



Appeal Decision

Site visit made on 22 September 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/A4710/W/25/3369047

Land South East of Weatherhill Top Farm, Coppy Nook Lane, Cragg Vale, Hebden Bridge HX7 5RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dave Denham against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/01321/VAR.
 - The application sought planning permission for Conversion of Stables to Dwelling without complying with a condition attached to planning permission Ref 24/00015/FUL, dated 12 April 2024.
 - The condition in dispute is No 1 which states that: 'The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission'.
 - The reason given for the condition is: 'For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Calderdale Local Plan and National Planning Policy Framework.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The condition in dispute refers to plans listed elsewhere on decision notice 24/00015/FUL. Those plans, as described on the decision are:
Existing Plans and Elevations, 1371-21-005, date received 10.01.2024
Proposed Plans and Elevations, 1371-21-006, date received 10.01.2024.
3. Section 73 of the Act (s73) allows an application to be made for the development of land without complying with conditions subject to which a previous planning permission was granted. If a s73 application or appeal is allowed, a new planning permission is created that stands alongside the existing planning permission.

Background and Main Issue

4. The appeal relates to an existing stables building located in the Green Belt. Planning permission was previously granted for a mixed use building for two stables, storage of fodder and agricultural machinery¹. Subsequently, planning permission was granted for an extension to the building². More recently permission was granted to convert the stables to a dwelling³.

¹ 15/00571/FUL

² 21/00205/FUL

³ 24/00015/FUL

5. In order to facilitate a proposed alteration to the roof design of the dwelling, the appellant seeks to vary the list of plans imposed by condition 1 of 24/00015/FUL (the approved development). Therefore the main issue is whether varying the condition in the manner proposed would result in development that would be acceptable in planning terms, having regard to its location within the Green Belt and landscape, and other considerations.

Reasons

6. In order to assess the effect of the proposed alteration to the roof design, it is first necessary to consider whether it would result in inappropriate development before going on to consider the effect it would have on openness, which is an essential characteristic of Green Belts, and the character and appearance of the area.

Whether inappropriate development

7. Inappropriate development is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances, as set out in the National Planning Policy Framework (the Framework), and Policy GB1 of the Calderdale Local Plan 2018/19 – 2032/33 Written Statement (Local Plan). Policy GN4 of the Local Plan does not directly refer to Green Belt.
8. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, subject to a number of specific exceptions. This includes 154 c), the extension and alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. Policy GB1 of the Local Plan specifies the same exception.
9. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgment.
10. The Council's officer report states that the height of the original stable building was just over 2.5 metres to the eaves and 2.85 metres to the ridge. It also states that the building had a footprint of 7.6 metres by 11.3 metres. The building was subsequently extended; however the details including its size and extent, are not before me. On my site visit I observed what appeared to be the symmetrical main part of the building, a rear lean-to style element, and a side element projecting beyond the main west gable elevation. I also observed that the roof has a low-profile, much like that indicated on the plans that form part of the approved development.
11. The effect of the proposed variation would be a conversion of the stables to a dwelling with an increased roof pitch, a change of materials to slate, and a taller ridge line. The appellant's Design and Access Statement advises that the increase in height would be 2.5 metres above the existing height. This would be a significant increase in the building's volume and massing. There would also be a far greater visual emphasis on the roof, compared with the low-profile appearance of the original building.
12. Regardless of whether the rear and side elements should be considered to be original or an extension, based on the evidence presented, the proposed variation would result in disproportionate additions over and above the size of the original

building. It would therefore fail to accord with the exception set out at paragraph 154 c) of the Framework.

13. The proposal would therefore amount to inappropriate development in the Green Belt, which is by definition harmful. It would therefore conflict with the requirements of the Framework and Policy GB1 of the Local Plan.

Openness

14. Openness can be characterised as the absence of built form. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects. In other words, the visual impact of the proposal may be relevant, as could its volume.
15. The existing building is in an upper hillside location. The area is predominantly expansive moorland with sporadic building groups set amongst the network of low-level drystone walls, fences, fields and lanes. The existing building has a low-profile roof form, which allows it to nestle into its hillside position. From nearby elevated vantage points such as the adjacent highway, there are expansive views over the building towards the surrounding open landscape, and down towards Cragg Vale.
16. The proposal would introduce a substantial roof form to the building above eaves level into a space that is currently open, and its height would be well above the low level drystone walls and fencing that are present nearby. It would also disrupt the expansive visual openness over the building. Therefore, its massing and volume would erode spatial and visual openness.

Character and appearance

17. Policy GN4 of the Local Plan states that new development should be designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape area in which it is situated. It requires amongst other things, that development should where possible enhance the character and qualities of the landscape through appropriate design and management. The site is in an upland location above Cragg Vale, and the Council advises that it is within the Blackwood Common Landscape Character Area, and that the Landscape Character Type is Moorland Fringes / Upland Pastures.
18. The sporadic building groups within the network of walls, fences, fields and lanes, comprise traditional stone farmhouses and barns, with steeply pitched roofs. Modern agricultural style buildings, including the appeal building, are functional in appearance, with wide spans and low-profile sheet roofs. The existing building is integrated into the hillside, as the roof does not protrude into the expansive views of the surrounding landscape. From other nearby vantage points, the building appears less prominent, but it is visible from afar as part of the wider landscape. The approved development would retain the existing building's functional appearance and characteristics.
19. The proposed roof would have a pitch of less than 30 degrees, fitting over the span of the building, whilst keeping the ridge at a reduced height. This would be discordant with the roofs of both the traditional and modern buildings within the landscape, and it would have a suburban and bungaloid appearance. Whilst the outline of the building is softened by a backdrop of trees from some vantage points,

the development would also erode the expansive views from the north east, towards Cragg Vale.

20. Taking these factors together, the proposal would harm the established character of the surroundings, rather than reinforce its architectural and landscape identity. It would not accord with the requirements of paragraph 135 (c) of the Framework, to ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting.
21. Whilst the proposed use of stone slate would be in keeping with and reflect local traditional materials, as encouraged within the Council's design guidance, this is insufficient to mitigate the harm caused by the form and massing of the proposed variation to the roof design. Furthermore, any additional native tree and shrub planting would take a considerable number of years to mature to the extent of providing an effective visual buffer.
22. Consequently, the proposal would harm the character and appearance of the area. In this regard, it would conflict with the relevant provisions of Policies BT1, GN4 and HS1 of the Local Plan. Amongst other things, these policies require development to be sensitive to its landscape setting, adhere to high design standards and create no unacceptable amenity problems, including visual amenity.

Other considerations

23. I have found that the proposed alteration to the design of the dwelling's roof would result in inappropriate development in the Green Belt. It is therefore necessary to consider the grounds put forward by the appellant to determine whether there are any material considerations that would outweigh the harm by reason of inappropriateness and the other harms that I have identified.
24. I acknowledge the appellant's stance that the steeper roof pitch would be more efficient in handling rainwater, would be more capable of being well insulated, and would be less noisy during rain. However, there is no evidence before me that the approved development could not achieve similar efficiencies. I therefore attach limited weight to these considerations in favour of the appeal.
25. No objections have been received from neighbours or Hebden Royd Town Council. However, the lack of objections does not equate to a lack of harm.

Planning Balance

26. The proposed variation would result in a converted building that would constitute inappropriate development in the Green Belt and would harm openness. I have also found that it would harm the character and appearance of the area. The Framework requires that substantial weight be given to any harm to the Green Belt. The other considerations in this case do not outweigh the harm that would be caused, and therefore the very special circumstances necessary to justify the proposed change to the design of the roof do not exist.

Conclusion

27. For the reasons given above, I therefore conclude that the proposed variation of condition 1 to allow a taller, more steeply pitched roof would result in a development that would not be acceptable in planning terms.

28. The appeal should therefore be dismissed.

E Heron

INSPECTOR