

## **Keighley Appendix 3**

### **Statement of Decision for SYKES LANE, SILSDEN**

SD SD/K/E/8 & Mod/K/E/6  
UDP K/E1.9, SOM/K/UR7/18, SOM/K/OS1/18, SOM/K/GB1/18  
IR Keighley, Pages 39, 49-52, 182-183, 206

#### **CBMDC Decision and Reasons**

Whilst the Council accepts the recommendation to delete part of the employment allocation and allocate this part of the site for Phase 1 housing, the Council does not accept the Inspector's recommendation to allocate the residual land for (i) Phase 2 Housing and (ii) Green Belt land.

In not allocating the site for employment purposes, the Council accepts the Inspector's conclusion that the entire site is not appropriate to be allocated for that purpose. The sites he recommends for allocation in the plan for various purposes do not perform the role which the Council was seeking for Silsden. However, the Council accepts the importance which the Inspector attaches to the settlement hierarchy as set out in RPG12.

If accepted, the inspector's recommendation would result in land being added to the Green Belt. PPG2, at para 2.6, advises that "once the general extent of a Green Belt has been approved it should only be altered in exceptional circumstances". Paragraph 2.7 of PPG2 provides that the exceptional circumstance should "necessitate" a revision to the Green Belt boundary. 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 there will be no exceptional circumstance which necessitates an addition to the green belt unless "some fundamental assumption which caused the land initially to be excluded from the Green Belt is clearly and permanently falsified by a later event".

The difficulty for the Council is that nowhere in the Policy Framework Volume, chapter 3 of the Keighley Constituency Volume or in specific consideration of this site does the inspector properly consider the Copas test. Nowhere is there any explanation of which, if any, fundamental assumption, which initially led to the exclusion of the land from the Green Belt, has been clearly and permanently falsified by a later event, or what that event might be.

In the Inspectors general consideration of the green belt (paragraphs 3.13 to 3.20 of the Policy Framework Volume) there is no specific reference to adding land to the green belt or the 'Copas' case. Therefore the Council's only course of action is to consider each site specific case where the Inspector has recommended adding land to the green belt in the light of the reasons provided in the reasoning

and conclusions part of the Inspector's report for that individual site or other material found in the relevant constituency volume. The Council accepts the Inspector's view at paragraph 3.42 (Policy Framework Volume) that the replacement plan replaces what exists rather than merely reviewing the current document. However, in the context of matters relating to the adopted Plan green belt, exceptional circumstances need to be demonstrated before the new Plan can replace what exists by changing the location of the adopted green belt boundary.

In paragraph 3.3 (Keighley Constituency Volume) the inspector states, "I have already concluded that the plan's settlement hierarchy should accord with advice in regional guidance. The draft plan classifies Silsden as a town. To my mind, the settlement should not be so categorised, using the tests in RPG12". In the statement of reasons covering the Plan Strategy the Council responds, "in considering the role of towns in the settlement hierarchy the Council agrees with the Inspector's view that Silsden should not be categorised as an urban area. However because of the status and function of Silsden it does not sit readily elsewhere in the hierarchy described in policy P1 of RPG12. The Council accepts the Inspector's conclusion that it does not score well in terms of current accessibility by public transport yet it has a good range of services (except for the absence of a secondary school) and has a much more substantial employment base than any other smaller settlement in the District. At present, until the RSS re-examines the role and function of settlements, Silsden should be regarded as a less well located smaller settlement though when compared to the other settlements in this category it offers a much broader range of services and is better served by public transport".

Having dealt with Green Belt in general in the Policy Framework Volume and Silsden's place in the settlement hierarchy in paragraph 3.3 onwards (Keighley Constituency Volume), the inspector goes on to look at the Green Belt around Silsden in paragraphs 3.43 and 3.44. The inspector states, "A large area of land was removed from the Green Belt in the adopted UDP in order to provide for the planned expansion of Silsden. Also the location policies of the plan do not support major development in Silsden in the future." In the inspectors view " the change in the role of Silsden from that envisaged in the adopted UDP could be an exceptional circumstance, which could justify an alteration to the boundary of the Green Belt" (paragraph 3.43 Keighley Constituency Volume). In the next paragraph the inspector indicates many of the sites are on the periphery of the settlement, and are open countryside, often indistinguishable from the Green Belt land beyond. .... and generally the inclusion of such land within the Green Belt would assist in moving towards sustainable patterns of development". Specifically with Sykes Lane, he suggests that policy emphasising sustainability is an exceptional circumstance. These conclusions by the Inspector do not amount to an explanation for adding land to the green belt which accords with PPG2 and the Copas case since policy can change over time..

The Council does not agree with the inspector that following the removal of Silsden as a Town from the settlement hierarchy that this part of the employment allocation should be deleted and included in the Green Belt. The Council feels that if the site is not required for employment then it would be more appropriate to allocate it as Safeguarded Land under UDP Policy UR5. PPG2 states in paragraph 2.12 that "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". The Council consider that the land at Sykes Lane meets the requirements stated in PPG2 paragraph 2.12 which states "When providing safeguarded land local authorities should consider the broad location of anticipated development beyond the plan period, its effects on urban areas contained by the Green Belt and on areas beyond it, and its implications for sustainable development".

Annex B of PPG2 gives further advice on safeguarded land stating "safeguarded land comprises areas and sites which may be required to serve development needs in the longer term, ie well beyond the plan period. The residual land at Sykes Lane 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.

Paragraph B3 of PPG2 Annex B requires that safeguarded land should be located where future development would be an efficient use of land, well integrated with existing development, and well related to other existing and planned infrastructure, so promoting sustainable development. The Council considers that the residual land at Sykes Lane together with the other areas of land in Silsden which it proposes to allocate as safeguarded land would, if developed, provide an opportunity to improve infrastructure and services at the same time as providing sustainable development.

Paragraph B4 of PPG2 Annex B says Local Authorities should have regard to the contribution which future redevelopment might make to remedying urban fringe problems, producing attractive well-landscaped urban edges. The future development of this safeguarded site would provide the opportunity to achieve an attractive well landscaped and defensible boundary to the urban edge of Silsden.

There has been no change in National Policy, ie PPG2, in the time between the inspector's recommendation prior to the adoption of the UDP and this inspector's recommendation regarding the replacement Plan. The site meets all of the requirements of PPG2 regarding safeguarded land. 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.

Rather than adding the site into the Green Belt the Council feel it is more appropriate that it should be designated as safeguarded land. The RDDP defines safeguarded land as “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”.

The Inspector has stated in his reasoning that there is sufficient Employment Land at Keighley Road/Belton Road to meet local needs. The employment land in this location comprises sites E1.5 (4.99ha), E1.6 (0.53ha), E1.7 (0.69ha) and E1.8 (1.04ha), a total allocation of 7.25hectares. However, E1.8 is fully developed. Site E1.5 has had planning permissions granted for industrial development on approximately 2.5 hectares. This leaves a total 3.72 hectares of undeveloped employment land at the Keighley Road/Belton Road location. Only 2.5 hectares are available for immediate development. The remaining 1.22 hectares have potential constraints. E1.6 is occasionally used for car parking and the site falls within the curtilage of the Charles Walker Engineering Works on Keighley Road. Site E1.7 is susceptible to flooding from the adjacent stream, Silsden Beck, on its western boundary. The inspector's comment that there is sufficient employment land at Keighley Road/Belton road to meet local needs is clearly questionable, given the projected housing development allocations for the Silsden area. Indeed the figures would suggest that there is a shortage of employment land.

The Council considers that, given the above conclusions, the central part of the Sykes Lane site would be more appropriate for employment purposes than Phase 2 housing. It would provide local employment opportunities for local residents resulting in a more sustainable settlement. Perceived difficulties noted by the Inspector in gaining access to the site could be negotiated and overcome through the development control process when implementing the new Phase 1 housing allocation adjacent. The Council has control over the principal means of access on Keighley Road and can negotiate an access solution to accommodate both residential and new employment needs. This would enhance the viability of the site in Bradfords Integrated Development Plan Programme (IDP).