



Appeal Decision

Site visit made on 4 June 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2024

Appeal Ref: APP/A4710/W/24/3340559

**Land adjacent to The Breck, Saddleworth Road, Barkisland,
Sowerby Bridge HX4 0AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Drake against the decision of Calderdale Council.
 - The application Ref is 21/01485/FUL.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the living conditions of the occupiers of Holden House with regard to privacy,
 - the effect of the proposal on the character and appearance of the area and on the setting of the Grade II listed Christ Church; and
 - if the proposal is inappropriate development, 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

Inappropriateness

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
4. The National Planning Policy Framework (the Framework) at paragraph 154 states that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant has set out that the development can be considered under the exception at paragraph 154 e) of the Framework relating to limited infilling in villages.

5. The Framework does not define a 'village' and nor have I been provided with any such definition from the development plan. Nonetheless, case law has established that it is a matter of planning judgement for the decision-maker.
6. The appeal site comprises of an irregular shaped site off Saddleworth Road. The Council consider the site lies outside the village of Barkisland where Stainland Road forms the boundary around the village other than a row of properties, 4-78 Stainland Road on the southern side of the road. The appeal site is however situated amongst a group of buildings, which form a continuous ribbon of development along Saddleworth Road to its junction with Stainland Road. Although the site is situated within a distinctive triangle of land which contains open fields, the eastern side of this triangular area contains built form that as well as providing key village services is also physically connected to Barkisland through a broadly linear pattern of development.
7. The Calderdale Local Plan (Local Plan) sets out the definition of 'infill development', which the main parties refer to as the development of a relatively small gap between existing buildings. The appeal site, although situated between The Breck and Holden House, would result in a development where the proposed house would be set further to the rear and extend into a largely open area of land. There is a garage to the south-west side of The Breck situated a similar distance away from Saddleworth Road as the proposed house, but this is an ancillary building and not comparable to the separate dwelling proposed.
8. Although there is no specific guidance on the depth of a gap, in this instance it would result in a development where the rear and part of the side boundary of the appeal site would be adjoined by open land. This relationship and the open fields to the front on the opposite side of Saddleworth Road mean the site would not be limited infilling.
9. I therefore conclude that the proposal would be inappropriate development as it would not represent limited infilling in a village. It would therefore conflict with Paragraph 152 of the Framework, which states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also be contrary to Policy GB1 of the Local Plan, which reflects national policy in setting out the construction of new buildings is inappropriate development within the Green Belt except in defined circumstances.

Openness

10. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial, as well as a visual aspect.
11. The proposal would introduce a building, where there is currently none, and it would therefore be harmful to the spatial aspect of openness. It would clearly be seen from the road to the front, and it would therefore reduce the openness of the Green Belt.
12. I therefore conclude that the development would be contrary to Paragraph 142 of the Framework that states that one of the essential characteristics of Green Belts is their openness.

Living Conditions

13. The front of the proposed dwelling would face the garden area of the neighbouring property, Holden House at close quarters. This neighbouring garden is large, but Holden House does not have a rear garden. As such, this area of the neighbouring garden serves as a valuable outdoor amenity space. Although the existing boundary treatment would limit views from the ground floor level of the proposed dwelling, the first-floor front bedroom window would give rise to harmful overlooking from an elevated position. There is mature planting within the neighbouring garden, including trees which could be further supplemented by additional landscaping, but it is not clear the extent to which this would limit views and provide effective screening, particularly when trees and shrubs may not be in leaf.
14. I therefore conclude that the proposal would have an unacceptable harmful impact on the living conditions of the occupiers of Holden House with regard to privacy. As such, it would be contrary to Policy BT2 of the Local Plan and Paragraph 130 of the Framework, which seek to avoid a significant adverse impact in terms of privacy and to ensure a high standard of amenity for existing users.

Character and Appearance

15. The appeal site is situated in a semi-rural area where in the vicinity of the site there is a broadly linear pattern of development along roads, which are surrounded by fields and open areas of land. There is variety in the design and layout of the built form, but the views of the surrounding rural landscape and the presence of vegetation and trees within gardens contributes to the verdant, spacious character of the area.
16. The proposed dwelling would be sited further back from the road than both the neighbouring properties, The Breck and Holden House. There is however no clearly defined front building line along this section of Saddleworth Road, with both neighbouring properties set at differing distances from the road. The siting of the proposal would not therefore be harmful.
17. The area to the front of the site would comprise of a large area of hardstanding, but the appeal site would have a relatively narrow width compared to the dwellings either side. Furthermore, from the road, views beyond the hardstanding would be of the garden area, with the proposed house itself being largely behind the garden of Holden House. I do not therefore consider this arrangement would detract from the semi-rural character of the area.
18. The appeal site is within the setting of Christ Church which is situated to its south-west. The church has historic significance as a parish church serving the village and having been developed by architects of regional significance. The church building has a verdant setting with open areas of land contributing to its significance. Given the positioning of the proposal, beyond The Breck, and its scale as a modest two storey dwelling, it would not have a detrimental effect on the setting of the church which would continue to be appreciated in its verdant setting.
19. For these reasons, I conclude that the development would not have an adverse impact on the character and appearance of the area and would preserve the

setting of the Grade II listed Christ Church. As such, it would not be contrary to Policies BT1 and HE1 of the Local Plan or Section 12 of the Framework, which seek, amongst other matters, high quality design.

Other considerations

20. The proposal would provide a house that would contribute to the mix of housing in the area. It would also contribute to supporting local businesses and other facilities. The provision of a new dwelling therefore weighs in favour of the appeal, although as it involves a net additional single dwelling, this would attract limited positive weight as would the economic benefits.

Other Matters

21. Given the proposal relates to a single dwelling and is situated within a village, I do not consider that there would be any conflict with the purpose of the Green Belt relating to safeguarding the countryside from encroachment. This, as well as other matters relating to climate change mitigation are however neutral matters and not ones which weigh in favour of the proposal.
22. Reference has been made to an incorrect plan that was contained in the Committee Report. The Council has set out that this was clarified ahead of the decision and there is no evidence before me that this error influenced the Council's decision-making process. In any event, I can confirm that I have dealt with this appeal based on the correct plans.

Conclusion

23. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be 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, in this case that relating to living conditions, is clearly outweighed by other considerations.
24. I have attached limited weight in favour of the scheme to the provision of a net additional dwelling, and to the economic benefits. The other considerations raised, as well as the lack of harm in relation to character and appearance and the setting of a heritage asset, are neutral matters.
25. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
26. I therefore conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR