



Appeal Decision

Site visit made on 18 June 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 17th July 2025

Appeal Ref: APP/A4710/W/25/3362401

**Peat Pitts Farm, Saddleworth Road, Barkisland, Sowerby Bridge, Calderdale
HX4 0DX**

- 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 G&J Lumb against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00966/FUL.
 - The development proposed was originally described as “conversion and partial rebuild of existing building to form one dwelling.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended Site Plan¹ as part of the appeal. The amended drawing includes a revised access and parking arrangement. When assessing whether to accept the amended drawing, consideration needs to be given to the Holborn Studios Judgment². The Judgment identifies two tests that should be considered when deciding whether to accept amended plans. Firstly, whether the amended drawing involves a fundamental change to the application and secondly, whether the proposed amendment would cause unlawful procedural unfairness to anyone involved.
3. The proposed changes are minor in scale and do not amount to a fundamental change to the proposal. The amended plans formed part of the appeal submission. The Council has had chance to review and provide comments. Interested parties were informed that the appeal had been submitted and told how to make representations. They were able to review the appeal documentation. Therefore, I do not consider that the proposed amendment would cause unlawful procedural unfairness, and my determination of the appeal is based upon the amended Site Plan.

Background and Main Issues

4. Within its Appeal Statement the Council explained that drawing number L745-02 Rev. C addresses the Highway Authority Officer's concerns. A copy of that drawing is not before me. However, the appellant indicated that the Highway Authority Officer withdrew their objection following a review of the amended Site Plan, not the aforementioned plan. Regardless of the discrepancy with regard to

¹ Drawing No L745-03

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

the drawing reference, the Council no longer seeks to defend the second reason for refusal. Moreover, interested parties did not raise concerns with the effect of the appeal proposal on highway safety. Accordingly, this is no longer a matter in dispute and does not form part of the main issues of the appeal.

5. Therefore, the main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

6. There is a discrepancy within the appeal submission as to whether the proposal includes the conversion and partial rebuild of one or two buildings. Paragraphs 2 and 3 of the appellant's Appeal Statement, state "It comprises a single storey detached outbuilding ..." and "the appeal application proposed the conversion and partial re-build of two existing buildings ..." During my site visit I observed that the site included the remnants of a stone structure, and an agricultural building finished in corrugated metal and timber.
7. My observations are corroborated by the Structural Appraisal & Feasibility Report which describe the remnants of the original building being flanked by a very dilapidated agricultural shed. It goes on to explain that whilst the plan form of the surviving stone structure remains, the roof is long gone, and the walling is now in a partially collapsed state. The basis of my assessment is that there is one building, the agricultural shed, with remnants of another on site. The stone structure is no longer in a condition to be considered to be a building.
8. The appeal site is entirely within the Green Belt. Paragraph 142 of the Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence.
9. Policy GB1 of the Calderdale Local Plan 2018/19-2032/33, March 2023 (LP) sets out that the construction of new buildings in the Green Belt is inappropriate development except within specified circumstances. Part I exception c) states "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building." LP Policy GB1 part II goes on to explain that other forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. These exceptions to inappropriate development are consistent with paragraphs 154(c) and 154(h)(iv) of the Framework, respectively.
10. Addressing the exception specified in paragraph 154(c) of the Framework first, the proposal would comprise of the extension of the agricultural shed. The term 'disproportionate additions' is not defined within the Framework or the LP.

Therefore, the assessment on whether a proposal would result in disproportionate additions to the original building is based on the size of the building and how this would change.

11. There is no precise evidence before me relating to the size of the agricultural shed in terms of its volume, footprint, or floorspace. The proposed extension would extend to cover the footprint of the stone structure. Nonetheless, the plans show that the proposal would increase the volume, footprint, and floorspace of the agricultural shed by a significant amount, approximately 50%. As such, I conclude that the proposal would result in disproportionate additions to the original building.
12. Addressing the exception specified in paragraph 154(h)(iv) of the Framework, the proposal goes beyond the re-use of a building as it would be extended. Moreover, the Structural Appraisal & Feasibility Report describes the agricultural shed as very dilapidated and does not conclude that it could be converted. Given the Appraisal and my observations on site, I conclude that the building is not of a permanent and substantial construction.
13. Even if I were to conclude that the proposal fell within the scope of the exception specified within paragraph 154(h)(iv) of the Framework, I would need to consider the proposal's effect on the openness of the Green Belt and whether it would conflict with the purposes of including land within it.
14. There is both a spatial and a visual aspect to the openness of the Green Belt. The proposed extension would increase the footprint, floorspace and volume of the building; albeit the building is set down from the road and is well screened from public views. In addition, the proposed dwelling would have more of a domestic appearance than the existing shed. The proposed change of use would introduce residential activity to the site and lead to the siting of domestic paraphernalia within its curtilage. Consequently, the proposal would have an urbanising effect on the site and would harm the openness of the Green Belt.
15. Paragraph 143 of the Framework outlines the five purposes the Green Belt serves. This includes "to assist in safeguarding the countryside from encroachment". The proposal would involve the change of use from an agricultural building to a dwelling. As such, the proposal would represent encroachment into the countryside. The proposal would therefore conflict with the purposes of including land within the Green Belt.
16. I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies. The proposal would be contrary to LP Policy GB1 for the reasons given above and it would not be in accordance with Chapter 13 of the Framework.

Other considerations

17. There would be benefits associated with the appeal proposal including the supply of an additional dwelling which would contribute toward the Council's housing land supply. There would also be economic benefits associated with the construction of the proposed dwelling and an increased population living in the area. The appellant has also indicated that the proposed dwelling would be occupied by people who are of ill health. I acknowledge their personal circumstances and that the proposed dwelling would provide suitable accommodation for them. However, there is no evidence that this is the only viable solution for providing suitable

accommodation. Accordingly, the weight I ascribe to this benefit is tempered. Given the scale of the proposed development, I ascribe moderate weight to the benefits of the proposal as a whole.

18. Paragraph 153 of the Framework indicates that substantial weight is given to any harm to the Green Belt, including harm to its openness, and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I have concluded that the appeal proposal would be inappropriate development and is, by definition, harmful to the Green Belt. I have also found harm to the openness of the Green Belt and concluded that the proposal would conflict with the purposes of including land within it.
19. As above, I ascribe moderate weight to the other considerations in favour of the proposal. Therefore, the other considerations do not clearly outweigh the substantial harm. Consequently, the very special circumstances necessary to justify the development do not exist.
20. In reaching this decision, I have had due regard to the Public Sector Equality Duty set out within the Equality Act 2010, but the harm caused to the Green Belt, outweighs the proposal's benefits in terms of eliminating discrimination against persons with the protected characteristic of disability, advancing equality of opportunity for those persons, and fostering good relations between them and others.

Other Matters

21. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

Conclusion

22. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR