



Appeal Decision

Site visit made on 17 June 2025

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/A4710/W/25/3363962

Green Holes Farm, Cole Gate Road, Ripponden, Sowerby Bridge, Calderdale HX6 4NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Ian Whiteley against the decision of Calderdale Metropolitan Borough Council.
 - The application reference is 23/01143/VAR.
 - The application sought planning permission for proposed change of use from stable block to dwelling house formally a dwelling house without complying with conditions attached to planning permission reference 22/00550/CON, dated 2 May 2023.
 - The conditions in dispute are Nos 3, 6 and 10 which state that:
 - 3 – All newly installed windows and doors shall constructed of timber, shall be painted/stained to match the existing windows/doors, and shall be set 100mm in reveal. They shall be installed, painted and/or stained before the dwelling hereby approved is first occupied and shall thereafter be satisfactorily retained at all times.
 - 6 – Other than like for like repairs, no works, which includes surfacing, shall, at any time, be carried out to the access track connecting the main site with Slack Lane without the prior written approval of the Local Planning Authority. Any works approved shall be carried out in accordance with the approved details and shall be so retained thereafter.
 - 10 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent legislation revoking or superseding that Order, the dwelling shall not be further extended in any way nor shall any freestanding building be located within its curtilage without first seeking and obtaining the approval of the Local Planning Authority. This shall be in the form of a formal planning application.
 - The reasons given for the conditions are:
 - 3 - In the interests of visual amenity, and to ensure compliance with Policies BT1 and GN4 of the Calderdale Local Plan and Sections 12, 13 and 15 of the National Planning Policy Framework.
 - 6 – In order to safeguard the character and openness of the Green Belt, in the interests of visual amenity, and to ensure compliance with Policies GB1, BT1, BT4, GN4 and Annex 1 of the Calderdale Local Plan and Sections 12, 13 and 15 of the National Planning Policy Framework.
 - 10 - To enable the Local Planning Authority to retain a degree of control over the development in the interests of safeguarding the openness of the Green Belt.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from stable block to dwelling house at Green Holes Farm, Cole Gate Road, Ripponden, Sowerby Bridge, Calderdale, HX6 4NH in accordance with the application reference 23/01143/VAR, without compliance with condition numbers 3, 6 and 10 previously imposed on planning permission reference 22/00550/CON dated 2 May 2023 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council considers that the appellant's proposed variation of condition 3 is acceptable. Based on the evidence before me and my site visit observations, I have no reason to reach a different view, subject to some minor amendments to the wording in the interests of precision and enforceability which the main parties have had the opportunity to comment on. My decision therefore focuses on conditions 6 and 10.

Background and Main Issues

3. As detailed above, planning permission has been granted for the change of use from a stable block to a dwelling house at the appeal site. The planning application was approved subject to several conditions including condition nos. 6 and 10, as detailed above. Condition 6 requires the approval of any works to the access track other than like for like repairs, and condition 10 removes certain permitted development rights.
4. The appellant is seeking a variation to condition 6 to allow for details of surfacing works, including the use of tarmac, to be approved by the local planning authority. The reason given for condition 6 includes safeguarding the character and openness of the Green Belt. However, the Council's reason for refusal and officer report refer only to a concern that the use of a tarmac surface would detract from the qualities of the rural landscape.
5. The appellant contends that condition 10 is unnecessary and unreasonable, and seeks its removal and, as a consequence, the reinstatement of the rights for extensions and buildings within the curtilage.
6. Against this background and having regard to the reasons for the disputed conditions and the main parties' submissions, the main issues are:
 - the effect of the proposed variation to condition 6 on the character and appearance of the area; and
 - whether condition 10 is reasonable and necessary to make the development acceptable in the context of the site's location within the Green Belt.

Reasons

Condition 6

7. There is no dispute between the main parties that a variation to the condition to allow for details of surfacing to be approved by the local planning authority would be acceptable. The area of disagreement is whether the condition should enable the use of tarmac as a surfacing material.
8. The site lies within the Blackwood Common Landscape Area, as defined in the 2016 Calderdale District Landscape Character Assessment and Review of Special Landscape Area Designation (the LCA). Key characteristics identified in the LCA include an elevated landscape, with slopes rising up to moorland and hill summits; a dense network of gritstone walls dividing fields; a network of winding, rural lanes; an open, upland fringe landscape character with long views, often conveying a relative sense of remoteness and isolation; a dispersed settlement pattern comprising scattered stone built barns and farmhouses, with housing

developments surrounding the settlements in the area. Valued landscape features and attributes are identified as including a predominantly rural character with sparse development.

9. A number of these characteristics are apparent in the landscape in which the site is set. The site is located within a relatively elevated area of undulating countryside close to moorland and with open and expansive views that gives a sense of general remoteness. There are scattered individual dwellings, including a number of farmhouses with associated agricultural buildings. The narrow winding roads are generally bounded by stone walls. Fields are commonly small in scale with many enclosed by stone walls.
10. When approaching from the east on the Public Right of Way (PRoW) which runs along Merry Bent Lane then Slack Lane, much of the access track is screened by the topography and intervening stone walls other than its upper most length. Approaching along the PRoW from the other direction, the access track is predominantly screened by the stone wall which runs along one of its sides. The sloping topography limits views from the surrounding road network. Consequently, the surface of the access track is not readily visible in the wider area.
11. The surface of the more visible upper length is seen against the grey stone wall along its boundary. The use of a darker coloured surfacing material would reduce any contrast with this backdrop, and therefore help to minimise its impact.
12. Clearer views of the access track are possible when near to the point where it meets Slack Lane. There is evidence of a mixture of surfacing materials used on access tracks in the vicinity. This includes a number of properties in the area, some of which can be seen from PRoWs, that are served by access tracks which have a more formal surface than stone or hardcore, such as the use of tarmac in a twin track, which the appellant has indicated they would use. The use of tarmac surfacing for accesses to properties is therefore not uncharacteristic to the area.
13. In this context, the use of a more formal type of surface for the access track such as tarmac would not appear as an intrusive or anomalous feature or detract from the prevailing rural character of the area. Consequently, although it is a relatively sparsely developed landscape, any visual impact would not be materially harmful, and the distinctive landscape character would be retained.
14. I therefore conclude that the proposed variation of condition 6 would not unacceptably harm the character and appearance of the area. As such there would be no conflict with Policy GN4 of the 2023 adopted Calderdale Local Plan 2018/19 – 2032/33 (the Local Plan), which requires development to reflect and enhance local distinctiveness and diversity, amongst other matters. There would also be no conflict with the design objectives of paragraph 135 and the policy of protecting and enhancing valued landscapes in paragraph 187 of the National Planning Policy Framework (the Framework).

Condition 10

15. The Framework at paragraph 57 states that planning conditions should be kept to a minimum and only imposed when they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. More specifically, paragraph 55 states that planning conditions should not be used to restrict national permitted development rights unless there is clear

justification to do so. The Planning Practice Guidance (the PPG) advises that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

16. The permitted development rights for development within the curtilage of a dwellinghouse as conferred by Schedule 2 Part 1 of the GPDO¹ have not been restricted within the Green Belt. This strongly suggests that dwellings within the Green Belt should be treated no differently to those outside the Green Belt, and the starting point is that permitted development rights should remain in place unless clear justification is advanced which is precisely defined and specific to the site.
17. The Council identifies that the original permission for the conversion was considered under what is now paragraph 154 h) iv of the Framework. This states that the re-use of a building is not inappropriate development subject to it preserving openness and not conflicting with the purposes of including land in the Green Belt. The Council's view was that the conversion achieved this in the sense that it would not create new floorspace or volume.
18. Paragraph 154 c) of the Framework states that the extension or alteration of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. The Council's concern seems to be that the reinstatement of permitted development rights would allow disproportionate additions to the building and the construction of outbuildings, with consequent harm to the openness of the Green Belt.
19. I appreciate the Council's point that extensions which can be constructed through the use of permitted development rights can be quite extensive. However, there will be many dwellings within the Green Belt, including those on relatively isolated sites such as is the case here, which retain and may exercise permitted development rights without reference to the effect on the openness of the Green Belt.
20. I am mindful that permitted development rights for outbuildings are limited to the curtilage of the dwellinghouse and are subject to restrictions in terms of size and location which would provide a level of protection that would prevent uncontrolled development. Furthermore, the topography and boundary features provide a strong sense of containment to the site which would restrict any encroachment into the surrounding countryside spatially and visually.
21. The circumstances described by the Council are not therefore specific to the appeal site. Furthermore, the fact that permitted development rights have not been removed for land in the Green Belt means that the government's fundamental Green Belt aim of preventing urban sprawl by keeping land permanently open does not necessarily extend to preventing permitted development within a domestic curtilage.
22. Given this context and bearing in mind the limitations of the GPDO in terms of size and position of permitted development, the site circumstances do not appear unique in this case and I am not persuaded that extensions or outbuildings that could be constructed using permitted development rights would have such an effect on the openness of the Green Belt and its purposes that removal of permitted development rights would be clearly justified.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

23. For the reasons set out, and with reference to the Framework and the guidance in the PPG, I do not find the condition to be reasonable or necessary to make the development acceptable in the context of the site's location within the Green Belt. As such, I find no conflict with Policy GB1 of the Local Plan or chapter 13 of the Framework.

Conditions

24. The PPG makes it clear that decision notices for the grant of permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. Permission reference 22/00550/CON was granted subject to several conditions which require the submission of further details for approval. As I have no information before me about the status of these conditions, I shall impose all those that I find remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the main parties. I have amended the wording of certain conditions having regard to the six tests set out in the Framework without altering their fundamental aims.

Conclusion

25. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed conditions but substituting others and restating those undisputed conditions that are still subsisting and capable of taking effect.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawings: location plan; site/block plan; W1054 01B.
- 2) All new areas of external wall and roof shall be constructed of natural stone and natural slate. These shall match in type, colour, texture, and shall be laid in a manner to match, the stone and slate used in the construction of the host building. Following their installation these materials shall thereafter be retained.
- 3) Details of the proposed window style and colour shall be submitted to, and approved in writing by, the Local Planning Authority prior to being installed in the building. The windows shall be installed in accordance with the approved details before the development hereby permitted is first occupied and shall thereafter be retained.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent legislation revoking or superseding that Order, details of the proposed treatment of the boundaries of the property curtilage shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This shall include for the retention of all existing stone walls and hedges. The approved boundary treatment shall be erected/planted in the approved positions before the development hereby permitted is first occupied and shall thereafter be retained. Any planting which, within a period of five years from the completion of the planting works, dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with replacement planting of similar size and species.
- 5) Details of the materials to be used to surface the new patio area, any associated footpaths and the areas to be used by vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before surfacing of these areas commences. The surfacing works shall include measures to ensure that surface water does not drain onto the adjoining access road. The patio, footpaths and vehicular areas shall be constructed using the approved surfacing materials and laid out as shown on approved drawing number W1054 01B, before the development hereby permitted is first occupied and shall thereafter be retained for their approved purpose.
- 6) Details of surfacing works, including tarmac, to the access track connecting the site with Slack Lane shall be submitted to, and approved in writing by, the Local Planning Authority prior to the final surface being provided on the track. The surfacing of the access track shall only be undertaken in accordance with the approved details and shall thereafter be retained.
- 7) Details of the new bicycle store shall be submitted to, and approved in writing by, the Local Planning Authority before the development hereby permitted is first occupied. The approved store, and the proposed electric vehicle charging point, shall be constructed/installed in the approved positions before the development hereby permitted is first occupied and shall thereafter be retained.

- 8) Prior to the completion of the development a bat roosting feature constructed of concrete, woodcrete, ecostyrocure or similar material shall be installed within the fabric of the dwelling within 50cm of the north western facing roofline (but not directly above any windows). This feature shall be retained thereafter.
- 9) Notwithstanding any details given on the approved plans or application form, before installation of any drainage, details of the proposed means of draining foul and surface water from the development and the proposals for managing and maintaining the latter, shall be submitted to, and approved in writing by, the Local Planning Authority. These shall show foul and surface water drained using separate systems, surface water discharged by way of one of the drainage options set out in the National Planning Practice Guidance, and the measures that are to be implemented to minimise the risk of surface water drainage having a detrimental impact upon the sewer network should the two systems interact. The approved drainage measures shall be implemented in full before the development hereby permitted is first occupied and shall thereafter be retained.