



Appeal Decision

Site visit made on 1 May 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2025

Appeal Ref: APP/Z4718/W/25/3359972

676 Halifax Road, Hightown WF15 8HL

- 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 T Page against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/92826/E.
 - The development proposed is a detached agricultural building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on green infrastructure provision by way of urban green space.

Reasons

3. The appeal site comprises part of an agricultural unit, together with an access track which joins onto Halifax Road. It contains a stables building and a gated access. There is a barn and store close by, with an unmade up area in between this building and the stables. There is also an associated area of pasture to the east and south, and there is further such land on the opposite side of the access track which is also shown to be under the appellant's control. There is a related dwelling to the south, towards Halifax Road, with outbuildings to the rear.
4. The land levels fall markedly from Halifax Road. There are further dwellings and outbuildings to the north of the site, beyond where the access track passes the rear of the barn and store. The remainder of the land in the vicinity of the site is largely in agricultural use and there are a number of Public Rights of Way (PRoW), which include the access track and a route which passes along a field boundary to the east. The edge of the built up area is defined by Halifax Road, and in the opposite direction at a greater distance towards Cleckheaton and at a considerably lower land level.
5. The site forms part of a larger allocation of urban green space under the Council's Kirklees Local Plan Policies Map. The Council's Planning Officer Report sets out that the allocation derives from its significant value as a strategically important open space within the urban area of Cleckheaton. It provides visual relief in what is otherwise a fairly well built up urban area, and has been assessed as high value in the Kirklees Open Space Study (2016). From what I observed on my site visit, I see no reason to disagree.

6. Policy LP61 of the Council's Kirklees Local Plan Strategy and Policies (2019) sets out that proposals which would result in the loss of urban green space will only be permitted where one of the criteria under the policy are met. As the proposal would have a considerably larger footprint area than the stables building that it would replace, there would be a loss of urban green space for the purposes of Policy LP61. This concerns the nearest part of the adjoining pasture.
7. The criteria include where an assessment shows that the open space is clearly no longer required to meet local needs for open space, sport or recreational facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value. There is no substantive evidence before me that the open space is not required to meet such local needs. While it may not be in public ownership, the supporting text to the policy makes it clear that private land is also subject to the policy. The loss of such land would be modest in the context of the whole allocation, but any such loss would lessen both the visual relief and high value that it contributes to the greater Cleckheaton area. Its loss would be noticeable from the public vantage points that are afforded by the PRow's nearest the site.
8. There would also be some loss of visual amenity and landscape value because the part of the pasture that would be given over to the proposal pleasingly contributes to the urban green space allocation as an undeveloped and open area of agricultural land. How the proposal would relate to land levels would not address this matter because the consideration of visual amenity and landscape under this criterion concerns the worth of the land in question as allocated urban green space, as opposed to attempts that have been made to mitigate its impact. The same applies by way of efforts that have been made to lessen the scale of the building.
9. While the proposal may be not unacceptable in character and appearance terms and partly screened by existing buildings and vegetation along the lane, this does not deal with the loss of the important contribution of the site to the urban green space because open space would be lost. When these factors are considered together, this criterion has not been met.
10. The remaining criteria under the policy concern replacement provision or an alternative open space, sport and recreation use. As neither of these form part of the proposal, they are not applicable in this case. Accordingly, none of the criteria are met.
11. I conclude that the proposal would have an unacceptable effect on green infrastructure provision by way of urban green space. It would not comply with Policy LP61 because it would result in the loss of such space (as identified on the Policies Map) and none of the exceptions to the loss of such space under the policy criteria would apply.

Other Matters

12. The proposal is required in order for the appellant to house machinery and equipment that is used to tend the land. It would also be used for food, hay and straw storage. There is also the intention to obtain a large flock of sheep and a building is required to house them during the winter months and lambing season. The existing buildings are said to be not suitable and are in a poor state of disrepair, as I saw on my site visit.

13. The evidence in support is however of a limited nature, given the need to set aside development plan policy in order for the proposal to proceed. It is not clear how the size of the building relates to its various intended functions, not least as it has also been indicated that without the proposal, the equipment would need to be stored outside and cover a larger area than the proposal itself. It is also not evident why buildings on the site could not be repaired or else rebuilt. I do not doubt there is an agricultural need of some description, but with the strong level of protection that is afforded under the development plan to urban green space, it does not outweigh the harm that would arise.
14. The appellant has also referred to a recent agricultural building that was permitted at nearby Upper Blacup Farm. While I understand there are agricultural operations in the urban green space, deciding on such development comes down to considering whether the agricultural need outweighs any conflict with Policy LP61. In the case before me and based on the submitted evidence that I have, it does not.
15. While not contained in the reason for refusal, it is also a matter of dispute over whether Biodiversity Net Gain should apply. With the size of the proposal and the loss of pasture, it is not apparent why the impact on habitat would benefit from the area threshold under the de minimis exemption. The self-build exemption also only applies to residential development. Nonetheless, as I am dismissing the appeal on other grounds, I have not considered this matter any further.

Conclusion

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

Darren Hendley

INSPECTOR