



Appeal Decision

Site visit made on 5 December 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal Ref: APP/Z4718/W/23/3319903

145A Dewsbury Road, Gomersal, Cleckheaton BD19 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Anthony Child against the decision of Kirklees Council.
 - The application Ref is 2022/62/93942/E.
 - The development proposed is the erection of a two storey new build on land adjacent to 145a Dewsbury Road, Gomersal.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issues has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.
3. The Council has not listed any development plan policies within its reason for refusal. Nor has it referred to any Green Belt Policies within the officer report, instead relying on the Framework. I have therefore determined the appeal on the same basis.

Main Issues

4. The site is in the Green Belt, and the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework;
 - the effect of the development on the openness of the Green Belt and its purposes; and
 - 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

5. Paragraph 152 of the Framework states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Paragraph 154 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Paragraph 154 e) of the Framework exempts limited infilling in villages.

6. I am satisfied that the proposal would comprise limited development. While the site is sizeable, the proposal is for only one dwelling. Although the dwelling is large, it would not extend beyond the existing confines of the appeal site. As such, the proposal would be of an appropriate scale to accord with the 'limited' aspect of paragraph 154 e) of the Framework.
7. There are properties and buildings to the west of the site at 147, 145 and 145A Dewsbury Road and buildings associated with a garden products business. These comprise a cluster of buildings with a substantial and continuously built up frontage. However, the appeal site is separated from these by a relatively wide driveway, and whilst it has the appearance of a domestic garden, it appears slightly separated from these buildings.
8. Although there are three dwellings to the east at 1132 to 1136 Bradford Road along the A652, there is a significant gap of undeveloped land filled with vegetation and trees. The spacing and woodland between the appeal site and small cluster of properties contribute to a visual and physical separation from neighbouring residential development. Although there is more built development on the opposing side of the road, the appeal site is opposite an open agricultural field. The appeal site does not easily seem visually associated with these buildings due to their distance and separation across the main road.
9. The site is not an obvious gap within a built up frontage. Although it would be located within the confines of an existing garden, due to the absence of visible development to the north, and east of the site and substantial gap to the west, I do not consider that the proposal would amount to 'infilling.' Rather the development would appear as a distinctive and detached form of individual development rather than being visually accommodated by the existing built form of the area.
10. The Framework does not provide a definition of a 'village' and case law has established that it is a matter of planning judgement for the decision-maker, on defining the extent of a village having regard to the facts on the ground. I have not been provided with any definitive map of the area, which I could review to determine the extent of the area the appellant is referring to as a village. However, I note the appellant's historic references to Gomersal as a village, and the references in sales brochures, and local newspapers. I also note the semi-rural and historic sense of place that is imparted along this section of the Dewsbury Road due to the traditional appearance of some of the buildings. The appellant has drawn my attention to country parks, museums and churches, shops and amenities within Gomersal, but has not identified where these are in relation to the appeal site.
11. The Collins dictionary defines a village as 'a group of houses, together with other buildings such as a church and a school, in a country area.' In the absence of evidence to the contrary from the Council regarding why the appeal site or Gomersal is not within a village, the above aspects are elements of a village which Gomersal could fulfil. However, the Collins dictionary definition of town 'a place with many streets and buildings, where people live and work' could, from my observations also apply to Gomersal or Birstall which is nearby.

12. However, the appeal site is not within the compact form of Gomersal or Birstall due to the extent of this separation I have identified above which contribute significantly to the impression of visual separation. Although the area has a semi-rural appearance, based on the evidence before me, I find that the appeal site is simply located in a transitional location and a gap between the main built form of Gomersal and Birstall as opposed to being within a village.
13. Even, if this is not the case, and definitive position on this location could be established, the proposal would not represent infill development. The proposal would therefore not comply with paragraph 154 of the Framework. I therefore conclude the proposal would be inappropriate development in the Green Belt.

Openness and Purposes

14. The Framework at paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It has been established that openness has both a spatial and visual aspect.
15. From a spatial perspective, the two storey development would inevitably lead to a reduction in the openness of the Green Belt. The proposed development would introduce elements of built form and hardstanding in a currently open section of land free from development. This would therefore reduce the current spatial openness of the immediate section of the Green Belt.
16. From a visual perspective, I acknowledge that the proposal would be set back from the street, with some screening provided by trees. Regardless of the design and scale of the proposed dwelling, due to the location of the appeal site the proposal would be highly visible from Dewsbury Road. There would be a visual loss of openness.
17. The appeal site is located between Gomersal and Birstall and would introduce more development within the gap between these settlements. The proposal would also conflict with the one of the five purposes of the Green Belt, that being to prevent neighbouring towns merging into one another.
18. Accordingly, due to its spatial and visual impact the proposal would fail to preserve the openness of the Green Belt, as well as conflict with the purposes of including land within the Green Belt. This would be in direct conflict with paragraphs 142 and 143 of the Framework.

Other Considerations

19. I note the appellant intends to install a solar array and air source heat pump to minimise the gas and electricity demand from the dwelling. This would attract some weight in favour of the development.
20. The proposed development would contribute to the housing supply in the area with a new dwelling. It would also provide some economic benefits during the course of construction and occupation of the dwelling. However, due to the scale of the development as a single dwelling, this is only a small contribution and therefore can only be given only limited weight.
21. The Council has not found any harm in respect of the location of the development in relation to access to services and facilities. Nor has any harm been identified to existing neighbouring occupiers or future residents. The proposal would also be acceptable in terms of design, parking provision and

highway safety. Conditions could be imposed to make the development acceptable in respect of potential contaminated land and coal mining legacy risk. There is no unacceptable effect on protected trees or the bio-diversity or ecology of the site. Whilst important, these are all aspects required of sustainable development, and therefore carry neutral weight.

Green Belt Balance

22. There would be a reduction to spatial and visual openness and to one of the five purposes of including land within the Green Belt. I acknowledge that the level of harm would be limited. However, the proposal would be inappropriate development which would be harmful. Any identified Green Belt harm carries substantial weight by definition as identified within paragraph 153 of the Framework.
23. The substantial weight to be given to harm that I have identified within the Green Belt is not clearly outweighed by the other considerations identified above, either individually or collectively to justify very special circumstances. This is a high hurdle for any development proposal to overcome. I therefore conclude that the development is contrary to the provisions contained in chapter 13 of the Framework, which relates to protecting Green Belt Land.

Conclusion

24. For the reasons given, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR

