

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Bradford West Chapter 6 Housing

SD Ref UDP – Case Ref IR – Page No.	Inspector’s Recommendation	CBMDC Decision and Reasons	Mod Ref
SD - SD/BW/H/1 UDP – Paragraph 6.0 IR – Bradford west page 8	<p>I recommend the modification of the RDDP by the inclusion of information, for each housing site listed in the Bradford west constituency volume, as to whether the site is a greenfield site or previously-developed land.</p>	<p>Decision : Accepted in part.</p> <p>Reasons : In accordance with the Inspector’s recommendation at paragraph 6.51c of the Policy Framework, the Council has accepted that information on Phase 1 and Phase 2 housing sites can be appended to the Policy Framework. The Council considers that the inclusion of this information in the Proposals Reports, in addition to the appendices is unnecessary and would unduly lengthen the Plan with duplicated material. Appendices F and G to the policy Framework provide the information that the Inspector recommended be included in the Plan. A tabulation of this information provides greater clarity for analysis of both phase 1 and phase 2 housing sites.</p>	MOD/ BW/H/1
SD - SD/BW/H/2 UDP - BW/H1.4 (SOM/BW/OS1/336, SOM/BW/OS3/336 & SOM/BW/OS4/336) Site - Clayton Lane/The Avenue, Clayton, Bradford IR – Bradford West/Pages 8-9	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s report</p>	N/A
SD - SD/BW/H/3 UDP - BW/H1.13 Site - Thornton Road, Thornton, Bradford IR – Bradford West/Pages 9-10	<p>I recommend that the RDDP be modified by allocating the site under Policy H2 rather than H1.</p>	<p>Decision : Rejected</p> <p>Reasons : The Inspector has considered the Councils location strategy for the identification of land for housing and has recommended that Thornton should fall lower down the search sequence than land in the urban area. The site has however, particular merits, to suggest that it should be in phase1 of the Plan, including being a derelict site along a 10 minute bus corridor, close to schools and local shops and occupying a location in the settlement where development can be consolidated with the creation of new areas of open space which will benefit the wider community. In any event the Inspector was not entitled to consider the phasing of this site, as this was not the subject of the objection, for both these reasons and independently of each other, the Council reject the Inspectors recommendation.</p>	N/A

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SD - SD/BW/H/4 UDP – BW/H1.17 Site - Westbourne Road, Manningham, Bradford IR – Bradford West/Pages 10-11	I recommend that no modification be made to the RDDP.	Decision : Accepted Reasons : For the reasons set out in the Inspector’s report	N/A
SD - SD/BWH/5 UDP – BW/H1.18 Site – Dirkhill Road, Dirkhill, Bradford IR – Bradford West / Pages 11	I recommend that no modification be made to the RDDP.	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	N/A
SD – SD/BW//H/6 UDP – BW/H2.4 Site - Sapgate Lane, Thornton, Bradford IR - Bradford West/pages 27-28	I recommend that no modification be made to the RDDP.	Decision : Accepted Reasons : For the reasons set out in the Inspector’s report	N/A
SD - SD/BW/H/7 UDP - BW/H2.6 (SOM/BW/GB1/163) SITE - Allerton Lane, School Green, Bradford IR – Bradford West/page 28- 29	I recommend that the RDDP be modified by the deletion of the housing allocation BW/H2.6 and the inclusion of the site within the Green Belt.	Decision : Rejected Reasons : The Council accept that the site is not as suitable for housing as other sites in the Plan for the reasons set out in the Inspector’s report. The Council do not however accept that the site should be added to the green belt. Paragraph 2.7 of PPG2 advises that approved Green Belts should only be altered in exceptional circumstances where those circumstances “necessitate” a revision. The court case Copas V The Royal Borough of Windsor and Maidenhead ([2001] J.P.L 1169) led to a very specific test being applied when adding land to the Green Belt. The case provides that exceptional circumstances which necessitate	MOD/ BW/H/3

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		<p>an addition to the adopted Green Belt will not exist unless, <i>“some fundamental assumption which caused the land initially to be excluded from the Green Belt is clearly and permanently falsified by a later event”</i>. The Inspector does not consider the “Copas” test in his consideration of this site neither are there any exceptional circumstances which necessitate a revision of the Green Belt boundary in this location. The factors identified in paragraph 6.119 of the Inspectors report do not amount to exceptional circumstances as set out in PPG2 and the Copas case.</p> <p>It is agreed that the site, although close to public transport is less sustainable than other sites in the Plan, is Greenfield and in a location which falls lower down the settlement hierarchy. The site is also very prominent and in a sensitive location close to listed cottages at School Green.</p> <p>Policy OS7 of the replacement UDP protects land, which has an “important local amenity value” to the settlement and where development would be “harmful to the character and setting of the village”. The Council consider therefore that it would be more appropriate to identify the site as Village Greenspace than as either a housing site or as Green Belt as suggested by the Inspector.</p>	
<p>SD - SD/BW/H/8</p> <p>UDP - BW/H2.9 (SOM/BW/GB1/340)</p> <p>SITE - Cote Lane/Allerton Lane, Allerton, Bradford</p> <p>IR – Bradford West/page 29-33</p>	<p>I recommend that the RDDP be modified by the deletion of the housing allocation BW/H2.9 and the land designated as Green Belt.</p> <p><i>See also related objections BW/TM20.9 and BW/TM20.10</i></p>	<p>Decision : Rejected.</p> <p>Reasons: The Council accept that the site does not perform as well as other urban extension sites identified both in the RDDP and by the Inspector given the particular constraints of the site and the degree of infrastructure necessary to deliver the site for housing development. The Council do not however accept that the site should be added to the green belt.</p> <p>Paragraph 2.7 of PPG2 advises that approved Green Belts should only be altered in exceptional circumstances where those circumstances “necessitate” a revision. The court case Copas V The Royal Borough of Windsor and Maidenhead ([2001] J.P.L 1169) led to a very specific test being applied when adding land to the Green Belt. The case provides that exceptional circumstances, which necessitate and addition to the adopted Green Belt will not exist unless, <i>“some fundamental assumption which caused the land initially to be excluded from the Green Belt is clearly and permanently falsified by a later event”</i>.</p> <p>The Inspector does not fully consider the “Copas” test in his deliberations of this site but suggests that the original reason for its designation is no longer a basis for its continued allocation today based on the advice in PPG3, 13 and RPG12. The Inspector also considers that the review of the Green Belt undertaken before</p>	<p>MOD/ BW/H/4</p>

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		<p>first deposit of the Plan amounts to an exceptional circumstance to alter the extent of the green belt in this locality. The site has never been part of the adopted green belt and the Council consider that there are no exceptional circumstances, which necessitate such a large addition to the green belt. Neither have any assumptions which initially excluded the site from the green belt been <i>permanently falsified</i>, as set out by the “Copas” test.</p> <p>The Council have considered the presence of existing constraints on development but given its location on the edge of the urban area, consider that there may be a time in the future when the site, despite its disadvantages, becomes required for development, particularly given its high place in the location strategy. The Council therefore proposes its allocation as safeguarded land under Policy UR5 to ensure a longer- term green belt boundary can be established beyond the Plan period.</p> <p>PPG2 states in paragraph 2.12 that <i>“In order to ensure protection of Green Belts within this longer timescale, this will in some cases mean safeguarding land between the urban area and the Green Belt which may be required to meet longer term development needs”</i>. The Council consider that the site meets the requirements stated in PPG2 paragraph 2.12 which states <i>“When providing safeguarded land local authorities should consider the broad location of anticipated development beyond the plan period, its affects on urban areas contained by the Green Belt and on areas beyond it, and its implications for sustainable development”</i>.</p> <p>The RDDP defines safeguarded land as <i>“land between the built up area and the Green Belt and other sites all of which are not appropriate for development in the plan period but would be reconsidered for development at plan review..... These sites are protected by a policy which will ensure that any uses of the land do not prejudice the potential for development in the longer term”</i>.</p> <p>Annex B of PPG2 gives further advice on safeguarded land stating <i>“safeguarded land comprises areas and sites which may be required to serve development needs in the longer term, ie well beyond the plan period”</i>. The site may be required for longer term development needs and is also capable of being developed when needed which is a requirement of paragraph B2 of Annex B to PPG2.</p> <p>Paragraph B3 of PPG2 Annex B requires safeguarded land should be located where future development would be an efficient use of land, well integrated with</p>	

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		<p>existing development, and well related to other existing and planned infrastructure , so promoting sustainable development. The Council considers that the site which it proposes to allocate as safeguarded land would, if developed, provide an opportunity to improve infrastructure and local services at the same time as providing sustainable development.</p> <p>The site meets all of the requirements of PPG2 regarding safeguarded land and is high up the search sequence as a Greenfield urban extension. Therefore it is appropriate to follow the advice set out in PPG2 which justifies allocating the site as safeguarded land rather than adding the land to the Green Belt when there has been no explanation of exceptional circumstances which accords with the Copas case.</p>	
<p>SD - SD/BW/H/9</p> <p>UDP – BW/H2.10, BW/TM20.11, SOM/BW/TM20/370, SOM/BW/OS2/268, BW/OS3.2, SOM/BW/OS7/268 & SOM/BW/GB1/286</p> <p>Site – Ivy Lane, Allerton</p> <p>IR – Bradford West Proposals Pages 33-35</p>	<p>I recommend that no modification be made to the RDDP, but that further detailed consideration be given to the planning brief for the development of the site, particularly in relation to layout, housing density, provision for private motor vehicles and additional accesses from the surrounding highway network.</p> <p><i>See also BW/TM20.11 pages 48-49</i></p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector's report.</p>	<p>N/A</p>