
Appeal Decision

Site visit made on 8 August 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st August 2017

Appeal Ref: APP/Z4718/W/17/3174399

90 Far Banks, Honley, Huddersfield, West Yorkshire, HD9 6NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Roberts against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/60/91032/W, dated 1 April 2016, was refused by notice dated 15 November 2016.
 - The development proposed is a dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration. A drawing showing an indicative layout has been submitted, and I have had regard to this in determining the appeal.
3. The site has been subject to a previous dismissed appeal decision¹ for a similar development. Whilst that decision is dated 19 August 1999, and was therefore made in an earlier policy context, it covers matters that are directly relevant to the current proposal. I therefore attach significant weight to the previous Inspector's findings that are unaffected by subsequent changes in policy.

Main Issues

4. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt; and
 - (c) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

¹ T/APP/Z4718/A/99/1022384/P2

Reasons

Inappropriate development in Green Belt

5. The appeal site comprises part of the garden to No 90. The development would introduce a new dwelling in the gap between Nos 90 and 96.
6. Paragraph 89 of the National Planning Policy Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is limited infilling in villages. In addition, Policy D13 of the Kirklees Unitary Development Plan (UDP) (1999) states that within existing settlements in the Green Belt, infill development will normally be permitted subject to certain criteria. The Framework does not provide a definition of what constitutes a "village", and the UDP does not provide a definition of what constitutes a "settlement". Accordingly, this is a matter of planning judgement.
7. The appeal site is located within a group of around 50 houses fronting Banks Road, Upper Hagg Road, and Oldfield Road. This group is located outside of the settlement boundary of Honley, as defined on the UDP. Whilst it is linked to Honley by a ribbon of development along Far End Lane / Banks Road, this provides only a tenuous connection to the settlement in my view. In this regard, the majority of the properties within the connecting ribbon are positioned along only one side of Far End Lane / Banks Road. In addition, these properties become significantly more dispersed towards the appeal site, with generous spacing between them. Despite the presence of a continuous kerbed footway and street lighting, Banks Road has a predominantly rural character. Accordingly, I do not consider that the appeal site is within the settlement of Honley. In coming to that view, I have not relied on the Technical Paper the Council produced to inform its emerging Local Plan.
8. Moreover, I do not regard the group of properties in which the appeal site sits as constituting a "village". The majority of these properties are positioned along only one side of the road, and there are no services or facilities to support them other than a bus stop. These properties therefore constitute a ribbon of development rather than a village/settlement in my view. In this regard, I note that my colleague who determined the 1999 appeal came to a similar view on this matter. Accordingly, the development is not within a village/settlement, and would therefore not comply with the relevant exception at paragraph 89 of the Framework. This would be the case regardless of whether the development is deemed to constitute "limited infilling".
9. For the above reasons, I conclude that the proposal would be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to saved Policy D13 of the Kirklees UDP, which relates to infill development in the Green Belt.

Openness

10. The proposed dwelling would introduce additional built footprint and volume onto land that is currently open. The development would therefore result in a reduction in openness to this part of the Green Belt. The Framework advises at Paragraph 79 that openness is an essential characteristic of Green Belts, and the appeal proposal would therefore cause harm in this regard.

11. I conclude that the appeal proposal would fail to preserve the openness of the Green Belt. This would further harm the objectives of the Green Belt to which the Government attaches significant importance.

Other considerations

12. The development would include the widening of the existing private access drive at the rear to 6m, for a distance of approximately 16m. The Highway Authority has commented that this would allow 2 vehicles to pass one another, which would benefit the current users of the drive. However, there is no evidence before me that the existing arrangement is dangerous or has led to significant highways safety issues. This limits the weight I can attach to this consideration.
13. The development would also have some modest economic benefits including the creation of employment, and the purchasing of materials and furnishings.
14. The provision of an additional dwelling would make a small contribution to the Borough's deficient 5 year supply position. I return to this matter in my conclusion, below.

Conclusion

15. Whilst the Council is unable to demonstrate a 5 year supply of housing sites, in this case, specific policies in the Framework (relating to Green Belt) indicate that development should be restricted. The proposal would constitute inappropriate development in Green Belt and would reduce openness in this location. Even when taken together, the other considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The development would also be contrary to Policy D13 of the Kirklees UDP.
16. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.
17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR