



Appeal Decision

Site visit made on 14 July 2020

by Alison Scott BA(Hons) DipTP MRTPI

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

Decision date: 31 July 2020

Appeal Ref: APP/Z4718/W/20/3249011

Woodley, 10 Busker Lane, Skelmanthorpe, Huddersfield HD8 9EP

- 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 & Mrs I Firth against the decision of Kirklees Council.
 - The application Ref 2018/60/92832/E, dated 29 August 2018, was refused by notice dated 16 September 2019.
 - The development proposed is Outline application for the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal is inappropriate development within the Green Belt.

Reasons

3. The appeal dwelling, Woodley, is a distinctive large stone dwelling with considerable character set in an elevated position and back from the main road. It is positioned between two landscaped gardens with a pool house building adjacent to the main dwelling. The site is located within the designated Green Belt.
4. It is the front garden area where a dwelling in outline is proposed with the access and layout to be considered, and the appearance, landscaping and scale to be reserved.
5. The Council's Local Plan Strategy and Policies 2019 (LP) Policy LP59 allows for infilling within brownfield sites within the Green Belt. This part of the policy explains that for infilling to be acceptable it is provided that the infill gap is small and is located between built form on a brownfield site.
6. I am also mindful of the National Planning Policy Framework, (*the Framework*) as this explains that inappropriate development within the Green Belt is by definition harmful to its openness. It states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but goes on to identify certain exceptions at Paragraph 145. This includes certain limited infilling.
7. The appeal site is located beyond the urban grain of the village of Skelmanthorpe where dwellings broadly extend along one side of Busker Lane

- towards the area of Scissett. This side of Busker Lane is characterised by large, single detached houses, set back from the road, with generous front gardens a characteristic of their setting.
8. There is much difference of opinion between the appellants and the Council's as to whether or not the site is located within a village. The appellant has referred me to the relevant text of the LP where it explains that if the infill development is within a village, the plot should be small and normally sufficient for not more than two dwellings and within a continuously built up frontage. To this end, they consider they have respected this.
 9. With regard to whether or not the proposal is located within a village, I agree with the appellant that the Green Belt boundary cannot be considered as the limit of the settlement's boundary. I have therefore assessed the context of the appeal site in its environment and relationship to Skelmanthorpe. I also accept that there is no defining break in built development along the southern side of Busker Lane out towards the appeal site.
 10. However, the location of dwellings along this side of Busker Lane is physically detached from Skelmanthorpe and provides an 'urban fringe' where it clearly transitions from a very definite built up urban context into one of low-density, large-in-scale housing, set in generous plots of land. They are furthermore set deep into their plots. The position of these dwellings along this part of the road does not resemble a village context and this is further emphasised as it is broadly speaking, only one side of the road that is built upon. On this basis, I conclude that the proposed site does not take on the characteristics of being located within a village, and therefore does not form part of a village.
 11. I acknowledge that Policy LP59 does not specifically refer to infilling taking place within a village. However, the land in question is the large domestic front garden of Woodley and in my view would not be commensurate with being described as a small infill gap. This is further emphasised given the proposal would be set forward of the existing built development. Whilst it may be largely in line with 3 East Fold, this dwelling is located on a different road, and is more closely related to the other houses on East Fold. The appeal site shares a close relationship with the adjacent houses along Busker Lane. Taking into account these considerations, the proposal would not sufficiently comply with the requirements of LP Policy LP59.
 12. I therefore conclude that the proposal for a dwelling in outline at Woodley would not constitute infill development within a village, or infill development in accordance with LP Policy LP59. Based on my findings, the openness of the Green Belt would not be preserved and development in this location would result in harm arising to its openness. Therefore, by definition, the proposal would be inappropriate development within the Green Belt.
 13. The proposal is therefore contrary to the Kirklees Local Plan Strategy and Policies 2019, Policy LP59 for infilling brownfield sites in the Green Belt within a small gap, located between existing built form on a brownfield site, amongst its other considerations. It would also conflict with the overarching objectives of Chapter 13 of the National Planning Policy Framework to protect Green Belt Land.

Other Matters

14. A previous permission for a new dwelling at Winder House Busker Lane has been brought to my attention by the appellants. However, this was granted planning permission in 2006 under a different development plan and National Planning Policy Framework. The precise details of the reason why this proposal was deemed to be acceptable by the Council are not before me. Nevertheless, I have reached my own view on the proposal before me.
15. Regardless of the differing postal addresses of the appeal dwelling and neighbouring houses, this does not lead me to a different conclusion.

Conclusion

16. The appeal is dismissed.

Alison Scott

INSPECTOR