



Appeal Decision

Site visit made on 27 October 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/Z4718/W/25/3372121

Land adjacent to 2 Dam Head, Holmbridge, Holmfirth, HD9 2PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Howarth against the decision of Kirklees Council.
 - The application reference is 2025/60/90938/W.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area;
 - whether the development would preserve or enhance the setting of Hinchliffe Mill Conservation Area and the setting of listed buildings;
 - whether the proposal would amount to inappropriate development within the Green Belt;
 - whether there would be any other harm to the Green Belt; and
 - if inappropriate development, whether the 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 necessary to justify the development.

Reasons

3. The site represents part of an area of open land to the west of 2 Dam Head, but the proposed housing plot is closer to the properties to the west, where Dam Head adjoins Spring Lane. A similar proposal was recently the subject of a dismissed appeal, reference APP/Z4718/W/24/3342024 (the first appeal). That outline proposal included details of access and layout whilst all matters are reserved with regard to this proposal. Although all matters are reserved, indicative drawings have been provided showing a potential location for a dwelling and an associated cross-section demonstrating how the significant level changes across the site could be addressed.

4. The previous appeal related to a house set back from the track allowing parking and turning in front of it. The indicative plans now show a similarly large dwelling set only marginally back from the widened track, with no parking shown. The cross-section positions the house with the main ground floor level at a higher level than the track which would require the building to have an under-croft close to the side of the track.
5. Although the council's decision notice did not raised concerns with regard to the conservation area and listed buildings, there are statutory duties that require decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of listed buildings and conservation areas. I have therefore included these matters as a main issue. This does not result in prejudice to the appellant as the Heritage Impact Assessment addresses these issues. The comments of the Senior Conservation Officer and a third party also raised these as an issue and the appellant has had the opportunity to respond to those specific comments.

Character and appearance

6. With regard to the first appeal, the inspector described that the layout of the proposal would see the dwelling set back significantly from the highway behind a parking area and that this would not reflect the predominant built form. It was concluded that the layout would detract from the character and appearance of the area. I find no reason to disagree with this assessment and as such, have limited my assessment to an alternative house location as generally shown on the indicative plans.
7. The plans illustrate a high detached building set close to the access track. Whilst the form and depth of the building shown would be entirely at odds with the form of neighbouring buildings to the west, served by Dam Head and Spring Lane (Spring Lane buildings), the reserved matters application could control this and introduce a dwelling of a narrower form that would not be so at odds with the prevailing character. However, I am not in any way persuaded that the revised position of the house would result in a better solution than that previously considered.
8. The proposal would result in a new structure close to the access track. Its side elevations would be clearly apparent when approaching in both directions. When approaching from the east, it would represent a prominent feature set in front of the historic Spring Lane buildings. It would detract from the setting of these properties which are currently experienced across the open field. The open field contributes significantly to the experience of this area and its character and appearance.
9. Whilst a skilled architect would no doubt seek to achieve a design that sought to respect the existing properties and their setting; and would attempt to mitigate the impact of the arrangements necessary to achieve appropriate parking and turning provisions, I am not persuaded that such a design, even considering a much smaller dwelling, could satisfactorily mitigate against the loss of this important open area that provides a break between the two very different but distinctive housing types of 1 and 2 Dam Head and the Spring Lane buildings. Even accepting the loss of part of this open area, I am not persuaded that a design could complement the neighbouring properties given their established setting and the particular characteristics of this immediate area.

10. Garage parking exists within the neighbouring terrace but to meet modern parking standards and to incorporate adequate turning provisions, I am not satisfied that a similar arrangement, without a much greater scale of an opening, would be workable in this narrow section of track, even accepting its proposed widening. Whilst I have endeavoured to consider the best potential design and size for a new dwelling, I consider that it would be unacceptably harmful to the character and appearance of the area. The indicative information provided undoubtedly sets out a much more harmful response. The suggestion of tandem parking spaces to the side of a consequently narrower building on the plot does nothing to alleviate my concerns.
11. The open space between the Spring Lane buildings and the Dam Head houses to the east, is important to the setting of both and adds significantly to the character and appearance of the area. Whilst the relationship with 2 Dam Head would be less significant, the setting of the Spring Lane buildings would be unacceptably harmed. I must reach the same conclusion as the previous inspector, that a dwelling in this position, whether set forward or back, would have an unacceptably harmful impact on the character and appearance of the area. It would conflict with the design expectations of policy LP24 of the Kirklees Local Plan Strategy and Policies 2019 (LP); and policy 2 of the Holme Valley Neighbourhood Development Plan 2021 (NDP).
12. Given the importance of this open space and the sensitivity required to maintain the important historic character and appearance of this area, the positioning of a dwelling as shown, with the limited details provided, does not suggest that the proposal has been well thought out or that it would not represent poor design in this context. It is not clear that it would function well, and it would certainly not add to the overall quality of the area, and as such it would conflict with paragraph 135a of the National Planning Policy Framework, which is also clear, in paragraph 139, that development that is not well designed should be refused.
13. The plans for both schemes include the removal and reinstatement of the trackside stone wall from the edge of the site to close to 2 Dam Head. The heights shown on the survey plan suggest that moving the wall would require significant digging out to provide a level widening of the track. The wall already acts as a retaining structure and this would have to be replicated, although it is not clear how high the new wall would need to be; nor is it clear how the gated access to the field would be accommodated. In the absence of any detail to suggest otherwise, I consider it likely that the loss of the original wall and the widening of this track, with the unspecified requirements of the new wall, would detract further from the character and appearance of this area.

Heritage Assets

14. The previous inspector considered the impact of the proposal on heritage assets. The listed buildings at 1 and 5 Dam Head were described as being 'separated from the appeal site by other intervening properties and would not be directly in the line of sight of the proposal'. The appellant suggests that the impact on 1 Dam Head would be less than substantial. Although I have reservations regarding the proposed works to the track that leads to 1 Dam Head, I accept the previous finding of the inspector that the proposal would not harm the setting of these heritage assets as they would generally continue to be appreciated in their historic setting.

15. With regard to Hinchliffe Mill Conservation Area, the inspector described that its significance is derived from its historic development and growth as a mill village and its generally traditional built form. The views across the rural surroundings were considered to provide a spacious and verdant setting to the conservation area. It was found that although the set back of the house would be uncharacteristic, the rising topography of the appeal site and the area beyond it to the rear, would still provide views of surrounding open areas of land. It was found that it would not be unduly harmful to the rural setting of the conservation area.
16. This appeal differs from the first appeal as it would be likely to result in development close to the access track and in a position where it would dominate the experience of the historic Spring Lane buildings immediately to its west, which lie within the conservation area. The position of the first appeal dwelling would have allowed them to continue, to some extent, to be experienced across the open field and the undeveloped frontage of the site, when approaching from the direction of Hinchliffe Mill. The open undeveloped area currently contributes positively to their setting and to the experience of these buildings within the conservation area.
17. The council, having considered the inspectors report, determined that a refusal on the basis of harm to the conservation area could not be substantiated. This was despite the concerns raised by their Senior Conservation Officer and a third party. The appellant's own Heritage Impact Assessment also concluded that 'The proposal therefore effects the setting of the conservation area' suggesting that 'the impact is less than substantial on the setting and is justified by the three public benefits'.
18. Whilst consistency in decision making is important, this proposal differs in significant ways from that previously considered. The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area must also be considered separately for each proposal. A building, towards the front of the plot, would be a dominant new feature on the approach to the Spring Lane buildings regardless of its exact size or position. It would obscure views of them until almost at the Spring Lane junction with Dam Head. This would undoubtedly detract from the experience of these properties and their distinctive layout. They represent a particularly good example of a tightly grouped set of period buildings, served by a narrow and steep access, consistent with other more central areas of the conservation area, particularly properties on Old Road, Co-op Lane and Water Street, on the opposite side of the river.
19. The Spring Lane buildings demonstrate the historic development of the supporting buildings to Hinchliffe Mill, and they display distinctive built forms and detailing associated with a mill village. The experience of the Spring Lane buildings would be significantly altered and even with the highest standard of design for a dwelling close to the track, it would result in harm to the setting of these properties and as a result, harm the setting of the conservation area. I must agree with the council's Senior Conservation Officer and the third party, that the proposed development would cause harm to the setting of the conservation area. The harm would be less than substantial as defined by the Framework
20. LP policy LP35 is clear that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. There has been nothing put forward by the appellant that persuades me against concluding that the proposal would unacceptably harm the setting of the conservation area and as

such, would conflict with the development plan policy. The submitted Heritage Impact Assessment supports this view.

21. Policy LP35 is not fully compliant with the full heritage requirements of the Framework. The Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework accepts that where a development proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
22. The appellant suggests that there are three public benefits. Firstly, a new passing place. Secondly, given the housing supply situation, Kirklees requires windfall sites as without them their housing policy will fail. Finally, as part of the proposal the adjacent open land will be ecologically enhanced with a 21.63% biodiversity net gain.
23. A new dwelling in an area where there is a shortfall with regard to housing supply does provide considerable weight with regard to social considerations generally. There would also be significant specific benefits with regard to social considerations from the activities of the additional residents. I have had regard to the difficulties referred to regarding the maintenance of local school roles and agree that new residents may be a benefit in this respect and would also contribute to other services and facilities as well as to the community in general.
24. The economic benefits from construction and the economic activity of future residents with regard to supporting shops and services also provides weight with regard to economic considerations. The site is closely related to the village services and also to the wider urban area. This relatively accessible location and proximity to services is a positive environmental consideration and weighs in favour of the proposal. I afford further weight to the self or custom build nature of the proposal.
25. The indicative landscape plan for the blue line area would result in biodiversity enhancements as described by the appellant. If required by condition, these would result in public benefits with regard to environmental considerations. The new passing place would improve convenience for users although I am not satisfied that it would have a significant impact on highway safety given the nature of the track.
26. The benefits set out generally relate to a single dwelling. Given the housing position, the contribution of windfall dwellings must be given considerable weight. However, I do not agree with the appellant that the public benefits would outweigh the harm identified to the setting of the Hinchliffe Mill Conservation Area. The proposal would therefore conflict with the policies of the Framework that relate to designated heritage assets.
27. I have additional reservations with regard to the proposed works to widen the track. I am unclear of the history relating to the trackside wall that is to be removed as it is not mentioned in the Heritage Impact Assessment or the planning statement. I consider that alterations to it should be considered with regard to its contribution to the historic environment. Although it lies outside the conservation area, I note that the cartography associated with the conservation area plan appears to be inaccurate with regard to the southern boundary. It does not follow land parcels or buildings as would be expected and appears to have 'slipped' to the north in the vicinity of these properties. The boundary of the conservation area shown passes

along the centre of the track. If this wall was built at a similar time to the northern track wall and the Dam Head properties, including the listed 1 Dam Head, more information should be provided. It would appear that its loss or relocation, would result in further harm to the setting of the conservation area.

Inappropriateness

28. The appeal site is situated in the Green Belt. NDP policy 6 only supports housing that is acceptable in terms of national Green Belt policy. The LP also seeks to follow national guidance, and its specific policies do not support the principle of this development. The Framework therefore provides the main guidance in this regard. The previous inspector considered the matter of inappropriateness. It was concluded that the proposal was not an infill within the village and was therefore inappropriate development as it did not satisfy the exception within paragraph 154e of the Framework. There is no need to revisit this matter or the inspector's conclusion.
29. The Framework was, however, updated shortly after the previous appeal decision, and the appellant suggests that the proposal should now be considered under paragraph 155. This advises that the development of homes in the Green Belt should not be regarded as inappropriate where all of its requirements are met. The first requirement is that it would utilise grey belt land. The definition of grey belt excludes land where policies relating to footnote 7 of the Framework, would provide a strong reason for refusing or restricting development. Footnote 7 policies include those in the Framework relating to designated heritage assets. Although the site lies outside the conservation area, I have found conflict with the policies of the Framework relating to designated heritage assets. In these circumstances, the site cannot be considered as grey belt.
30. As the site cannot be considered as grey belt, there is no need to consider the other aspects of paragraph 155. The proposal does not satisfy the exception provided by paragraph 155 of the Framework and it has already been established, by the previous inspector, that it does not meet the exceptions within paragraph 154. It would therefore represent inappropriate development in the Green Belt.

Any other Green Belt harm

31. Given the scale of the proposal, it would result in harm to the openness of the Green Belt.

Other considerations

32. I have already identified the public benefits of the proposal within the heritage assessment, with regard to the environmental, social and economic considerations from new housing provision and the biodiversity enhancements proposed. These represent considerations in favour of the proposal.
33. I have had regard to the appeal cases put forward which support the appellant's view that the proposal would not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. However, even if accepting little wider impact on the Green Belt, this would only represent a neutral consideration. The proposal would, however, clearly not assist in safeguarding the countryside from encroachment.

34. The retention of the blue line area for biodiversity enhancements is a public benefit as previously listed but would also result in a separate benefit as it may help to limit its future use and help to prevent the wider harm from the loss of the greenspace, which contributes to the setting of the conservation area. I have also considered the support offered by local residents for the proposal.

Conclusions

35. The proposal represents inappropriate development in the Green Belt and results in harm to openness. It would also detract from the character and appearance of the area and would result in harm to the setting of the conservation area. I have set aside my concerns regarding the works to the trackside wall but in any event, I find that the proposed house, would result in conflict with the design and heritage requirements of the development plan and the Framework.
36. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm. Approval for inappropriate development will not be given, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
37. I have had regard to the considerations that provide weight in favour of the proposal and the support offered locally. However, these considerations would not clearly outweigh the harm from inappropriateness; the reduction in openness; and the other harm identified with regard to the character and appearance of the area and the harm to the setting of the conservation area. Very special circumstances do not therefore exist. Consequently, the very special circumstances necessary to justify the development do not exist.
38. I am mindful that the appellant considers that the heritage concerns would be outweighed by public benefits and that the site should be considered as grey belt land. This is not my conclusion, and I have not therefore carried out a full assessment on this basis. However, even if I were to accept that there was no heritage harm and the development was not inappropriate, I would still conclude that the adverse impacts on the character and appearance of this area would significantly and demonstrably outweigh the benefits of this single dwelling.
39. Overall, my conclusion is that the proposal would be contrary to the policies of the development plan and would also conflict with the specific policies of the Framework, relating to the Green Belt, that indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR