



Appeal Decision

Site visit made on 19 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 20 November 2017

Appeal Ref: APP/Z4718/W/17/3179055

Land between 48 and 52 Greenhill Bank Road, New Mill, Holmfirth HD9 1ER

- 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 Mrs Pamela Taylor and Margaret Hayes against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/60/94074/W, dated 1 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline form with all detailed matters reserved for future approval.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy;
 - the effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area; and
 - if found to be 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.

Reasons

Inappropriate Development

4. Paragraph 87 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 89 provides, amongst other things, that the construction of new buildings should not be considered inappropriate development in the Green Belt if it comprises limited infilling in villages.

5. Greenhill Bank Road is a largely undeveloped stretch of road situated within the Green Belt and linking New Mill with the village of Totties to the south. To the east of the road, the land is largely open countryside. On the western side there are a few houses, either detached or in short terraces, with large open spaces between and open countryside behind.
6. The appeal site is a steeply sloping plot of land sitting between Nos 48 and 52 Greenhill Bank Road. No 48 sits to the north of the site and is at the end of a short terrace of three or so traditional stone-built cottages fronting the road. To the south, No 52 is the first of a small number of modern detached properties sitting in large plots.
7. Policy D13 of the Kirklees Unitary Development Plan 2007 (the UDP) states that infill development will normally be permitted within existing settlements in the Green Belt if the site is small, is largely surrounded by development or within an otherwise continuously built-up frontage, and it would not be detrimental to the living conditions of the occupiers of neighbouring land or to the character of the area.
8. In referencing 'settlements' rather than 'villages', the Policy differs from the language in paragraph 89 of the Framework. However, I disagree with the appellants that these terms are subjective, and given their ordinary meanings both implicitly require more than the mere presence of housing. A settlement is a community, like a village or a town. Outlying dwellings that are not clearly attached to the community I would consider to be outside a settlement. Policy D13 is consistent with paragraph 89 of the Framework and, for the purposes of this appeal, settlements should be treated as being synonymous with villages.
9. I take account of the appellants' family history with the appeal site and surrounding area. However, I consider the historical association with the land, where individual parcels were occupied by members of the same family for housing, demonstrates a deliberate distancing of the dwellings from the main built form of the nearby villages.
10. The houses on this part of Greenhill Bank Road are characteristic of *ad hoc* ribbon development constructed away from a settlement's main built form. In this case the open nature of the ribbon development relates more to the surrounding countryside than to the developed footprint of New Mills or the village of Totties, and is not part of either settlement. It follows, therefore, that the proposal does not comprise limited infilling in a village as described in the Framework and is neither part of a continuously developed frontage or surrounded by development.
11. I conclude that the appeal site is not within the exceptional category of a village infill for the purposes of paragraph 89 of the Framework and policy D13 of the UDP. Therefore the proposed scheme would be inappropriate development and thus harmful to the Green Belt. Pursuant to paragraph 88 of the Framework, I attach substantial weight to this harm.

Openness

12. Openness is one of the essential characteristics of the Green Belt and a number of factors are relevant to determining whether this openness is harmed, including the purpose of development, its duration and remediability. The likely visual impact arising from the proposed construction of a dwelling would also have an effect on openness.

13. The presence of buildings on either side of the site, the vehicular access for No 52 and the dry-stone wall do not alter the undeveloped nature of the majority of the site. The fact that a large portion of the surrounding area sits on the other side of a ridge does not separate it from the site when determining openness. It is the setting that defines the quality of openness rather than merely the conditions on the narrow confines of the site.
14. I have been referred to a previous appeal decision in respect of a proposed development of the site (APP/Z4718/W/15/3005427) where the Inspector found the scheme to be inappropriate development. This decision is a material consideration to which I attach significant weight and on the evidence before me I see no reason to disagree with the Inspector's conclusions.
15. Although the proposal is in outline and the design of any dwelling is a reserved matter, I consider that any building constructed on the site is likely to cause a significant reduction in the openness of the Green Belt in this location.
16. The proposal would also have an urbanising impact on the site by creating a developed connection between New Mill and Totties. This would be contrary to one the purposes of Green Belt identified in paragraph 80 of the Framework, namely to safeguard the countryside from encroachment.
17. Therefore, the proposed development would not be consistent with paragraph 89 of the Framework, or, insofar as it is relevant, accord with Policy D13 of the UDP.

Character and Appearance

18. The area surrounding the appeal site is rural in character. While there is some housing development along Greenhill Bank Road, it is not continuous and large gaps exist between properties. The proposed development would eradicate one such gap and would result in a more developed and less rural character to the area. I consider that such a development would be harmful to the character and appearance of the area. Therefore, for similar reasons to above, the proposal would not accord with Policy D13 of the UDP.

Other Considerations

19. The appellants referred to the addition of needed housing stock, which is a material consideration. However, the modest addition of a single unit is not sufficient to outweigh the harm to the Green Belt, and I give the matter very limited weight.
20. I therefore conclude that there is nothing in the evidence before me that amounts to very special circumstances that are required to enable me to grant planning permission. Despite the modest social and economic benefits that would accrue from the proposal, it would not accord with the environmental role of sustainable development because of the harm to the Green Belt.

Other Matters

21. The appellants have had the opportunity to comment on interested parties' representations and I have taken these into account and I have taken those comments into account in reaching my decision.

Conclusion

22. I have found that the proposal would be inappropriate development in the Green Belt; that it would lead to a significant loss of openness; and that it would

undermine one of the purposes of including land in the Green Belt. Moreover, it would cause harm to the character and appearance of the area. The other considerations do not clearly outweigh this harm, and the very special circumstances necessary to justify the development do not therefore exist. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be dismissed.

D Guiver

INSPECTOR