

## **KEIGHLEY APPENDIX 7**

### **Statement of Decision – Howden Road**

SD SD/K/OS/1  
UDP K/OS5 SOM/K/GB1/257  
SITE Howden Road, Silsden  
IR Keighley/Pages 181, 221

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

The Council rejects the inspectors recommendation to delete the urban green space allocation K/OS1.5 and add the land into the green belt.

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". 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.

Although the inspector has recommended all the major development allocations at Silsden are deleted and the land added to the Green Belt the Council will only accept land be added to the Green Belt where exceptional circumstances exist as set out in the Copas case. Exceptional circumstances do not exist and the Council will not accept the land being added to the Green Belt.

In other instances where the inspector has recommended allocations are deleted and land be added to the Green Belt, the Council have rejected the land being designated Green Belt by reasoning the sites in question are more appropriately allocated as safeguarded land. This is because they meet all criteria for safeguarded land set down by PPG2. In the case of the land allocated as Urban Greenspace at Howden Road, the site does not meet the criteria because it is not required for longer term development for housing or employment.

Therefore, as the inspector has not demonstrated an exceptional circumstance under the Copas case for returning the site to the Green Belt and it would be inappropriate to allocate the land as safeguarded land the Council propose to retain the allocation of Urban Greenspace under Policy OS1.