



Appeal Decision

Site visit made on 4 March 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/A4710/D/23/3334718

12a Coley Road, Hipperholme, Brighouse, Calderdale HX3 7SA

- 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 Ms Janice Bardsley against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/01027/HSE.
 - The development proposed is construction of a garden room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including an assessment of the effect of the proposal on the openness of the Green Belt.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. These include e) limited infilling in villages, and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: 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 re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. These exceptions are also reflected in Policy GB1 of the Calderdale Local Plan (2023) (LP).

5. The building would be situated between the dwelling and stable building. To satisfy exception 154 e), the appeal site must be in a village, and the appellant has not provided any clear information to demonstrate this. No 12a comprises the end terraced dwelling and there are other dwellings nearby. The appeal site is located outside of the built-up area, with extremely limited facilities and services nearby, and primarily surrounded by fields. Based on the evidence presented and my site visit observations, the appeal site is not located within a village.
6. The main parties agree that the appeal site comprises previously developed land. Any exception under paragraph 154 g) only applies subject to the proviso that the proposal would not have a greater impact on openness than the existing development.
7. The garden room would be located on the existing concrete platform. It would introduce a building where there are currently none, and the building would be visible from public vantage points. The proposed development would increase the level of built development within the site and would result in harm to the openness of the Green Belt both visually and spatially. As such, the scheme would conflict with the purposes of Green Belt policy, as stated in the Framework, to keep land permanently open. For these reasons, having regard to the volume and massing of the building, the development would have a greater impact on the openness of the Green Belt than the existing development.
8. Accordingly, the proposed development would not fall under any of the exceptions listed in the Framework. The proposal would therefore be inappropriate development in the Green Belt, having regard to paragraph 154 of the Framework and Policy GB1 of the LP.

Other considerations

9. The garden room would be adjacent to the dwelling and would be of simple design. The development would not have a detrimental impact on the character of the surrounding landscape area or the host dwelling. However, the absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme.

Other Matters

10. Nos 13 and 14 Coley Road are Grade II listed cottages, and therefore I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The proposal would not unduly interrupt views of the listed cottages, nor would it have any notable impact on how the heritage assets are experienced. This is due to the siting and design of the proposed building, and the distance between the appeal site and the listed cottages. As such, I am satisfied that the development would have a neutral effect on the heritage assets and would preserve the special interest of the listed cottages. Consequently, the proposal would satisfy the requirements of the Act.

Conclusion

11. The appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. The other considerations highlighted are given neutral weight. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. The very special circumstances necessary to justify the development therefore do not exist. Consequently, I conclude that the scheme would conflict with the Framework and the development plan.
13. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR