



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: 23 July 2025

Appeal Ref: APP/A4710/W/25/3361888

Sunnyvale Gardens, Sutcliffe Wood Lane, Hipperholme, Brighouse, Calderdale HX3 8PS

- 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 Rita Delorme against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/01118/FUL.
 - The proposed development was originally described as “The building was originally a two-storey ticket office for Sunny Bunces and later Sunny Vale Stock Car Racing. Since the 1990’s, the second floor has collapsed, was a danger to the public and was full of debris and rubbish thrown by bypasses. The renovated building is one-storey and has no services (water, electricity, etc) and it is to be used as a non-residential house, just a lookout point for wildlife. The purpose of the restoration was to tidy up the entrance to Sunny Vale Gardens.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has indicated on the Application Form that the proposed works were completed in September 2024. During my site visit, I observed a development which appeared similar to the development shown on the application plans. Notwithstanding this, the external finish of the constructed building does not match what is specified on the Application Form. Also, within their Appeal Statement the appellant indicates that the structure is not finished. My assessment is based upon the appeal submission. Therefore, I will refer to the development as proposed throughout my decision, although some of the development has been constructed.

Main Issues

3. 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;
 - the effect of the proposal on the openness and purposes 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, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt – principle

4. 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.
5. 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.
6. Part I, exception b of LP Policy GB1 specifies “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”. Part 1, exception d of LP Policy GB1 specifies “The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”.
7. These exceptions are largely consistent with the exceptions to inappropriate development specified in Paragraph 154(b) and (d) of the Framework, respectively. In accordance with Paragraph 232 of the Framework, I ascribe full weight to whether the proposal complies or conflicts with these parts of LP Policy GB1.
8. The proposed use of the building is as a private wildlife lookout. It would be used by residents of a nearby dwelling and not connected to a wider public use. Given the private nature of the building and its proximity to the appellant’s house, the use would be similar to a domestic outbuilding rather than as a public hide. Accordingly, it has not been demonstrated that the building would be used in connection to an outdoor recreational activity. As such, the proposal would not comply with the exception specified in part I, exception b of LP Policy GB1 or Paragraph 154(b) of the Framework.
9. With regard to part 1, exception d of LP Policy GB1, the appellant contends that the proposed building would replace a derelict gatehouse. Based on the evidence before me the last use of the gatehouse was in the 1990s. It is not disputed that the building collapsed and fell into a state of disrepair. There is no evidence before me that indicates the condition of the building prior to the commencement of works. In particular, whether it still had structural integrity and was still a building or whether the remnants of the building had blended into the landscape. Therefore, it has not been demonstrated that the proposal would comprise of the replacement of one building with another. Regardless of the above, the proposed use of the building would also be different to the original building’s use. Therefore, the proposal would not comply with the exception specified in part I, exception d of LP Policy GB1 or Paragraph 154(d) of the Framework.
10. 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.

Green Belt – openness and purposes

11. As above, it has not been demonstrated that prior to the commencement of works the original building still existed. Given it is common ground that the building had collapsed and the length of time since it was last used, and without evidence to the contrary, the basis of my assessment is that the remaining structure had blended into the landscape and the original building no longer existed.
12. There is a spatial and a visual aspect to the openness of the Green Belt. Whilst the proposed building would be smaller than the original building, that building became derelict and blended into the landscape. As such, the appeal proposal would introduce built development into an undeveloped area. Although the building would be set down from the road, it would be in a prominent location close to the entrance of Sunnyvale Gardens. Therefore, the proposal would have a harmful effect on the openness of the Green Belt.
13. Paragraph 143 of the Framework outlines the purposes that the Green Belt serves. This includes “to assist in safeguarding the countryside from encroachment.” The proposal would introduce built development into a part of the countryside that was undeveloped prior to the commencement of works. As such, the proposal would result in an encroachment upon the countryside.
14. Overall, I conclude that the proposal would have a harmful effect on the openness of the Green Belt and would conflict with the purposes of including land within it. The proposal would not be in accordance with Chapter 13 of the Framework.

Character and appearance

15. Sunnyvale Gardens comprises of a small cluster of houses one side of the access road. It is located close to but outside of Hipperholme, and in a wooded area. The houses are of a stone construction, which are characteristic of properties within the wider area. Given the modest amount and pattern of development, alongside the surrounding woodland, the area has a verdant and sylvan character. The appeal site is also within the Shibden Valley Landscape Character Area, which is described as the contiguous valley system located between Halifax and Brighouse.
16. Whilst the living roof would help the proposed building assimilate with the verdant character of the area, the proposed red brick walls and wood cladding would harmfully contrast with the stone houses. As such, the proposed building would appear incongruous when viewed within the street scene. In addition, the introduction of built development into an area where the previous building had blended into the landscape would have an urbanising effect.
17. It is not disputed that the site had fallen into a state of disrepair and appeared visually unpleasant. Nonetheless, there is no substantive evidence that the extent of the harm caused by the remnants of the original building would outweigh the harm that would be caused by the appeal proposal. Consequently, the previous condition of the site does not justify the proposal.
18. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to LP policies BT1 and GN4 which indicate that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, amongst other matters. The proposal would also be contrary to chapters 12 and 15

of the Framework where they advise that the creation of beautiful and sustainable buildings is fundamental to what the planning process should achieve, and planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, amongst other matters.

Other considerations

19. There would be benefits associated with the proposal including the removal of a structure which was subject to fly-tipping and was environmentally harmful, alongside the introduction of an active use of the site which would improve the chance of it being maintained. There would also be historic continuity as the appeal site previously accommodated a gatehouse. There would be economic benefits associated with the construction of the building and some environmental benefits through the ability to improve awareness of wildlife conservation. However, I only ascribe modest weight to these benefits as the proposal is limited in scale. The proposal not having an unacceptable effect on the public highway would be a neutral factor and neither weighs in favour nor against the proposal.
20. 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, as well as harm to the character and appearance of the area.
21. As above, I ascribe modest 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.

Other Matters

22. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the planning 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

23. The proposal conflicts with the development plan, when considered 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