



Appeal Decision

Site visit made on 13 August 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th August 2025

Appeal Ref: APP/A4710/W/25/3358598

Roseneath, Stainland Road, Barkisland, Calderdale, Sowerby Bridge HX4 0AG

- 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 Mrs Louise Menzies against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00128/FUL.
 - The development proposed is demolition of existing dwelling and erection of new detached dwelling and associated landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the Hollywell Green and Barkisland Landscape Character Area and the Special Landscape Area;
 - the effect of the development upon Biodiversity Net Gain;
 - whether the proposal is inappropriate development in the Green Belt, having regard to the Framework and any development plan policies, including any relevant effects on the openness of the Green Belt; and,
 - if inappropriate, whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Character and appearance

3. The appeal site lies within the Hollywell Green Barkisland Landscape Character Area and Special Landscape Character Area. Whilst there is some variation in their form, buildings here typically feature traditional two-storey stone construction, pitched slate roofs, and simple fenestration detail, whilst set among the sloping fields of the landscape. The use of these materials is a strong characteristic which is important to this locality. In contrast, the existing building on the site is a single-storey red brick structure with notable glazed porches, mock Tudor gables and bay windows, making it an uncharacteristic building which is in contrast of the prevailing architectural style of the landscape character area.

4. There is no doubt that the proposed dwelling would be a direct contrast to the traditional forms and use of materials found within the landscape character area. Its massing and appearance, with significant areas of flat roof elements and large modern glazed openings would be a momentous shift from the pitched slate roofs and simple appearances of the buildings within the landscape character area.
5. Nevertheless, one must be cognisant of the situational circumstances of the appeal site. The appeal site is accessed from Stainland Road, with a long, shared driveway with its most immediate neighbour, Far Fields. When viewed in this context, due to the distance between the appeal site and Far Fields, there is a weak relationship with other properties. When its existing design is considered, this gives the impression that the appeal site is somewhat isolated in its relationship with the surrounding area. This is in contrast with the grouped collection of properties found along Beestonley Lane and in the larger settlement of Barkisland which all share a common appearance and material palette.
6. From Stainland Road, visibility is limited to the space afforded to the driveway which serves the appeal site. This would be a momentary view. This is due to the presence of a high stone wall adjacent to Stainland Road which raises the topography of the land either side of this driveway which continues along Stainland Road to its junction with Branch Road. Furthermore, along this raised boundary with Stainland Road are two significant groupings of trees. These trees are afforded protection under Tree Preservation Orders and would be retained.
7. I shall now turn to Branch Road. Despite the presence of trees which line this highway and the boundary wall which runs along it, there would be more opportunities available to observe the appeal proposal from this location. This is due to the sloping direction of the land towards Branch Road and its more open surroundings when compared to the access point at Stainland Road. However, Branch Road runs parallel to the appeal site, and therefore, travel would not be in the direction of the appeal site. As such, when combined with the distance to the appeal site and the trees which line Branch Road, this would result in limited visibility of the appeal site to glancing views.
8. As such, a dwelling which would not follow the predominant built form would not be immediately harmful for the reasons given above. However, whilst its visibility would be limited, this may not always be the case. Trees may be pruned, removed, or provide less coverage during the winter months. In taking the wide area into account, there would be some visibility of the proposal in medium ranged views, particularly from Beestonley Lane.
9. As discussed above, the material palette used in the landscape character area is an important, and mostly unifying factor of the properties which are within it. The use of appropriate materials can make a significant difference in reducing the impact of a proposal. The proposed development would include the use of black charred timber cladding to its first floor. When combined with its contrastingly modern built form, this would create a dark appearance against a backdrop of open green fields. As such, this would emphasise its contrast with the wider traditional form and therefore, this use of materials would be harmful to the wider landscape and special character area.
10. A number of examples of contemporary developments have been highlighted during both the appeal and planning application. These examples are limited in detail. No officer report, decision notice or a full set of approved plans have been provided.

Their relevance to the appeal proposal cannot therefore be assessed and as such, these examples are afforded limited weight in my decision on this main issue.

11. To conclude, the use of external facing materials on the proposed development would result in conflict with Policy GN4 of the Calderdale Local Plan 2023 (LP). This policy requires developments within a Special Landscape Area to be carefully designed to ensure that they are in keeping with their location, including its use of materials, amongst other things.

Biodiversity net gain

12. Policy GN3 of the LP requires development to conserve and enhance the biodiversity and geological features of the borough by protecting and improving habitats, species and by maximising biodiversity and geodiversity opportunities in and around new developments, design-in wildlife and achieve measurable net gains in biodiversity, amongst other things.
13. The appeal does not include the appropriate information to demonstrate that the proposal would not have an unacceptable effect upon the biodiversity of the appeal site. Without this information, no such assessment against the abovementioned policy can be made. Whilst I recognise that the appellant has incurred costs in the submission of the planning application, and this matter would impose additional costs, it is essential that the effect of the proposed development on biodiversity is established before any planning permission is granted.
14. The appellant suggests that this information could be sought by way of a pre-commencement planning condition. However, it is necessary to address the effect of the development upon biodiversity before planning permission is granted. This is to ensure that wildlife is designed into a scheme, as required by Policy GN3 of the LP, and not retrofitted after consent for a scheme is given. Based on the evidence, there are no grounds to make an exception to this general principle.
15. Therefore, based on the absence of information before me, I conclude that the proposed development would not meet the requirements of Policy GN3 of the LP.

Whether it is inappropriate development in the Green Belt

16. The appeal site is in the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) notes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Several exceptions are listed in Paragraph 154. The appellant has cited the exceptions at Paragraph 154 (d) and (g). Policy GB1 of the LP notes that the construction of new buildings within the Green Belt is inappropriate development, except where it would meet a list of circumstances. As such, the aims of Policy GB1 of the LP are broadly consistent with the Framework.

Paragraph 154 (d) of the Framework

17. The exception listed at Paragraph 154 (d) of the Framework allows for the replacement of a building, providing the building is in the same use and not materially larger than the one it replaces. Whilst the proposed building would be located in slightly different position to the existing property, the Framework does not require replacement buildings to be within the same footprint to the building it would replace.
18. The appeal site comprises of a dwelling named Roseneath. This is a red brick bungalow with a raised patio, outbuildings, and extensive garden space. The proposal

involves the demolition of the existing dwelling and the construction of a new dwelling with associated landscaping. Therefore, this would be a replacement building which is within the same use.

19. The assessment of whether one building is or is not materially larger than that which it would replace can be undertaken through various methods. These can include an assessment of its footprint, built volume and the differences in height and width of each building. In purely numerical terms, the proposed dwelling would have a notably larger volume than the existing bungalow. In visual terms, its taller elevations would make it appear substantially larger than the existing building, and this would be emphasised by its near flat roof appearance. In addition, the layout of the building would appear to have a larger sprawl than the existing bungalow due to its extended presence to the east and north of the appeal site.
20. Consequently, the increase in volume and the visual size and scale of the proposal would create a development which is materially larger than the existing bungalow. This leads me to conclude that the development would not therefore meet the exception found at Paragraph 154 (d) of the Framework or Policy GB1 of the LP.

Paragraph 154 (g) of the Framework

21. Paragraph 154 (g) of the Framework allows for the limited infilling or the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. The land has been previously developed. The proposal would involve the demolition of the existing building and the provision of a new dwelling. This would therefore be the redevelopment of previously developed land, as required by this exception. I shall now turn to the matter of openness.
22. Openness is an essential characteristic of the Green Belt which can have spatial as well as visual aspects. The appeal site is bound by several trees and open fields around it. There is a clear perception and appreciation of the openness of this part of the Green Belt in spatial and visual terms. As previously discussed, the proposal would have a larger volume than the existing structure. Its footprint would also be slightly bigger, however, this increase in footprint is relatively minor. Visually, the replacement building would host elevations which are taller than the existing building. This would create a building which would appear visually bigger than the existing situation. Therefore, there would be a visual encroachment of built form into the Green Belt.
23. To conclude, the size and scale of the building when compared to the existing structure would reduce the openness of the Green Belt. Paragraph 153 of the Framework notes that any harm, including harm to its openness, should be afforded substantial weight. It follows that substantial harm to the openness of the Green Belt would occur and it would not therefore benefit from the exception in Paragraph 154 (g) or Policy GB1 of the LP.

Other considerations

24. The proposal would be inappropriate development in the Green Belt. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations as set out at Paragraph 153 of the Framework.

25. I am mindful of a previously granted Lawful Development Certificate at the appeal site for a single storey side and rear extension, rear dormer and a single storey outbuilding. Whilst this fallback position does not appear to have been implemented, a Lawful Development Certificate has been granted. As detailed in the plans before me, this would provide a significant amount of extra space to the existing dwelling. I therefore consider that there is a real prospect of this fallback position being implemented if the appeal before me was to fail.
26. The resultant development of the Lawful Development Certificate would have a volume which would be significantly higher than the proposal before me. Whilst the appeal proposal would be taller than the works permitted under the Lawful Development Certificate, it would have a greater sprawl to the north of the appeal site. Owing to its larger overall volume and spread further into the appeal site, this fallback position would have a greater harm to the Green Belt than the proposed development and therefore, this does weigh in favour of the appeal scheme.
27. However, in my assessment of this fallback position, I note that the outbuilding which is part of the Lawful Development Certificate could still be constructed along with the appeal scheme. This presents a circumstance which would have additional harm alongside the appeal scheme. Whilst the appellant contends that a condition could be utilised to remove permitted development rights for the site, this would not prevent this outbuilding from being constructed before the commencement of development. It follows that there is no mechanism before me which would prevent this outbuilding from being erected. Therefore, this Lawful Development Certificate attracts less weight as elements of it could still be constructed, with greater harm to the Green Belt overall.
28. There would be no net increase in the number of homes within the area. Nevertheless, the proposal would attract positive economic benefits during the construction phase. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. The increase in the size of the hardstanding area would allow for easier turning for larger vehicles, such as refuse or emergency vehicles.
29. However, in my overall consideration of the scheme, these benefits are modest. They do not outweigh the harm I have found above. There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

30. For the reasons given above, the proposed development would conflict with the development plan when read as a whole and the Framework. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR