATIONAL PLANNING POLICY AND GUIDANCE*

### National Planning Policy Framework

18. The National Planning Policy Framework (NPPF 2023) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
19. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework is an important material consideration in planning decisions.
20. The National Planning Policy Framework (NPPF) gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment, for proposals to add to the overall quality of the area and that are attractive places to live and respond to local character (section 12, NPPF). In addition, advice is contained within section 9, NPPF (Promoting sustainable transport) that deals with sustainable transport modes and avoiding severe highway impacts; and, section 5 (Delivering a sufficient supply of homes) which includes housing supply/ delivery and affordable housing provision; section 8 (Promoting healthy communities) in relation to access to existing open/ green space; and, section 14 (Meeting the challenge of climate change and flooding) which includes matters of flood risk and promote renewable energy sources.

### National Planning Practice Guidance

21. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects.

### Climate Emergency:

22. The Council declared a climate emergency on the 27<sup>th</sup> March 2019 in response to the UN's report on Climate Change.
23. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
24. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

## Public Sector Equality Duty:

25. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the planning application to date and at the time of making the recommendation in this report.
26. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

## **MAIN ISSUES:**

- Principle of Development
- Highways and Access
- Impact on Living Conditions
- Drainage
- Trees and Biodiversity
- Coal Authority
- Climate and Energy
- Representations

## **APPRAISAL:**

### **Principle of Development**

27. In seeking to address whether the principle of residential development is acceptable, it is necessary to understand the planning policy context and designation of the site. In this instance, the site forms part of a wider area known as Haigh Wood in West Ardsley which is designated under saved Policy N11 of the Unitary Development Plan (Review 2006) (UDPR) as open land where only open uses will be permitted.
28. The text within the UDPR notes that in addition to green corridors and greenspaces, there are a number of large tracts of open land in the urban areas which represent a major visual amenity. These areas will be protected from development which would intrude harmfully in important public views of them or which would otherwise adversely affect their contribution to public amenity. The Area statements in Volume 1 describe these areas and the Site Statement Appendices in Volume 2 identify the Local Plan policies which have been carried forward for those N11 areas protected in adopted Local Plans. The policy states:

*On the following tracts of open land, only open uses will be permitted. Building will only be allowed if it can be shown that it is necessary for the operation of farming or recreational uses, and if it would not adversely affect the open character of the area:*

1. Owlcotes hill, Pudsey
2. Coal hill, Rodley
- 3. Haigh wood, West Ardsley**
4. Outer ring road, Weetwood

5. Outer ring road, Moortown
7. Kirkstall valley
8. Meanwood valley

The Area Statement in UDP Volume 1 states:

*17.2.14 -The central open valley of Haigh Wood is physically separated from open countryside by the built-up areas of West Ardsley. However, in view of the substantial amount of land already committed or proposed for development elsewhere, and the value of this area of attractive open farmland and grazing land surrounding the wooded valley of Baghill Beck (a designated Local Nature Area), as a major visual amenity forming a break in the built-up area, it should be protected from development.*

29. The Policy effectively means that development on this land will only be allowed if it can be shown that it is necessary for the operation of farming or recreational uses and if it would not adversely affect the open character of the area. As the proposal is for residential development and the presence of 9 dwellings would inevitably affect the open character of the area, then the proposal clearly conflicts with saved Policy N11. It is noted that saved policy N11 does not offer exceptions, and is more restrictive than Green Belt policy, in the sense that it affords even greater limitations on what is deemed appropriate development.
30. As previously noted, the site forms part of a wider designation as open land, which includes Haigh Wood and the surrounding open areas of farmland situated between residential development in all directions. Some of this open land has been the subject of housing allocations within the Site Allocations Plan, most notably sites allocated under Policies HG2-168 (Haigh Wood North) and HG2-169 (Haigh Wood South) comprising a total of 370 dwellings. Further to this, outline planning permission and reserved matters have been granted on the majority, but not all of these allocations for 289 dwellings and Redrow Homes are currently on site implementing this permission which comprises 4 individual development parcels. One of these parcels lies immediately west of the proposed site, and indeed the current proposal seeks vehicular access through this site.
31. In terms of the wider open land designation, some of this land has been allocated for housing through the Site Allocations Plan. The associated Housing Background paper Submission Draft May 2017 refers to site 3373 which was split into 3 sections (A, B and C) with site reference 3373A relating to the area to the north of Haigh Wood, site reference 3373C relating to the area to the south of Haigh Wood and site reference 3373B relating to the area of woodland and open land between parcels A and C. In the Housing Background paper, it describes how site references 3373A and 3373C were assessed in terms of their suitability for housing, as follows:

*Designated as N11 - open land on the existing UDP, not within the Green Belt. Site relates well to the existing settlement and release of this part of the site would not adversely impact on the openness of the valley to the south. Any development would need to retain good public access into the valley. The site was historically put forward as a housing allocation in the draft Morley local plan, and whilst not subsequently allocated, in considering the UDP, the Inspector conceded that development of some of the land for housing could not be ruled out. This site is well screened from existing surrounding development, and development would still maintain open views across the valley to the south which should be retained and enhanced. [10- Outer South West page 238]*

33. It was based upon the above analysis that led to these two sites being allocated for housing under SAP references HG2-168 and HG2-169. With regard to site

reference 3373B (the woodland and open land in between) the Housing Background paper discounts this site for housing based upon the following analysis:

*Designated as N11 - open land on the existing UDP, not within the Green Belt. Site 3373 has been split into 3. Site B is the central valley. It is important that the openness of the central valley is protected and retained as an attractive local resource. The valley is popular among walkers and cyclists and offers impressive open views.*

34. It can be assumed that the application site was not put forward by a third party as a proposed development site for housing within the SAP and therefore no assessment was made in terms of its suitability for housing. As such, the policy context for the application sites remains as open land under saved Policy N11.
35. The applicant's justification for developing on the land designated as open land under saved policy N11 relates to an evolving physical change to the context of the area and is supported by a Landscape and Visual Assessment. The applicant contends that local circumstances and policy considerations have changed dramatically since UDPR Policy N11 was adopted some 17 years ago. It is noted that when the LPA resolved to adopt the 16.5 hectare SAP residential sites (HG2-168 and HG2-169) in 2019 and then grant the outline planning permission in Oct 2020 (for the substantive areas of the allocations under 17/08262/OT) it considered Policy N11 and cited no conflict.
36. The applicant notes that the application site is a small field, served by the approved "Redrow" access off Westerton Road and is now seen in the context of the existing housing to the north and east on Westerton Rd and the new Redrow development to the west and south. The visual envelope of the site area is very contained, and active construction sites for further residential development, surrounding the site, will serve to limit this visual envelope further. It is therefore not a key part of a large tract of open land. The applicant's supporting Landscape and Visual Assessment confirms the site has little merit in visual and landscape terms. It is now part of an enlarged urban edge. The assessment concludes that "the character of the immediate wider context is in active change due to the current construction of new residential development to the immediate west and south-east. These fields are transitioning to form part of the urban edge and will soon form part of the settlement to display an urbanised local character."
37. In response to the applicant's supporting evidence, officers would contend that the land does still perform an important function in terms of its openness. The site is read in context with the open area of land to the south and south-west which forms part of the wider Haigh Wood which is a valuable open tract of land for local residents to enjoy. The policy (N11) does not allow any allowances for any other forms of development such as housing and whilst it may be considered a policy which was drafted some time ago, the fact remains it is an adopted planning policy that carries full weight in the decision-making process. The application site is not allocated for housing, similar to that of sites HG2-168 and HG2-169, and given that the authority already has a 5 year land supply of deliverable housing sites, then there are no overriding or compelling reasons to allow development on this site.
38. The proposed development is of residential use, and as such would not fall within the operation of farming or recreational uses deemed to be 'necessary' nor are they considered to be 'open'. As such the proposal represents inappropriate development which would have a harmful impact on the openness and important public views.

39. As such, any residential development sited on land designated as N11, is contrary to policy and would not be supported in principle. Furthermore, there are no material planning considerations which would weigh in favour of development, including the delivery of housing, since the Council already has a 5 year land supply of deliverable housing sites.
40. Notwithstanding the restrictive nature of the land use in terms of its open land designation, other aspects of the development have been considered. In terms of density, the current scheme is proposing 9 units over a 0.92ha site. Policy H3 requires a development in this area to meet a density of at least 30 units per hectare. Whilst the density falls short of this, the number of dwellings is considered to be acceptable as this takes into account the need to safeguard a number of important mature trees on site and provide sufficient distances between dwellings and existing neighbouring properties.
41. Whilst the proposal is in outline only, no details of housing mix have been provided. However, the applicant has noted that the proposal can include a range of house types to meet varying needs. There are only 9 dwellings proposed, and therefore the need to meet an appropriate housing mix for long term needs is not overriding, as stated within Policy H4.
42. Core Strategy Policies H9 and H10 relate to space and accessibility standards and these policies will need to be fully complied with in the event that outline planning permission was granted and dealt with at a future Reserved Matters stage when the detailed designs of the dwellings are known. However, given that the principle of residential development is unacceptable, then such matters are not relevant.
43. In summary, given that the site is an open land designated under saved Policy N11, then the principle of development for housing is considered to be unacceptable.

#### **Highways and Access**

44. Policy T2 of the UDP of the Core Strategy advises that new development should be served adequately by existing or programmed highways and will not create or materially add to problems of safety, environment or efficiency on the highway network. The NPPF notes at Paragraph 111 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
45. The internal layout of the proposal does not form part of the considerations under this outline application however, the access into the site is for consideration. Vehicular access to the site is to be taken from the west through the Redrow site which is currently being constructed and ultimately Westerton Road.
46. The level of car parking, including visitor parking as well as provision for cycle parking and electric vehicle charging points will be detailed at any reserved matters stage and will need to meet requirements within the Transport SPD.
47. It is considered the proposals do not adversely affect highway safety and are deemed acceptable in this regard. In summary, the proposal raises no highway and pedestrian safety issues and will provide a well laid out development. The proposal is considered to be compliant with Core Strategy Policy T2 as well as guidance within the Transport SPD.

### **Impact on Living Conditions**

48. It is necessary to consider what impact the development will have upon the living conditions of immediate neighbours in terms of sunlight, overlooking and dominance, as well as upon the living conditions of future occupants. However, as the outline application relates only to access the matters relating to layout, scale and appearance are reserved. Such an assessment will happen if a successful permission was granted, and thereafter dealt with by the any subsequent Reserved Matters submission.

### **Drainage**

49. Within the Core Strategy, Policy EN5 advises that the Council will seek to mitigate and manage flood risk by (as relevant in this case), reducing the speed and volume of surface water run-off as part of new-build developments. A drainage statement has been submitted and following several issues raised by FRM, revisions have been made and the proposal now satisfies that the new requirements.
50. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are known surface water flood risks to the southern end of the site which will require specific mitigation and would impact on the proposed development.
51. FRM accept the proposed maximum discharge rate of 3.9 l/s and the principle of the proposed drainage strategy. The drainage plan indicates that the surface water will drain through the adjacent land and then into an existing 225mm culverted watercourse. As this watercourse is riparian owned, the applicant will need to provide written confirmation from the adjacent landowner and the riparian owner of the culverted watercourse confirming agreement to lay the sewer through the land and a separate agreement to discharge 3.9 l/s into the culverted watercourse. This could have been covered by a condition.

### **Trees and Biodiversity**

52. The site comprises a number of trees along the western, northern, southern and eastern boundaries of the site. No Tree Retention/Removal plan or Arboricultural Impact Assessment have been submitted and therefore the impact upon trees is not clear. The access road will cut through a number of shrubs and trees on the western boundary, and any tree loss will be replaced at a 3 for 1 replacement. A landscaping management plan, Arboricultural Impact Assessment, Tree Survey and full landscaping details of proposed planting species would be required to be submitted at any future Reserved Matters stage.

### **Coal Authority**

53. The Coal Authority initially objected to the development as the site falls within the defined Development High Risk Area. The Coal Authority noted that the Mining Assessment submitted by the applicant failed to fully assess the risks posed by the recorded mine entry (shaft). In accordance with the agreed risk-based approach to development manage in Development High Risk Areas, the applicant needed to revise and resubmit the Mining Assessment to address the concerns raised. Subsequent to this, the applicant contacted the Coal Authority who have provided a plan which shows a coal mining entry recently discovered during groundworks at the adjacent Redrow site which has now been grouted to its 12m depth. Therefore, the applicant's Coal Mining Report will be updated and sent to the LPA for further consideration and consultation with the Coal Authority with the anticipation that the

Coal Authority would withdraw their objection. However, in the absence of this information, the LPA consider that this could have been dealt with as a condition which requires the applicant to provide this information in the event that this application had been recommended for approval.

### **Climate Change**

54. Policies EN1 and EN2 of the Core Strategy relates to climate change, carbon dioxide reduction, as well as sustainable design and construction. However, as the development proposes 9 dwellings, then these policies are not engaged since they seek compliance on developments of 10 dwellings or more. However, Policy EN8 which relates to electric vehicle charging infrastructure is applicable and would be considered at any future reserved matters stage.
55. Further to the above, other policies which will need to be complied with are those relating to biodiversity and landscaping of the wider site. As the scheme is in Outline, the detailed design of the houses are not known at this stage. However, conditions would have been imposed requiring details of the electric vehicle charging points, biodiversity, landscaping and tree retention to be provided if approval was recommended.

### **Representations**

56. 17 letters of representation as well as objections from a Ward Member and Morley Town Council were received with the material considerations addressed in the report above. A number of issues raised by local residents fall outside of the scope of this outline application which relates only to the erection of 9 dwellings and access. Matters such as the design of dwellings, layout of the proposal, positioning of dwellings, boundary treatments cannot be considered at this stage.

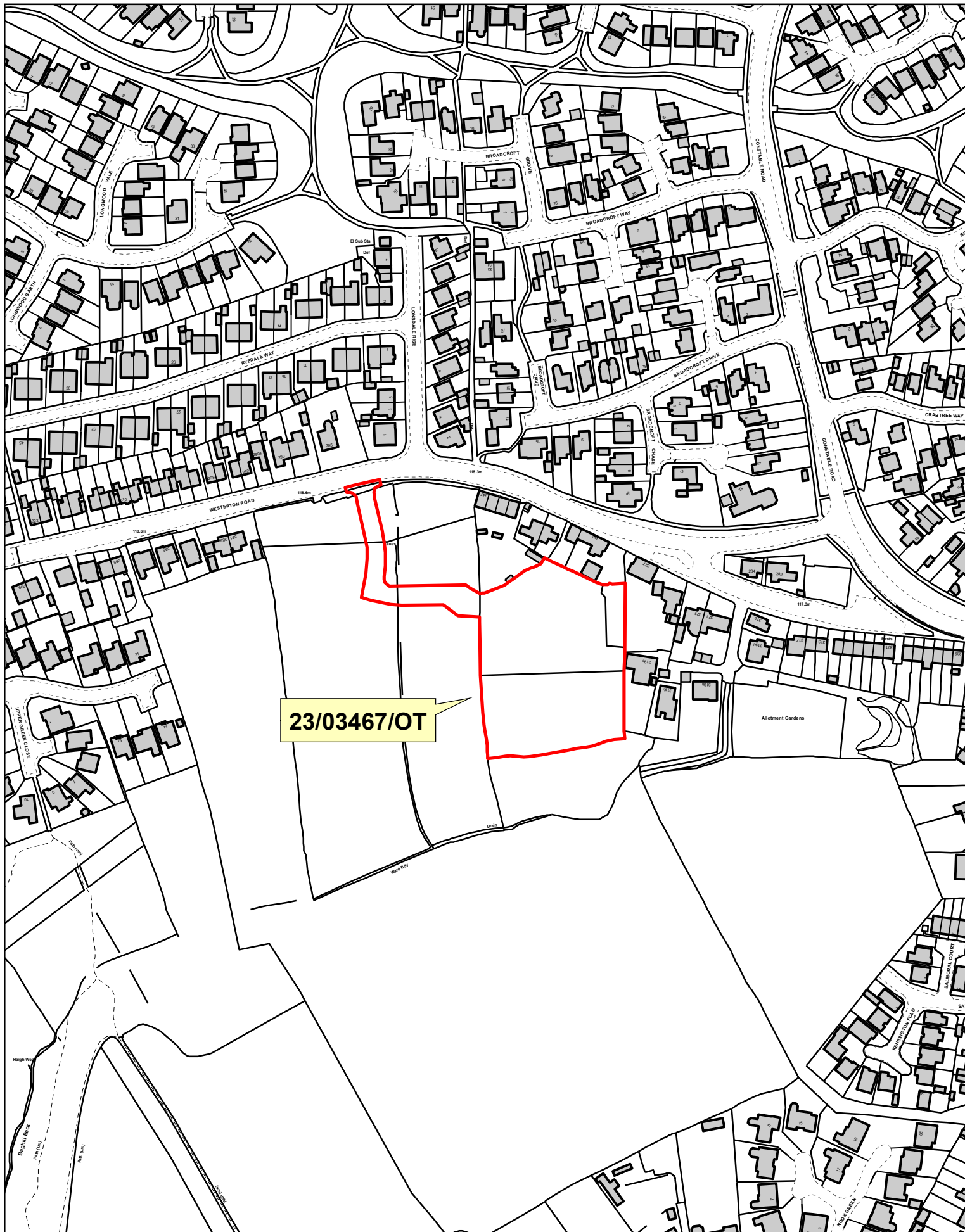
### **CONCLUSION:**

57. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is determined that the proposed development is not in accordance with the development plan as the proposal would be in conflict with saved Policy N11 of the Unitary Development Plan (Review 2006) as it would not be an acceptable use on the designated open land. Furthermore, there are no overriding material planning considerations that weigh in favour of the proposal. The application is therefore recommended for refusal.

### **BACKGROUND PAPERS:**

Application file reference: 23/03467/OT





23/03467/OT

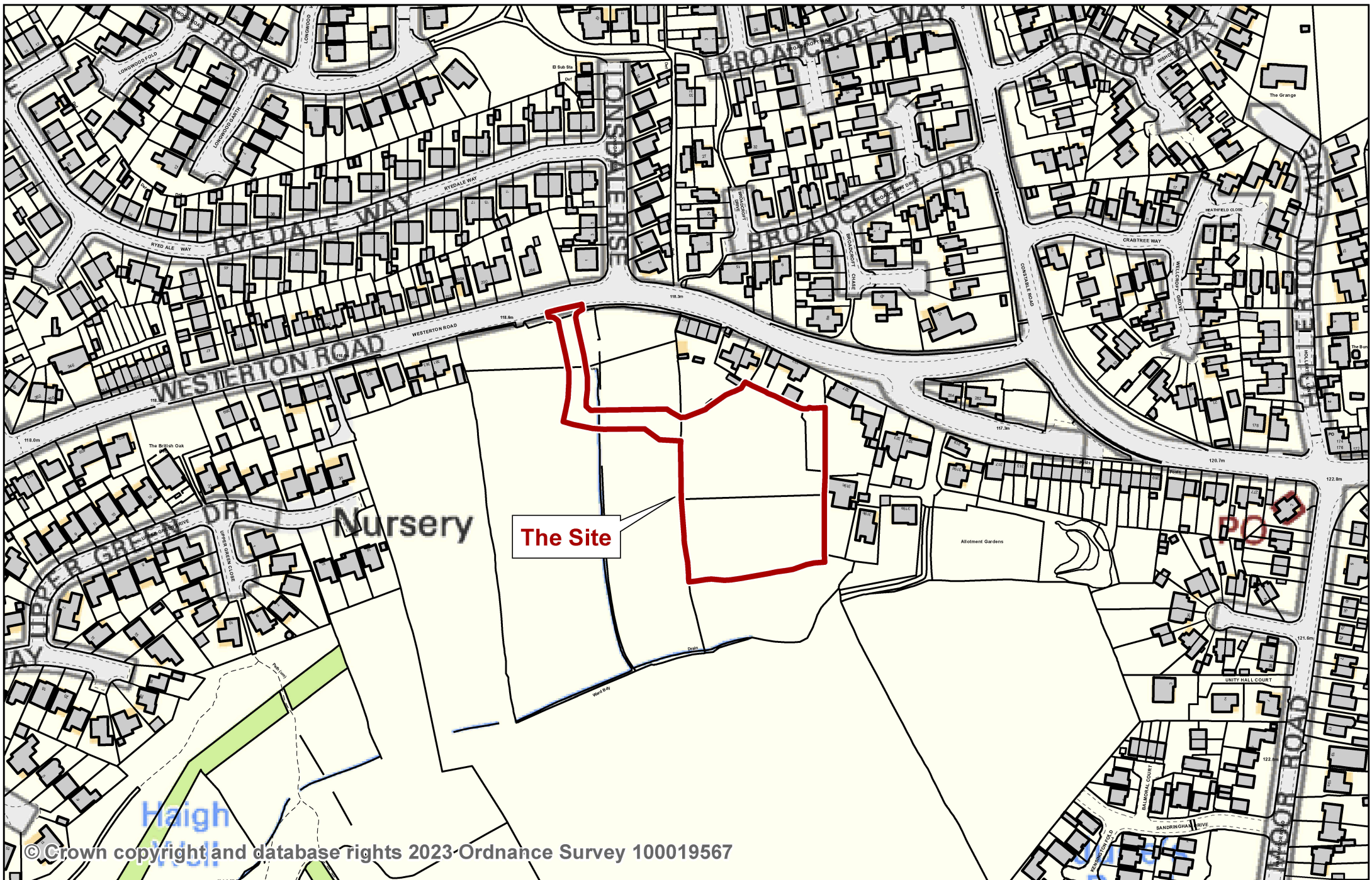
# SOUTH AND WEST PLANS PANEL

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SCALE : 1/2500





# PLANS PANEL PRESENTATION

SCALE 1:2500







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# PLANS PANEL PRESENTATION

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