



Appeal Decision

Site visit made on 8 April 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/Z4718/W/18/3218911

49 Sharp Lane, Almondbury, Huddersfield HD4 6SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr Cowen against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2018/60/92969/W, dated 11 September 2018, was refused by notice dated 23 October 2018.
 - The development proposed is outline application for erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The new Kirklees Local Plan (2019) (LP) has been adopted since the Council issued its decision. This supersedes the Kirklees Unitary Development Plan (2007) (UDP). The main parties have had the opportunity to comment on the new LP policies in relation to the proposal.
3. The description of development in the heading above is taken from the decision notice and appeal form, as it is more accurate than that on the application form.
4. The appeal proposal relates to an outline planning application with all matters reserved. The indicative layout plan submitted as part of the application has been taken into account insofar as it is relevant to my consideration of the principle of the development on the appeal site.

Main Issues

5. The main issues are:
 - a) whether or not the proposal would be inappropriate development in the Green Belt, having regard to the revised National Planning Policy Framework (the Framework¹) and any relevant development plan policies
 - b) the effect of the proposed development on the openness of the Green Belt, and

¹ Published on 19 February 2019.

- c) would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Background

6. The appeal site is a field. It fronts onto Sharp Lane and is bounded on two sides by residential properties, with fields to the rear. The site is located in the Green Belt, within the Huddersfield sub-area, as illustrated in Policy LP2 of the LP.
7. The Council cannot demonstrate a five-year supply of deliverable housing sites in the district. As a result, Policy LP3 of the LP, which concerns the location of development including housing within the countryside, is considered to be out of date, under the terms of paragraph 11 of the Framework, which sets out the presumption in favour of sustainable development. Under paragraph 11, permission should be granted unless policies in the Framework that protect land designated as Green Belt² indicate otherwise, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Whether inappropriate development

8. Paragraph 145 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is 'limited infilling in villages'. The LP policies cited by the Council in relation to the appeal do not specifically include policy on infilling in villages in the Green Belt. Nonetheless, Policy LP3 of the LP requires, amongst other things, that development reflects the settlement's function. As such, LP3 is broadly consistent with the Framework.
9. Whether the appeal site is within the village of Almondbury is disputed. There is no evidence before me of definition of a village envelope within the LP, or a Village Design Statement. Accordingly, whether the appeal site is within the village is a matter of planning judgement.
10. From what I saw on my site visit and the aerial view, Almondbury's main built-up area is recognisably separated spatially from the area to the south of the 'spine' of Kaye Lane, Westgate and Fenay Lane by fields and wooded areas, much of which has a rural character. It is recognised that the southern area described above, in which the appeal site is located, includes clusters and ribbons of residential development. However, the pattern of development in this southern area is more sporadic than that in the main built-up area of the village. Moreover, the ribbon of development in which the appeal site is situated lacks facilities including shops, a village hall or church, which can be typical of a settlement.
11. The appellant considers that the appeal site is located within a continuum of development, which includes school grounds and playing fields, and links to the centre of Almondbury. However, the combination of factors described above leads me to find that the appeal site is situated outside the village.

² As per footnote 6 of the Framework.

12. For the above reasons, the appeal site would not fall within the exceptions listed in paragraph 145e) of the Framework. Accordingly, in this respect, the proposal would be inappropriate development in the Green Belt and would conflict with the Framework.

Openness of the Green Belt

13. The appeal site is an open field with overgrown vegetation around its edges. Whilst details of layout, scale, appearance, landscaping and access are reserved, it is likely that a new dwelling, with domestic paraphernalia including cars, and engineering works to create access, would deplete the openness of the site. As such, it is considered that the proposal would result in harm to the openness of the Green Belt. With regard to the effects on the aim and purposes of including land within the Green Belt, the proposal would contribute to urban sprawl south of Almondbury, encroach into the countryside and undermine the recycling of urban land. As such, the proposal would conflict with Green Belt policy, as set out in paragraphs 133 and 134 of the Framework.

Other considerations

14. The appeal site is a field with a substantial area of fields behind, which contributes to a prominent, verdant view from the junction of Sharp Lane and Lumb Lane of fields and rising woodland beyond. Within this context, the proposed development would have an urbanising impact on the site and contribute to the consolidation of sporadic built development in the area. This would harm the character and appearance of the area. As such, the proposal would conflict with Policy LP2 of the LP which seeks to ensure that development protects and enhances the character of the area.
15. There is a need for additional housing in the borough. Within this context, the proposal would, on a small scale, make a positive contribution towards reducing the deficit of housing in the borough. This would carry some weight in favour of the scheme.
16. The appeal site is situated a short drive away from the main built up area of Almondbury, which has a range of services. As such, occupants of the proposed development would realistically make some use of and contribute to sustaining them. There would also be a minor economic benefit from construction phase activity. Given the modest scale of benefit, I attach limited weight to it.

Conclusion

17. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There would also be loss of openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. I conclude that the potential harm to the Green Belt by reason of inappropriateness and other harm is not clearly outweighed by other considerations. Consequently, very special circumstances do not exist. As a result, the proposal would be contrary to the Framework policy on Green Belt, and Policy LP3 of the LP in respect of the settlement's function. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR