
Appeal Decision

Site visit made on 23 June 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/A4710/W/25/3363397

Rocklands, Scout Road, Mytholmroyd, Calderdale, Hebden Bridge HX7 5JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr W Thompson of Camperlands Builders Ltd against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 23/00579/RES sought approval of details pursuant to condition No 1 of a planning permission Ref 19/01024/OUT, granted on 4 November 2020.
 - The application was refused by notice dated 16 January 2025.
 - The development proposed is the construction of thirteen dwellings.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission for 20 dwellings has been granted, with all matters reserved. Although the application form did not explicitly seek approval for the matter of scale, the Council's decision notice identified harm in relation to it. In view of this discrepancy, the appellant has clarified that it was their intention for scale to be considered as part of the application. Accordingly, I have assessed this appeal on the basis that all reserved matters are considered, including scale.
3. The Council's decision refers to superseded plans. The appellant's statement confirms the plans submitted with the appeal. Therefore, for the avoidance of doubt, I have based my decision on those plans submitted as part of the appeal, as follows: Location Plan, C89934 Rev C, C899-35 Rev A, C899-36 Rev A, C899-37 Rev C, 8076-020-P7, 8076-010-P7 and 8076-012-P4.
4. Any variance between the plans considered by the Council in making their decision and those submitted with the appeal are slight. Therefore, I am satisfied that the plans submitted with the appeal do not alter the proposed development in a substantive way, and that my assessment of these plans would not cause unlawful procedural unfairness to any party. I have therefore determined the appeal on the basis of the plans submitted with the appeal.

Main Issues

5. The Council's decision refers to 'over-development' of the site and the proposed development being 'overbearing to surrounding properties'. For the purposes of this appeal, I have interpreted the former as being the effect of the proposed

development and the latter as the effect of the proposed development on outlook from neighbouring properties.

6. Hence, the main issues are the effect of the proposed development on the:

- character and appearance of the area; and,
- living conditions of the occupants of 'Greenfield' and 'Under the Rock', with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site occupies rising ground to the south-eastern edge of the Mytholmroyd, where the built environment begins to give way to surrounding woodland and a semi-rural landscape. The land slopes steeply downward from Scout Road towards Scout Bottom Lane.
8. Development in the surrounding area is predominantly residential in character, with the exception of Scout Road Academy (Primary School), which adjoins the site to the west. Housing nearby is largely composed of stone-built terraces interspersed with detached properties, particularly the dispersed pattern of detached dwellings situated along Scout Bottom Road at the base of the slope. Development tends to follow the natural contours of the land and integrates comfortably into the semi-rural surroundings resulting in a distinct local character and strong sense of place.
9. The proposed development would involve substantial re-profiling of the site to create a near level platform that would accommodate two broadly parallel, level rows of houses positioned on either side of a straight internal access road. Each dwelling would be two storeys high, with additional living accommodation in the roof space and a deep, double-pile plan form. Most houses would be in linked pairs, except for Plot 13, which is proposed as a detached dwelling.
10. Due to the site's steep gradient, the lower row of houses (Plots 7 to 13) would appear as three-storey structures when viewed from Scout Bottom Lane. The northern boundary to the site, located only a short distance from the rear elevations of these dwellings, would be formed by terraced gabion retaining structures, contributing to the perceived scale and massing of development above Scout Bottom Lane and neighbouring properties. While the upper row of dwellings would run broadly parallel with Scout Road, it would not follow the road's ascending topography.
11. The proposed development would appear imposed on the landscape, failing to respond positively to the site's topography or respect its setting, particularly when seen from Scout Bottom Lane and along Scout Road. The paired housing forms would be incongruous and visually prominent additions on the edge of the settlement. The large and stepped roof profiles, resulting from the linked and double-pile plan form, would be at odds with the established pattern of local development. Hence, the proposed layout, scale, and appearance of the proposal would neither reflect the character and appearance of surrounding development nor integrate harmoniously into the semi-rural context.
12. The appellant argues that the proposed design, and subsequent layout, is necessary to make the development accessible for all and to provide parking to the

sides of each plot as required by the Calderdale Placemaking and Design Guide Supplementary Planning Guidance, July 2024, (the SPG). However, the layout is predicated on the types of houses proposed and a platformed, car-led form of development rather than one that responds positively to the character and context of the site, as described above. Nor am I satisfied that the proposal is the only means by which the site could be developed. I consider the requirement to make the development accessible and to provide acceptable parking arrangements important. However, these matters do not outweigh the harmful effect the proposed development would have on the valley-side character and appearance of the site.

13. I acknowledge the proposed planting to the tops of the gabion retaining structures and the planted buffer strip between the site and the Scout Road Academy. However, these measures would neither adequately integrate the development into the surrounding landscape nor sufficiently mitigate the visually intrusive nature of substantial retaining walls and the scale of the proposed dwellings. Neither would the proposed planting constitute a practical and manageable long-term solution.
14. Moreover, the requirement to maintain the visibility splay at the access onto Scout Road would preclude the use of effective landscaping that would integrate the proposed development into the surrounding semi-rural landscape. As such, any landscaping of the site would be limited to that which could be provided within the modest private garden areas.
15. Therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It conflicts with Policies BT1 and BT3 of the Calderdale Local Plan, March 2023, (the LP) which together seek to protect the character and appearance of the area and ensure high-quality design. The proposal is also contrary to the design policies of the National Planning Policy Framework (the Framework). I note reference to paragraphs from the Framework in the Council's decision that may not be directly relevant to this scheme, but this makes no difference to my overall conclusion on this matter.

Living conditions

16. The dwellings proposed for Plots 9 to 13, along with the gabion retaining wall at the northern boundary of the site, would stand at a considerable height above and visually dominate neighbouring properties. Both the Council and interested parties have indicated that the proposed development would have a harmful effect on the outlook from these properties. It is clear from observations that I made on my site visit that these harmful effects would be experienced by occupants of 'Greenfields' and 'Under the Rock'.
17. While I acknowledge that 'Under the Rock' was granted planning permission and constructed after outline planning permission was granted for the appeal site, I am required to assess the situation as it currently stands.
18. As such, I conclude that the proposed development would have a harmful effect on the living conditions of occupants of 'Greenfield' and 'Under the Rock'. Therefore, the proposal conflicts with paragraph 135(f) of the Framework which seeks to ensure development creates places with a high standard of amenity for existing and future users.

Other Matters

19. The appellant is of the opinion that the refusal of the reserved matters application disregards the capacity of the site established by the outline permission. Furthermore, that it fails to acknowledge that an appropriate density of development would be achieved, and that the development meets local housing market needs. However, the principle of housing on this site is not in question. It is merely the detail of the scheme that is unacceptable.
20. The proposed development may contribute to the local economy, would be in a sustainable location, and would provide social benefits from the provision of new housing, including affordable housing. I note the support expressed by interested parties for the proposed development, with regard to a need for local housing. However, the principle of development is not in question and these benefits, including the provision of local housing, could apply to any proposed scheme that would deliver a similar quantity of housing. As such, these matters do not outweigh the harm identified above.
21. The appellant contends that the content of the reason for refusal goes beyond the issues that were raised at the time of the Planning Committee's decision. However, I can only base my decision on the written submissions I have been provided with.
22. I note the appellant's comments that pre-application discussions were held with the Council which did not indicate that the proposal might be unacceptable. I also note the Council Officer's recommendation for approval was overturned by the Council's Planning Committee. Nevertheless, these points make no difference to my overall conclusion and are not matters for me to address in an appeal under section 78.

Conclusion

23. The proposal conflicts with the development plan, taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude the appeal should be dismissed.

C Mayes

INSPECTOR