



Appeal Decision

Site visit made on 7 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/A4710/W/22/3304234

Wagtail House, Lane Head, Blackshaw Head, Hebden Bridge HX7 7JP

- 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 Jan & John Garratt against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/00167/CON, dated 8 February 2021, was refused by notice dated 25 March 2022.
 - The development proposed is change of use from garage building to new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers only to change of use of the existing building. The plans submitted with the appeal clearly show an extension to the building and the design and access statement refers to it. The Council's report assesses the extension. I have therefore considered the appeal on the basis of the submitted plans.
3. The appeal was accompanied by, among others, drawing numbers 003 Rev A and 006 Rev B. The Council has confirmed that their decision was made on the basis of drawing numbers 003 and 006 Rev A. Neither party has commented on why the plans were amended. Notwithstanding that the differences between the drawings appear to be minor, relating to annotations to existing buildings and showing the location of footpaths, I have considered the appeal on the basis of the plans used by the Council.

Main Issues

4. The main issues are:
 - Whether the proposal is a suitable form of development having regard to the provisions of the development plan and with particular regard to whether occupants of the proposed development would have reasonable access to shops, services and public transport;
 - The effect on highway safety; and
 - The effect on the character and appearance of the area.

Reasons

Suitable form of development

5. The site lies outside of the development envelope for Blackshaw Head and within the identified Area around Todmorden. The justification text to Saved Policy NE 8 of the Replacement Calderdale Unitary Development Plan adopted August 2006 (UDP) says the identified Area around Todmorden is open countryside, has special characteristics and is of particular value for agriculture, wildlife, nature, conservation and recreation.
6. UDP Saved Policy NE 8 sets out criteria for allowing development in this countryside location. Insofar as it relates to this appeal, the adaptation and extension of an existing building, and extension of existing buildings are both acceptable, subject to any extension not resulting in a disproportionate addition over and above the original size of the dwelling.
7. The Council's report sets out that the garage has been the subject of a previous extension which doubled its size. This has not been disputed by the appellant. The appeal proposal includes the provision of an extension that would be a 30% increase on the size of the extended dwelling. This can only be considered as a disproportionate addition given the extent of the previous extension.
8. The appellant has referred to larger extensions being permitted elsewhere but has not provided any further details. Notwithstanding, each appeal is to be determined on its own merits.
9. Essentially there is no dispute between the parties that the site is located some distance from the services in the area and that there are no pavements along the majority of the surrounding roads. The appellant's case is that this is the reality of life in the countryside, that people who live there adapt to their circumstances and walking longer distances would confer benefits to many of the population. The Council's position is that the development is not well connected by foot to local services and facilities.
10. There is no footpath along Badger Lane that would encourage people to walk to the facilities within Blackshaw Head. Badger Lane is relatively narrow, and it is likely that some would not feel safe walking in such proximity to traffic, even if it were travelling at lower speeds. The appellant has referred to walking to the local school, however it has not been made clear to me which school this referred to or the route that was taken.
11. The Council has demonstrated that there is a bus service serving Blackshaw Head which is hourly from morning to evening and connects to the railway station at Hebden Bridge. While I consider this to be a reasonable service in a rural area, it would remain the case that walking to the bus stops may not be an attractive option for pedestrians particularly in inclement weather. Furthermore, the bus stop would be more than 400m from the development, which is set out in the supporting text to UDP Saved Policy H9 as the definition of an easy walking distance.
12. I therefore conclude in relation to this main issue that occupants of the proposed development would not have reasonable access to shops, services and public transport. The development would therefore not be a suitable form of development in this countryside location having regard to the provisions of

the development plan as set out in UDP Saved Policy NE 8 which seeks to prevent disproportionate additions above the size of the original dwelling in the Area around Todmorden and UDP Saved Policies GP1, BE6 and H9 which seek to provide safe pedestrian environments and only permit development which is within easy walking distance of public transport.

Highway safety

13. Lane Head provides the access to the site. At my site visit I observed it is a single track access. I also observed that at the junction with Badger Lane, visibility is restricted due to the existing structures adjacent to the highway. There is dispute between the parties as to how the visibility splay should be measured and the speed limit on Badger Lane, which would affect its length.
14. The Highway Authority has raised concerns that visibility at the junction of Lane Head and Badger Lane would fall short of that recommended in Manual for Streets. The appeal proposal would introduce a new 1 bedroom household which would increase the number of vehicles using this junction. The access is single track, with visibility restricted by the stone wall and surrounding layout. This means vehicles have to inch out onto the Badger Lane without being able to adequately see oncoming vehicles.
15. The appellant has shown passing places could be provided. While these may address issues of cars passing once on Lane Head, there still would be a distance between the junction with Badger Lane and the closest passing place. No opportunity to widen the junction has been put forward. There would be the potential to cause a hazard on Badger Lane if it was necessary for the car turning onto Lane Head to reverse to allow a vehicle to pass.
16. The appellant states there have been no vehicular accidents at the junction which has not been disputed by the Council. However, this would not justify adding further traffic to a junction where visibility is restricted.
17. Without substantive evidence to contrary, I am led to the conclusion the proposed dwelling in this location would through the limited visibility at the junction of Lane Head and Badger Lane would increase the risk of collisions between vehicles. This would harm highway safety in the area.
18. The appellant has cited examples of other permissions in the area¹ which they consider have not had the same comments from the local highways authority. However, the full details of these cases have not been placed before me by either party. In any event, this appeal is to be determined on its own merits. I observed at my site visit that Lane Head is also a public right of way. Drivers exercising due care and attention would be aware of any pedestrians given that Lane Head is well maintained and generally straight allowing for good visibility.
19. I therefore conclude in relation to this main issue that the development would have an unacceptable impact on highway safety. This would be contrary to UDP Saved Policies BE 5 and H 9 which seek to ensure that accesses should ensure the safe and free flow of traffic and creates no unacceptable traffic problems.

¹ 20/00337/FUL, 18/0318/FUL and 03/01443/FUL

Character and Appearance

20. Notwithstanding my finding that the extension would be disproportionate, it would be well related to the existing building by continuing its existing form, and the use of appropriate materials could be secured by condition. The extended property would be viewed in the context of the adjacent terrace of residential properties.
21. However, the proposed irregularly arranged and extensive areas of glazing are uncharacteristic of the surrounding buildings with their relatively small formally arranged openings. Furthermore, the expansive areas of glazing on the north-west elevation would not be well related to each other or the form of the building. This would give this elevation an awkward appearance which would not constitute good design. While I acknowledge the glazing would allow for solar gain, this would not outweigh the harm I have identified above.
22. The appellant has referred to an approval within the village that was constructed from yellow stone, however as I have not found harm with regard to the proposed materials, this would not alter my conclusion on this matter.
23. I therefore conclude through its fenestration the proposed development would harm the character and appearance of the area. It would not be visually attractive or retain a sense of local identity contrary to UDP Saved Policy BE 1 which requires development proposals to make a positive contribution to the quality of the existing environment.

Other Matters

24. I acknowledge the appellants' longstanding personal connection and investment in the area and their wish to remain after downsizing. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the appeal proposal would remain long after the appellants' personal circumstances cease to be material. I also note the appellant's frustration regarding communication with the Council during the application process, however that is not a matter for this appeal. I also note the comments regarding the appeal process, however the Council have complied with the relevant timetable.
25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building (LB) or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The properties at 1/2, 3 and 4 Lane Head, Badger Lane are Grade II LB. The Council considered that while the appeal site fell within the setting of the LB as the access is adjacent, the proposed development would be 100m from the buildings and therefore there would be no impact on their setting. I have no reason to disagree with this and find no harm to designated heritage assets. This is therefore a neutral factor in this appeal.

Paragraph 11 of the Framework

26. The Council accepts that it cannot demonstrate a five year supply of deliverable housing land and confirms the current position as a two year supply which is a significant shortfall. Paragraph 11 d) of the National Planning Policy Framework

(the Framework) is therefore engaged. There are no policies in the Framework which provide a clear reason for refusing the development as set out in para 11 d) i.

27. I have found harm to highway safety to which I attach moderate weight despite the small scale of the proposed development. The design would not be acceptable to which I also attach moderate weight. The development would not be acceptable in the countryside however I attach limited weight to this as the Council has accepted that UDP Saved Policy NE 8 is not entirely consistent with the Framework and because of the advice in the Framework that sustainable transport can be different in urban and rural locations.
28. The proposal would make a limited contribution to the supply of housing. I nonetheless attach moderate weight to this benefit given the significant shortfall.
29. I therefore find the harm arising from the appeal proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the proposal would not benefit from the presumption in favour of sustainable development.

Planning Balance and Conclusion

30. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be taken other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR