



Appeal Decision

Site visit made on 3 August 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/Z4718/W/20/3252992

5 Field Head Farm Court, Shepley, Huddersfield HD8 8FH

- 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 and Mrs Mark Partridge against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/93351/E, dated 12/10/2019, was refused by notice dated 18 February 2020.
 - The development proposed is the construction of a detached dwelling and the formation of vehicle parking and storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development is inappropriate, 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

Whether inappropriate development

3. The dwelling would be constructed within the rear garden of the appeal property, which is identified as being located within the Green Belt.
4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they fall within a number of listed exceptions. The Kirklees Local Plan 2019 does not repeat the Framework exceptions, but is clear that regard must be had to national planning guidance in the Framework. My decision therefore relies on the Framework.
5. The appellant accepts that the proposal does not fall within any of the exceptions in paragraph 145 of the Framework, and I concur.

6. I therefore conclude that the proposal would be inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

7. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8. The proposal would introduce permanent development in a position where currently none exists. The deliberate alteration of the landform to accommodate the dwelling, together with the mass of the dwelling, retaining wall and enclosures, would all have a physical presence within the site. Some aspects like the bund, roofs and new enclosures would be visible from the upper windows of the neighbouring properties. The glass may reflect light during the day and internal lighting would be visible during the hours of darkness. I am also mindful that the screening currently provided by the boundary hedges could be reduced in height through normal maintenance, or even removed. Thus, notwithstanding the efforts to reduce the visual impact of the development through its design, more of the land would be developed and openness would be reduced.
9. I therefore conclude that there would be a moderate loss of openness in the Green Belt, in conflict with the fundamental aim of Green Belt Policy.

Other considerations

10. Reference is made in the Design and Access Statement to compliance with paragraph 79e) of the Framework, which provides for an exception to the development of isolated homes in the countryside where the design is of exceptional quality. However, as the dwelling would not be physically separate or remote from the settlement, it would not constitute an isolated dwelling in the countryside¹. Accordingly, paragraph 79e) of the Framework is not determinative in my consideration of this appeal.
11. Nonetheless, the scheme has been designed to a high quality and would have excellent sustainability credentials. There would also be some social and economic benefits from the provision of an additional dwelling to the local housing market, support for local services and from construction. However, these benefits arising from one dwelling would be small and so I afford them limited weight in favour of the proposal.
12. My attention has been drawn to a 'new build dwelling' in the village of Shelley. However, I have not been provided with any details of the development and it is not clear whether it is in the Green Belt. I am therefore not familiar with the full circumstances associated with the development and what precise relevance it may have to this appeal. Consequently, this example has not had any determinative bearing on my assessment of the appeal scheme, which I have in any event considered on its own merits.

¹ Having regard to Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

Green Belt Balance and Conclusion

13. The proposal would be inappropriate development, which is, by definition, harmful to the Green Belt. It would also result in a loss of openness in the Green Belt. The Framework advises that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. Set against this, the proposal would introduce an attractive, eco-friendly home that would make a small contribution to the supply of housing and support local services and the economy.
15. On analysis of the above, the weight that I attach to the other considerations in favour of the proposal does not clearly outweigh the Green Belt harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
16. It is suggested that the Council is failing in practice to deliver enough new housing to meet its targets despite having a 5 year supply of housing sites. However, there are no very special circumstances and the application of policies in the Framework that protect areas or assets of particular importance (which includes the Green Belt) provides a clear reason for refusing the development proposed². As such the proposal would not be the sustainable development for which the Framework indicates a presumption in favour.
17. For all these reasons, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

² Framework paragraph 11d) I Footnote 6