



Appeal Decision

Site visit made on 20 June 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2025

Appeal Ref: APP/A4710/W/25/3359318

**2 Beeston Hurst, Rochdale Road, Ripponden, Sowerby Bridge,
Calderdale HX6 4LP**

- 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 Mr A Halliday against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00879/FUL.
 - The development proposed is construction of detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt and, if so:
 - The effect on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the area;
 - Whether any harm by reasons 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

3. The appeal site is within a modest ribbon of development off Rochdale Road. The appeal site is the side garden of the host dwelling 2 Beeston Hurst, with dwellings either side. The site is an area of land between the host and neighbouring dwellings, with a small brick outbuilding towards the front of the site and a raised driveway area of hardstanding. The site slopes down from the road towards the rear of the site to fields beyond. Immediately opposite the appeal site across Rochdale Road are fields. There are small pockets of development along Rochdale Road, characterised by gaps between dwellings or groups of dwellings with long range views over the countryside beyond. The site is located within the Green Belt and Special Landscape Area (SLA).

4. The proposed development is for a large detached three storey dwellinghouse, with space for 3 to 4 bedrooms. The building would have a large gable on both the front and rear elevations.

Whether the proposal is inappropriate development in the Green Belt

5. The appeal site is located within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out exceptions whereby development would not be inappropriate.
6. The proposal would be for the development of a single dwelling within a gap between properties on an area of side garden, however, the main parties do not dispute that the site is not within a village and based on the evidence before me and my observations on site, I share this view. Therefore, paragraph 154 e) is not relevant in this case.
7. However, due to the rural location of the development on an existing side garden. I am satisfied that the site constitutes limited infilling or the partial or complete redevelopment of previously developed land. Therefore, paragraph 154 g) of the Framework is applicable here. In that context, part I.f.1 of Policy GB1 of the Calderdale Local Plan (CLP) is broadly consistent with it, in stating that an exception would be, the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. However, the test regarding openness does differ to that in the Framework which states that it must not cause 'substantial harm' to openness.
8. I am satisfied that the proposal would constitute limited infilling, as it would be for a single dwelling therefore would be limited, and would be located in a gap between two dwellings thereby constituting an infill development.
9. It follows that I find that the proposal would fall within the definition of limited infilling for the purposes of the exceptions in Policy GB1 of the CLP and paragraph 154 g) of the Framework. However, the exception from inappropriate development in the Green Belt in Policy GB1 of the CLP and the Framework is subject to the requirement relating to the effect on the openness of the Green Belt which I necessarily go on to consider below.

The effect on the openness of the Green Belt

10. The site has a small garage building to the front of the site, and hardstanding forming the driveway area. The proposed dwelling would be substantial and would take up the majority of the width of the site and would extend back into the site, further than the host dwelling.
11. Policy GB1 of the CLP at part I.f.1 requires developments to not have a greater impact on openness than the existing development. Whilst this approach aligned with earlier versions of the Framework, the test as set out in paragraph 154 g) of the Framework, states that limited infilling would not be inappropriate development which would not cause 'substantial harm' to the openness of the Green Belt. There

is no definition of either 'greater harm' or 'substantial harm' for planning purposes. Consequently, it is a matter of planning judgement.

12. In this case, I find that the proposed development due to its scale, height, bulk and mass would clearly have a greater impact on the openness of the Green Belt than the existing development which is very modest in comparison.
13. However, when applying the test in the Framework, whilst the development proposes a single dwelling, the width of the proposal would almost fill what is quite a large gap. In addition, the height of the proposed building would exceed that of the host dwelling, together with the depth of the dwelling which would extend far into the garden at full height. The bulk of the building would be further exaggerated by large gables at the front and rear, which place a vertical emphasis on the proposed dwelling. Due to the openness of the site at present, the proposed development would be of a significant scale in comparison. In my view the combination of height, depth and bulk of the dwelling, would result in a loss of spatial and visual openness, which in my view would cause substantial harm to the openness of the Green Belt.
14. The appellant's statement of case references grey belt, however, no detailed case has been put to me to indicate that grey belt is relevant here. Nevertheless, even if the case had been put forward, paragraph 155 of the Framework states that the development of homes in the Green Belt should not be regarded as inappropriate development where certain criteria apply. In this case, based on the information before me and my observations on site, I am satisfied that the proposal would not conflict with the five purposes for including land within the Green Belt as set out in paragraph 143 of the Framework, therefore would meet criterion a) of paragraph 155 of the Framework.
15. However, in this case, the proposal would not meet criterion b) of paragraph 155 of the Framework as it has not been demonstrated to me that there is a demonstrable unmet need for the type of development proposed, as I have no evidence to suggest that the Council cannot demonstrate a five-year housing land supply. Therefore, it serves no purpose to assess the proposal against the remaining tests in paragraph 155 of the Framework and accordingly this does not affect my conclusion with regard to the acceptability of the development within the Green Belt.
16. Consequently, for the above reasons, the proposal would constitute inappropriate development in the Green Belt and would therefore conflict with Policy GB1 of the CLP which seeks to protect the Green Belt from inappropriate development and would also conflict with the Framework.

Character and appearance

17. The character of the area is rural, with occasional modest ribbons of housing punctuated with frequent gaps, such as where the appeal site is located. In this case, due to the elevation of the site, the gap allows for long range views through to the countryside beyond. I consider that the views such as these are possible due to gaps and the variety of designs of the buildings with different heights, widths and distances from the highway.
18. The proposed development, due to its width, depth and height across the site would almost fill the gap between dwellings. Therefore, to my mind, this would

block views and glimpses through the site to the countryside beyond and would also form a continuous frontage of development. I find that the proposed development would therefore appear cramped and would be out of character in this location.

19. Having regard to the appearance of the proposed building, I consider that the distance from the highway and the design and materials of the building would be acceptable and would not harm local distinctiveness, however, due to the scale, bulk and massing of the dwelling in this setting, which would provide little relief between dwellings, it would, in my view, be harmful to the rural character of the area and indeed the quality and character of the SLA.
20. To conclude, for the above reasons, the proposed development would be harmful to the character and appearance of the area, and would therefore be contrary to Policies BT1 and GN4 of the CLP insofar as they relate to character and appearance, which in combination seek to ensure that new developments respect or enhance the character and appearance of existing buildings and surroundings, and that developments within the SLA are in keeping with their location in the SLA including in terms of density, height, massing, scale and form. The proposal would also be in conflict with the Framework in this regard.

Other Considerations and Very Special Circumstances

21. My attention has been drawn to previously approved schemes at the appeal site. Having regard to the 2015 planning consent¹ at the appeal site, the proposals include the demolition of the existing dwelling with its replacement and construction of a garage, it would not be of the same scale as the proposed development, particularly the garage element, notwithstanding the width of the development in relation to the gap. Therefore, the proposal does not appear to me to be wholly comparable to the scheme before me. In addition, due to the age of the consent, I do not have details of the local planning policies applied at the time of the decision. Therefore, the presence of the previously approved scheme at the appeal site, attracts only limited weight in the overall planning balance.
22. Turning to the approved scheme at 6 Beeston Hurst, based on the limited information provided, this appears to be the demolition and rebuild of an existing dwelling, with significant space remaining to the side of the dwelling. Therefore, to my mind, due to the different context to the appeal site, this example is not directly comparable to the scheme before me and therefore does not affect my conclusion.
23. My attention has been drawn to an appeal decision² elsewhere in the Borough. Whilst the cases may be similar due to the proposal being for a single dwelling in a side garden, I do not know the full circumstances of the appeal, nor do I have details of the context and setting of the appeal proposal and therefore cannot be certain that it is comparable. Nevertheless, each case is determined on its own merits, and therefore, in this case, the presence of the appeal decision does not lead me to a different conclusion.
24. The provision of a self-build property on a small site such as this, would contribute to maintaining a housing land supply which is encouraged through paragraphs 61 and 73 of the Framework. However, the evidence confirms that there is

¹ 15/00980/FUL – Approved with conditions

² APP/A4710/W/16/3162358 – Allowed

sufficient supply of self-build properties in the Borough, and the Council can demonstrate a five-year housing land supply. Therefore, due to the small scale of the development providing one dwelling, would only attract limited weight in the overall planning balance.

25. Support has been received stating that it is an improvement on the current site due to old garage and deteriorating walls. Whilst a new development would remove those elements, due to the scale of the proposed scheme and the harm identified in the main issues, this matter attracts only limited weight.
26. The appellant has raised policies BT2, BT4 and HE1 of the CLP in their evidence, and based on the information before me and my observations, I am satisfied that the proposal would not have a detrimental effect on the living conditions of neighbouring properties, on highway safety or on the historic environment. These matters would be neutral factors in the overall planning balance.
27. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to the harm to the Green Belt by reason of inappropriateness due to the impact on the openness of the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. Having considered all matters raised in support of the proposal, as set out above, these considerations, in combination, amount to limited weight, and therefore do not outweigh the substantial weight given to the harm to the Green Belt and other harm identified to the character and appearance of the area. Therefore, in my view, the very special circumstances required to justify the development do not exist.

Other Matters

29. Regarding the matter of biodiversity net gain (BNG) as required by the provisions of the Environment Act 2021. In order for the site to be exempt from BNG requirements the site must consist of no more than 9 dwellings, be on a site that has an area no larger than 0.5ha and consist exclusively of development that will be for a self-build house. For the proposal to qualify as a self-build house, it must fall under the definition of self-build as set out in Section 1(A1) of the Self-build and Custom Housebuilding Act 2015, and there must be a mechanism to secure it as such. This is best achieved by way of a Planning Obligation, which has not been provided as part of this appeal. However, given my overall conclusion on the main issues, it is not necessary for me to seek such a legal mechanism or to consider this matter in any further detail.
30. There is a grade II listed milestone³ 'Milestone 15 metres to west of Beestonhirst' near to the site to the west along Rochdale Road. Given the reasonable separation distance and dwellings between the milestone and the appeal site, I am satisfied that the proposed development would preserve its significance as a heritage asset, insofar as it relates to its setting.

³ List entry number 1232399

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR