



Appeal Decision

Site visit made on 11 September 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/A4710/W/24/3345172

Land off Scammonden Road, Barkisland, Sowerby Bridge HX4 0HD

- 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 Mrs A Butterworth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/01132/FUL.
 - The development proposed is construction of pair of semi-detached dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submission has been accompanied by a revised scheme which was not considered by the Council in reaching their final decision. This new plan shows how the site can be developed in full. This represents the submission of new information. The appeals procedure guide makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. I have therefore not considered this new information in this appeal as it would prejudice the Council and any interested parties. Accepting this new information would have deprived those who were entitled to be consulted of the opportunity to make any representations as part of an appeal.

Main Issues

3. The main issues are:
 - whether or not the proposal would constitute piecemeal development;
 - whether the proposal would be to the detriment of highway safety; and,
 - the effect on the character and appearance of the area.

Reasons

Piecemeal development

4. The appeal site is located off Scammonden Road, next to a small estate of properties at Stonelea and Pinfold Close. The site is bound by the highway and fields which limit the overall extent of the site. This site does form part of a housing allocation, as set out in Policy SD6 of the Calderdale Local Plan 2023 (LP). This policy sets out the site constraints which must be addressed. In this

case, this site is constrained by overhead powerlines and a potential for increased surface water flooding.

5. The proposal is for two dwellings. I understand the commercial implications of developing the site in its entirety as set out by the appellant. However, Policy IM8 of the LP states that planning permission will not be granted for the piecemeal development of land which would prejudice the development of a larger area. From the absence of convincing evidence before me, it is not demonstrated that the site can be developed further. Despite being aware of the planning history of the site for numerous applications for a different total number of properties, there is no evidence to suggest how the site could be developed further, taking the constraints listed in Policy SD6 of the LP into account.
6. To conclude, the piecemeal approach to the development of this site would not allow adequate understanding as to how the site constraints would be overcome. Therefore, the proposal would be in conflict with Policies IM8 and SD6 of the LP.

Highway safety

7. Sited in their proposed location, the parking spaces provided for plot 01 and visitors would be angled to face into the site, away from the highway, on a sloped area of land and adjacent to a dry-stone wall which forms a boundary to the site. This would limit the visibility of a driver when manoeuvring from these spaces and exiting the site towards the highway. The driveway to plot 01 would also be located opposite to these spaces.
8. When moving from these spaces, it would be difficult for drivers to visibly see traffic which may be entering the site from the direction of B6113 owing to the combination of the angle facing away from the highway, on a sloped area and the dry-stone wall which surrounds the site at a close distance to the boundary of the site. Drivers would also have to pull across the opposite side of the road to which they would be travelling on. As such, if a vehicle was to enter the site whilst a vehicle was manoeuvring into or out of these spaces, or into the space allocated to the driveway of plot 01, there would be a chokepoint and competition for road space, which would be to the detriment of highway safety.
9. The appellant states that there were no highway related issues with the refusal of the previous application and subsequent appeal decision (APP/A4710/W/22/3311416). The appeal decision and the site plan considered under this appeal were provided in the evidence before me. However, the layout of any vehicle parking spaces on the site plan are notably different to those proposed under this appeal. As such, I attach very limited weight to this matter.
10. To conclude, the proposal would therefore conflict with Policy BT4 of the Local Plan. This policy notes that the design and layout of highways and accesses should ensure the safe and free flow of traffic in the interest of highway safety.

Character and appearance

11. Sited opposite the two dwellings would be three vehicle parking spaces. One of these spaces would be reserved for plot 01, with the remaining two presented as visitor spaces. It is not unusual to find cars parked beyond driveways in built up locations, regardless of their size or number of dwellings. However, in this instance, the provision of these three spaces would be particularly close to the boundary, with no relation to the built form. This would be at odds with the formal parking arrangements found within the vicinity.
12. As such, upon approach to the site from the direction of Greetland Road (B6113), parked vehicles would be visible, with no immediate relationship with the properties which form the development. This would create a prominent parking area which would have a negative appearance when travelling from the B6113 towards the site owing to its lack of relation to the built form.
13. The two properties proposed would be located with their side elevations facing towards the road. In my assessment of the site from Scammonden Road, existing properties face onto the highway directly, at an angle or side on with their side elevations presented to the road, such as those opposite the appeal site on Pinfold Close. As such, there is a varied character when viewed from multiple points within the street. Owing to this variation, I do not find harm to the character and appearance of the area in this regard.
14. The proposed dwellings would be provided without an enclosure to the space towards the front of each property but would be provided with a small garden space and a driveway. During my site visit, I noted that properties located on Pinfold Close and Stonelea host front garden spaces which also do not provide a boundary with a meaningful enclosure. Therefore, the proposal would respect the character and appearance of its surroundings due to its similarity.
15. To conclude, the prominence of the vehicle parking area for plot 01 and the visitor spaces, at a close distance to the site boundary with no close relationship with the built form would create a prominent area for car parking which would be at odds with the formal parking arrangement located on adjacent residential developments. This would work against Policy BT1 of the LP, which requires development proposals to respect the character and appearance of the existing surroundings.
16. I do not find harm to the character and appearance of the area in relation to the layout and arrangement of the buildings and lack of enclosure to the boundaries of each property. As such, these aspects of the proposal would not conflict with Policy BT1 of the LP.

Planning Balance and Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework indicates that a decision should be taken in accordance with the development plan. The Council has confirmed in their officer report that they have an up to date 5 Year Housing Land Supply.
18. Nevertheless, I acknowledge that the proposed development would provide two additional dwellings to this supply, on an allocated housing site. The proposal would also provide local economic benefits during the construction

period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. However, these public benefits are outweighed by the harm I have found above. There are no material considerations of such weight or significance as to justify a decision otherwise than in accordance with the development plan.

19. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR