



Appeal Decision

Site visit made on 3 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal Ref: APP/Z4718/W/19/3231485

**Land adjacent to The Edge Accommodation, Longwood Edge Road,
Longwood, Huddersfield HD3 4XN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Whitworth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/91573/W, dated 11 May 2018, was refused by notice dated 19 March 2019.
 - The development proposed is conversion of former livestock building to create single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the proposed development would provide a suitable location for a dwelling having regard to open space, 2) the effect of the development on the character and appearance of the area and 3) the living conditions of future occupants.

Reasons

Location/Open Space

3. The appeal site is an area of open space and includes a single storey timber building formerly used for storing livestock. It is located to the south-east of The Edge Accommodation which is a Guesthouse. The appeal site is opposite school playing fields and sits on the top of a disused quarry face. This elevated position gives the site commanding views across a wide area. The site is accessed from Longwood Edge Road which is a loose surface public byway.
4. The proposal is for the conversion and enlargement of the existing timber building to form a single dwelling. It would also include the change of use of land to form part of the resulting residential unit.
5. The appeal site is allocated in the Kirklees Local Plan (2019) as Urban Green Space and also within the Kirklees Wildlife Habitat Network. The proposed development comprising the enlargement of the building and the change of use of the site would result in the loss of open space. At present the site is part of an area of open grassland. This open aspect of the site contributes to facilitate

views over a wide area from Longwood Road that are particularly appreciable and a positive feature of the area.

6. The change of use of the land to residential would result in a harmful change in the nature of the use and the appearance of the land, severing its continuous open, grassland aspect. The land would lose its visual amenity significance with it clearly appearing to form part of a dwelling that would ultimately include parked cars, bins and bin storage, domestic outdoor paraphernalia, planting containers and a garden landscape.
7. The proposed development does not involve the replacement of open space or constitute an alternative open space, sport or recreation use.
8. The development would therefore be contrary to Policy LP61 of the Kirklees Local Plan (2019) which outlines that the loss of urban green space will only be permitted when, amongst other things, it does not make an important contribution in terms of visual amenity, or where replacement open space is provided, or where the proposal is for an alternative open space, sport or recreation use. The development would also not constitute one of the exceptions for building on open space as outlined in Paragraph 97 of the National Planning Policy Framework (the Framework).

Character and appearance

9. The proposed development involving the conversion of the existing building to form a dwelling includes its enlargement by removing the entire timber façade facing Longwood Road and replacing it with natural coursed stone and a new opening to form a front door. The remainder of the building would be formed from the existing timber which would be insulated internally. Externally, boundary treatments are proposed and a parking space, although no details on these elements have been submitted. Access to the site would require the removal of a section of the existing dry-stone wall that forms part of the boundary with Longwood Road, although again, no details of this aspect are submitted.
10. The area around the appeal site has a semi-rural, agricultural character, into which the existing building and its former use, are not out of character. The proposal in terms of the alterations to the building and the change of use of the site to residential, would appear out of character with the area. As outlined above, the domestication of the site would significantly alter the character and appearance of the site. The main elevation of the building to which the natural coursed stone is proposed would be in such a sharp contrast to the remainder of the building that it would cause harm to its overall appearance particularly when viewed on approaches to the site taking in either side elevation. It would appear to impose itself onto the building and dominate its overall appearance when viewed directly from the front elevation.
11. The development would be harmful to the character and appearance of the area and would therefore be contrary to Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things that all development respects and enhances the character of the townscape and landscape. The development would also be contrary to guidance contained in the Chapter 12 of the Framework which outlines, amongst other things, that developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and landscape settings with permission being refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

12. The development would create a one-bedroom unit with separate bathroom, and kitchen/living/dining area. Each room would have reasonable levels of daylight, sunlight, outlook and privacy, including benefiting of the wide-ranging views.
13. The Council consider that the development would fail to provide adequate internal living space for future occupiers to promote a healthy environment. The Council have referred to the proposal being contrary to the nationally described space standard with reference to the headroom for part of the building and the width of the double bedroom.
14. Whilst some elements of the development would not meet the space standards, I find the conflict to be only slight and not to be so severe that the development would result in unacceptable living conditions as a whole.
15. The development would therefore comply with Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that development minimises the impact on residential amenity of future occupiers.

Other Matters

16. The appellant considers that the biodiversity enhancements that are proposed do not result in the loss of the appeal sites important biodiversity role within a Wildlife Habitat Network. I do not find this matter to be one of the main issues in the appeal and it would not override my findings on the main issues.
17. The appellant considers that the proposal would represent an enhanced alternative open space (by way of the biodiversity enhancements) and thus would comply with Policy LP61(c) of the Local Plan. I do not agree. The change of use that would occur to the site would have the effect that it would no longer be classed as open space¹. It would therefore not be alternative open space for the purposes of Policy LP61(c) of the Local Plan.
18. There is dispute in relation to the planning history of the site and whether the original building was a chicken coup, or a livestock shed. This matter is not pertinent to the main issues identified in the appeal. It does not alter my findings on the main issues.
19. The appellant refers to discussions held with the Council during the application process leading them to believe a favourable decision would be made by the Council, and the timescale of the application in the context of the Local Plan adoption. These matters are not however relevant to the planning merits of the appeal and it is not my place to comment on the conduct of the Council.

Conclusion

20. On the matter of the location of the development, with regard to open space, I find that the proposal would result in the loss of open space of important visual amenity value. On the matter of character and appearance, I have found that the proposed development would cause unacceptable harm to the character

¹ S.336 of the Town and Country Planning Act 1990

and appearance of the area. On the matter of living conditions, I have found that the development would provide adequate living conditions for any future occupants.

21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR