



Appeal Decision

Site visit made on 28 January 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/A4710/W/24/3351787

1 Ivy Cottages, Stainland Road, Barkisland, Sowerby Bridge HX4 0DQ

- 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 Bernard Geraghty against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00987/FUL.
 - The development proposed is Demolition of existing buildings to facilitate development of one detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional plan has been provided by the appellant that shows an amended access. This was submitted with the appeal documents, therefore I am satisfied that the Council and other interested parties have had the opportunity to comment on the plan and therefore would not be prejudiced by my taking it into account.

Main Issues:

3. The main issues of the appeal are:
 - whether the proposed development constitutes inappropriate development within the Green Belt and, if so:
 - The effect on the openness and purposes of the Green Belt;
 - The effect of the proposed development on highway safety; and
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the Special Landscape Area.

Reasons

4. The appeal site is an area of land and garaging with incidental domestic buildings accessed from Stainland Road and located behind dwellings that face onto that road at its junction with Greetland Road (B6113). The site has stone walls around it, with a high fence dividing the site up. The site is located at an elevated position compared to the dwellings. The site is in the Green Belt and utilises an existing access that also serves the land to the rear of the dwellings.
5. The proposed development is for the removal of the existing buildings within the site, except for the garage building and the erection of a bungalow. The main

garden of the bungalow would be located close to the access of the site, utilising an existing grassed area. A smaller garden and parking area are also proposed to be located adjacent to the front entrance to the bungalow.

Inappropriate development in the Green Belt

6. The building is located within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out exceptions whereby development would not be inappropriate.
7. The proposed bungalow and parking area would be constructed on an area of land that currently accommodates outbuildings/garages. I am, therefore, satisfied that the site constitutes previously developed land and therefore, paragraph 154 g) of the Framework is applicable here. In that context, part I. F. 1 and 2 of Policy GB1 of the Calderdale Local Plan (CLP) is consistent with it in stating an exception would be, the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. The proposal would see the removal of some buildings on the site. There is some inconsistency between figures provided by the Council and appellant. However, the information provided shows outlines of the buildings to be removed. Therefore, I am satisfied that the buildings would be removed, and based on my site visit and the evidence before me, the footprint of the proposed building would be less or comparable those to be removed. The buildings on site, including the kennel, had the appearance of permanence, and were weathered which indicates that they have been there for some time, and I would therefore not consider these to be temporary buildings for the purposes of paragraph 154 g) of the Framework.
9. It follows that I find that the proposal would fall within the definition of partial or complete redevelopment of previously development land for the purposes of the exceptions in Policy GB1 of the CLP and paragraph 154 g) of the Framework. However, the exception from inappropriate development in Green Belt in Policy GB1 of the CLP and the Framework is subject to respective requirements relating to the effect on the openness of the Green Belt which I necessarily go on to consider below.

Openness

10. Due to landscaping and the topography within the development area, being in a partial hollow, with some stone walls and other boundary treatments and vegetation, the site is well screened from public vantage points. The proposed removal of buildings which are spread around the site and their replacement with a single building within a compact footprint and its associated domestic paraphernalia would lead to an increase in visual openness.
11. Having regard to spatial openness, whilst there is a significant volumetric increase of built development due to the height and bulk of the proposed dwelling, I find that the built development contracting within the site and reduced spread of built development would open the site up overall. The proposed curtilage would utilise

existing green areas and be within existing boundaries, therefore the presence of domestic paraphernalia would not affect openness over and above the existing situation.

12. Policy GB1 of the CLP requires the proposal to have no greater impact on openness than the existing outbuildings, this approach aligned with earlier versions of the Framework, however the test as set out in the revised Framework (Dec 2024) refers to 'substantial harm'. There is no definition of either 'greater impact' or 'substantial harm' for planning purposes. Consequently, it is a matter of planning judgement. Accordingly for the reasons set out, I do not find that the proposed development would cause substantial harm to or have a greater impact on the openness of the Green Belt.
13. Therefore, for the reasons mentioned, I conclude that the proposed development would not constitute inappropriate development within the Green Belt and would meet exception 154 g) of the Framework. The proposal would also accord with policy GB1 of the CLP which allows for the partial or complete redevelopment of previously developed land. In these circumstances, there is no requirement for me to consider very special circumstances. Additionally, considering other exceptions drawn to my attention or whether the proposal would utilise grey belt land would serve no purpose.

Highways

14. The access to the site is narrow and the junction is at an acute angle to the highway, and is existing, serving garages and land located on the site.
15. A revised plan has been submitted with the appeal, which shows a passing place on the driveway which could reduce the need for cars entering the site to wait on the highway. The plan also shows adequate on-site parking for the proposed development and the boundary wall being no higher than 900mm at the point of access onto Stainland Road. Notwithstanding this, the access point remains narrow and due to this, together with the angle and gradient of the lane in relation to the main highway, cars turning right onto the appeal site, may not have the benefit of seeing oncoming cars from the appeal site and vice versa. Even with the presence of a passing place. In addition, two cars could not pass each other at the junction safely without one having to wait, either on the site or on Stainland Road.
16. Notwithstanding the access already being in use for garaging, the proposed dwelling would be in addition to the garaging. Interested parties have also commented on the types of vehicles that have used the access in the past, including larger vehicles. However, to my mind, the use of the access would intensify as a result of the development, and a three-bedroom dwelling would be likely to have different needs to a garage area. Such as higher levels of comings and goings and deliveries.
17. Given the above, I find that the access arrangements together with the increased comings and goings to and from the site would harm highway safety as it would unacceptably increase the risk of accidents at the point of access onto Stainland Road.
18. Similarly due to the narrowness, gradient and angle of the junction, visibility is poor, particularly to the west along Stainland Road, and access for emergency vehicles, particularly fire engines, could be very difficult, which adds to my

concerns with respect to the potential risk of accidents at the access point due to the potential manoeuvres and obstruction of the highway that may be required. In contrast, bins could be placed by residents in a suitable place for collection but the absence of concern in that respect is a neutral factor that does not override the harm I have otherwise identified.

19. Overall, due to the intensification of the access and the poor access arrangement onto Stainland Road, I conclude that the proposal would have an unacceptable impact on highway safety contrary to policy BT4 of the CLP, which requires among other things for accesses to ensure the safe and free flow of traffic and allow access by emergency and service vehicles. The proposal would also not accord with paragraph 116 of the Framework as the proposal would have an unacceptable impact on highway safety.

Character and appearance

20. The site is located in an elevated position behind Ivy Cottages on Stainland Road. The area of Stainland Road near to the site, is characterised by small clusters of dwellings mainly constructed from stone along the roadside and other clusters of buildings set back from the highway. Agricultural land lies immediately beyond other boundaries of the site. Notwithstanding the site's elevated position from the highway, the site, including the existing buildings and hardstanding therein is relatively well screened by vegetation and is self-contained with some grass banking surrounding the land at a higher level.
21. The site is within a Special Landscape Area (SLA) where policy GN4 of the CLP states that development within its setting should be carefully designed and sets out criteria for this. The proposed bungalow would be single storey with rooms in the roof and would follow a simple design with natural stone walls and an artificial blue slate roof, with anthracite grey windows and doors. The proposed materials are in keeping with those in the nearby cottages, especially the use of natural stone. Due to the juxtaposition of the proposed dwelling the dormer windows would not be prominent and would not be at odds with the character of nearby properties.
22. The proposed materials are in keeping with those seen in the locality. Due to the modest design and height of the proposed dwelling, and the amount of built development similarly set back from the road in the vicinity, the proposed development would not appear incongruous in its surroundings. In addition, the proposal would not affect important and distinctive views due to its position in the landscape. Due to the proposal's small scale and proximity to the cottages on Stainland Road it would protect remoteness and tranquillity. The proposal would protect landscape quality and contribute to a sense of place. The existing wall and landscape features are shown to be retained, and the proposal includes species enhancement measures, through bird and bat nesting features.
23. The site is also within the Blackwood Common Landscape Character Area (BCLCA). The proposal's acceptability with regard to its effect on the BCLCA is not a matter of dispute between the parties and the officer report states that the development is acceptable in this regard, and I am satisfied that based on my assessment above, the location and small scale of the development that the proposal would not have a detrimental effect upon it.
24. For the reasons mentioned I conclude that the effect of the proposed development on the character and appearance of the area, with specific regard to the SLA

would be acceptable. It would therefore accord with policies GN4 and BT1 of the CLP only insofar as they relate to this main issue, which between them require developments to be carefully designed to ensure that they are in keeping with their location in the SLA and are of a high quality, inclusive design.

Other Matters

25. I have consulted the main parties on the revised Framework (December 2024). The appellant has provided comments stating that the site is 'grey belt'. The Council has provided comments in response, which state that the proposal does not meet the golden rules as set out in the Framework. Notwithstanding this, I have not considered this matter any further due to my conclusions relating to the Green Belt.
26. The proposed development would help to boost the local economy, through spending, direct and indirect jobs, industry supply chain and the spending from future residents such as using local services and council tax. Interested parties in support of the proposal have also stated that four buses an hour pass the site, and the site is also within easy walking distance of shops and services, to which the proposal would contribute some support. Whilst those are evident benefits of the scheme, they are limited by the small scale of the development proposed, and do not outweigh the harm identified in terms of highway safety.
27. Notwithstanding the differences of topography between the site and the surrounding area, the proposal would have an adequate separation distance to surrounding properties to ensure no unacceptable impacts on the living conditions of their occupants in terms of privacy and outlook. However, the absence of harm in that respect is a neutral factor.

Conclusion

28. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR