



Appeal Decision

Site visit made on 6 April 2022

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2022

Appeal Ref: APP/Z4718/W/22/3291662

2 The Bridge, Penistone Road, Birds Edge, Huddersfield, HD8 8XP

- 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 E Hirst against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/92016/E, dated 12 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal, indicating a revised site layout with additional parking space and bin storage, and vehicular sight lines. The revisions are minor and I am satisfied that no parties are prejudiced in my acceptance of these plans.

Main Issues

3. The site is in the Green Belt, and the main issues are:
 - Whether the scheme represents inappropriate development in the Green Belt, for the purposes of the *National Planning Policy Framework* (2021) (the Framework) and development plan policy;
 - The effect of the proposed development on highway safety; and
 - Whether any harm by reason of inappropriateness, or 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

4. The Framework restricts most types of development in the Green Belt, although there are some specific exceptions set out in paragraphs 149 and 150. These include 149 e) limited infilling in villages, and g) limited infilling or the partial or complete redevelopment of previously developed land. The proposed house is within the village of Birdsedge and is on a residential garden and therefore is considered to be previously developed land.
5. *Kirklees Local Plan Strategy and Policies* (2019) (the Local Plan) Policy LP59 applies the Framework's previously developed land exception in a local context,

stating that infilling on brownfield sites within the greenbelt should be limited to those where the gap is small and located between existing built form, amongst other considerations. The accompanying text notes that the definition of a small gap will be judged on a case-by-case basis. The site is within a gap between denser development to the north and south and the proposal does not adhere to any established pattern of development within the village.

Development to the north is separated from the site by a trunk road and other open space, and as such I do not consider the gap as small for the purposes of Policy LP69. I acknowledge the presence of HGVs and other storage and structures on an adjacent site but have no substantive information as to the lawful status of these, or whether they have a permanence that would enable me to consider them as built form for this assessment.

6. Furthermore, the Framework exception requires the proposed development to not have a greater impact on the openness of the Green Belt than the existing development, or not cause substantial harm to the openness of the Green Belt where the development would meet an identified local housing need. I have no substantial information on the latter, and with regard to the former, any new development on a garden site would have a significant effect on spatial and visual openness in that it would create a new structure where there was previously none. Accordingly, I do not consider that 149 g) applies as an exception.
7. Policy LP59 applies to infilling on brownfield sites but does not mention villages in the context of exception 149 e). However, this does not mean that the policy could not apply to the site, given that it remains a brownfield site in the Green Belt on which infilling is proposed. However, for the reasons previously set out, the proposal does not constitute limited infilling within the definition set by the policy, and as such I do not consider exception 149e) to apply.
8. In summary, although the proposal would reuse previously developed land, it would detrimentally affect openness and would not constitute limited infilling in a village. I therefore conclude that the proposal constitutes inappropriate development in the Green Belt and would conflict with the Framework and the Local Plan, particularly Policy LP59, for the reasons given above.

Highway safety

9. In its evidence, the Council provides a list of highways interventions required to enable safe access and egress into the site and safe passage for other users of the highway. These requirements have been addressed by the appellant through the provision of three proposed on-site parking spaces and bin storage, and identification of appropriate sightlines.
10. Constraints along the route of access from Pensitone Road do not allow for widening. Given the condition of the access road, the low speeds and existence of an alternative access, I consider the risk of conflict to be very low. Were the appeal to be allowed, planning conditions would be applied to address the Council's other concerns.
11. I therefore conclude that the proposed development would not have a harmful impact on highway safety. There would be no conflict with local plan Policies LP21 or LP22, which require new development to provide safe and suitable access to the site, amongst other considerations.

Other considerations, very special circumstances, and balancing exercise

12. I acknowledge the appellant's point that parking and bin storage arrangements could be applied via planning condition, but as I am dismissing the appeal, I have not considered this in detail.
13. As I set out in the first main issue, the scheme is inappropriate development. Great importance is attached to Green Belt land by the Framework, especially with regard to its openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where there are very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Council policies also reflect the approach. No further considerations in addition to those considered within the main issues have been put forward by the appellant and although I have found that there would be no highway-related harm, this is outweighed by the harm caused by inappropriate development.
14. Substantial weight has to be attached to any harm to the Green Belt and as such, the considerations that I have set out above, alone or in combination with others, do not clearly outweigh the harm. Consequently, no very special circumstances exist and the proposal is contrary to the Framework.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR

