



Appeal Decision

Site visit made on 18 March 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/Z4718/W/24/3356278

Cross Pipes House, Penistone Road, Birdsedge, Huddersfield HD8 8XW

- 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 Paul Haigh against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/91330/E.
 - The development proposed is application to erect a single bungalow with garden space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken a shortened description of the proposal for the banner heading above from the application form in the interests of brevity.
3. The Council's decision notice refers to policy 'KP24' in its second reason for refusal. However, this appears to be a typing error as Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) (LP) refers to Design and has been referred to in the officer report. I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations amounting to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. It also states, at paragraph 154, that development in the Green Belt is inappropriate unless one of various exceptions apply. Two such exceptions are: e) limited infilling in villages; and g) limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.
7. Policy LP59 of the LP supports infilling within existing brownfield sites within the Green Belt where the gap is small and located between the existing built form. For sites which are not brownfield the LP relies on national planning guidance.
8. The appeal site is located in part of the village of Birdsedge which has a dispersed settlement pattern. It is within a former garden of Crosspipes House. The next nearest buildings to the south of the appeal site are approximately 52m away. On the other side of Penistone Road, which runs along the appeal site, there are large residential gardens, whilst there is open countryside to the east of the site. Therefore, visually the appeal site comprises a significant gap between the built form.
9. Although there is no definition of limited infilling within the Framework, the supporting text of policy LP59 of the LP states that within a village, plots should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage. The gaps between the appeal site and other buildings are sizeable and therefore the proposal would not comprise limited infilling of an otherwise continuously built-up frontage. Moreover, there would be limited visual connection between the proposed dwelling and existing buildings outside the site. Therefore, the proposal would not constitute limited infilling under paragraph 154 e) of the Framework, or as referred to by Policy LP59 of the LP.
10. With regard to the exception to inappropriate development provided at paragraph 154 g) of the Framework, fixed surface infrastructure, such as hardstanding, which have been lawfully developed are included in the definition of previously developed land set out in the glossary of the Framework.
11. The site has been used for the storage of haulage vehicles. There is dispute between the parties as to whether the site has lawful use for this purpose. I note the business rates bills provided, but there is no lawful development certificate before me to conclusively show the lawfulness of any use of the site. Although there are no buildings on the site there is an area of hard standing closest to the access gate. However, I have no evidence on how long the hard standing has been in place and therefore cannot be satisfied that the site comprises previously developed land in the context of the development plan and the Framework. For these reasons I find, on the evidence before me, that the proposal would not compromise limited infilling or the redevelopment of previously developed land as referred to at paragraph 154 g) of the Framework.
12. The proposal would not therefore comprise limited infilling in a village, nor would it comprise the limited infilling or redevelopment of previously developed land. Consequently, the proposal would comprise inappropriate development within the Green Belt contrary to the Framework.

Openness

13. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
14. As Penistone Road runs downhill, the appeal site is prominent from public views. Whilst the fencing around the site provides some visual containment, it is open in character. The photographic evidence demonstrates that the haulage vehicles were clearly visible when stored on the site, which impacted on its openness. Despite being 1.5 storey in height the proposed dwelling would result in a permanent building where there is presently none. The proposed footprint of the house, driveway, garden and associated paraphernalia would therefore inevitably lead to a loss of openness both visually and spatially. This is particularly the case given the large gaps between the site and other buildings. Accordingly, the proposal would cause moderate harm to the openness of the Green Belt.

Character and appearance

15. The surrounding area comprises a mix of two storey terraces, semi-detached and detached dwellings on large plots. The proposal would create a detached 1.5 storey dwelling, with accommodation in the roof space. Parking would be provided to the front of the property and there would be a small garden area to the side. However, two sides of the dwelling would be located close to the boundary of the site. As a result, the dwelling would visually dominate the scale of the plot. This would be at odds with dwellings in the immediate vicinity which are in spacious plots. Therefore, despite the use of similar materials to the existing dwellings, the scale of the dwelling in comparison to its plot size would harm the character and appearance of the area.
16. The appellant has referred me to the pattern of development on Springfield Avenue and Highfield Avenue, which comprise semi-detached bungalows. However, these dwellings are located in a much more densely developed part of the village whereas the pattern around the appeal site is dispersed, therefore these examples are not directly comparable. I have also been referred to other permissions granted for new dwellings in the village. I have not been provided with the full details of these permissions so cannot be certain of the circumstances of each case. In any case, I have determined the appeal on the basis of its own merits, based on the evidence before me.
17. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy LP24 of the LP, which seeks amongst other things to ensure that the form, scale, layout and details of all development respects and enhances the character of the townscape.

Other Considerations

18. The new dwelling would provide a home claimed to be more suitable for the appellant's health and retirement needs. It is also claimed that there are limited local housing options for adaptable and accessible homes. However, no specific details of the appellant's requirements or why they cannot be met by other means without causing the above-mentioned harms have been submitted. The proposal would, however, make a minor contribution to the Council's housing supply and

support the viability of local facilities. Overall, these benefits therefore provide modest weight in favour of the proposal.

Whether very special circumstances exist

19. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There would also be harm to the character and appearance of the area which carries significant weight. Taken together, the other considerations put forward provide modest support for the proposal. Therefore, the benefits do not clearly outweigh the harms which would be caused to the Green Belt and the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.
20. The Council is unable to demonstrate a five year supply of deliverable housing sites. Where this is the case, the Framework advises planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposal. The Green Belt is such an area, and I have found the Framework provides a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
22. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR