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## Appeal Decision

Site visit made on 30 October 2025

**by N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> December 2025

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**Appeal Ref: APP/A4710/W/25/3371940**  
**67A Clough Lane, Mixenden, HX2 8SQ**

- 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 Glynn Smith against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 25/00202/FUL.
  - The development proposed is described as: domestic garage and storage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During my site visit I noted that development of the proposal had appeared to have commenced, and the description of the proposal included 'part retrospective'. Nonetheless, my assessment of the appeal is based on the plans before me. Further, I have removed 'part retrospective' from the description of the proposal as this does not constitute development.

### Main Issues

3. The main issues are:
  - Whether the site is suitable for the proposed development having regard to the Council's spatial strategy.
  - The effect on the character and appearance of the area.

### Reasons

#### *Supply of housing land*

4. Policy SD6 of the Calderdale Local Plan 2018/19 – 2032/33 (2023) (the Local Plan) sets out the Council's allocated housing sites to provide land for new housing stating that no other principal use will be permitted on allocated housing sites. The appeal site forms a modest section of housing site allocation LP0238 Address: Land at rear of former St Bernadettes Church, Clough Lane, Mixenden, Halifax, with the indicative capacity of 12 dwellings.
5. The proposal is for a domestic garage/ storage building associated with 67A Clough Lane. As such, the proposal would not be for new housing, occupying a modest section of the allocated housing site, reducing the number of dwellings it

could accommodate, undermining the Council's ability to provide land to meet its housing need.

6. The appellant contends that the appeal dwelling is registered for Childcare on domestic premises business, known as Clough Lane Childcare. They go on to say that there is a shortfall of childcare places in the local area and have provided evidence of a capital grant offer from the Local Authority to carry out the proposed works. The appellant states that the current garage that is part of the dwelling will be converted to provide expansion of the childcare business and that the proposal would provide domestic storage and storage for the childcare business. Whilst the proposal may facilitate an expansion of the childcare business, given the scale of the appeal dwelling this would be limited. Further, this would not outweigh the harm to the Council's ability to provide land to meet its housing need and the conflict with Policy SD6 of the Local Plan.
7. As such, the proposal would be unsuitable for the proposed development having regard to the Council's spatial strategy. It would therefore conflict with the relevant provisions of Policy SD6 of the Local Plan.

### *Character and appearance*

8. The appeal site forms a section of land close to the rear of dwellings. The area surrounding the appeal site is residential in character with modest two storey dwellings a defining feature of the built environment. The majority of these dwellings have a relatively small footprint with pitched roofs. The few outbuildings I observed during my site visit were significantly smaller than these aforementioned dwellings, appearing subservient.
9. The proposal would have a substantial footprint, approximately 14 metres in length and 7 metres wide. When combined with its maximum height of just below 4 metres and mono pitched roof, the proposal would appear a substantial and bulky structure in comparison to the well-proportioned neighbouring dwellings which have a smaller footprint. This massing and the use of timber walls and corrugated roof would give the proposal an agricultural/ industrial character, out of context with the surrounding residential character. Whilst only fleeting views of the proposal would be offered from the highway, it would be highly visible from the rear gardens and windows of the surrounding properties.
10. As such, the proposal would have an unacceptable effect on the character and appearance of the area. It would therefore conflict with the relevant provisions of Policy BT1 of the Local Plan which requires development to respect or enhance the character and appearance of existing buildings and surroundings.

### **Other Matters**

11. A previous planning application for a storage and workshop building (22/01357/FUL) at the appeal site was refused. This previous proposal was physically similar to that of this appeal, however it was slightly taller, approximately 5 metres in height and the walls used a metal cladding. Whilst the officer's report refers to metal cladding and a height of five metres, it also refers to the proposal being for domestic purposes. Further, the Council's statement of case clearly refers to the proposal being 4 metres in height with timber clad walls, finding the proposal to conflict with its spatial strategy and cause harm to the character and

appearance of the area. I am therefore satisfied that the Council have assessed the appeal proposal and not that of a previous scheme.

12. The appellant suggests that a condition could be used to secure the removal of the proposal if a residential development was ever approved on the appeal site. No such condition has been presented to me. Further, this would not mitigate the harm of the proposal to the character and appearance of the area.
13. The appellant references an approval for a battery storage system on employment land. This is vastly different to the proposal before me and therefore not analogous.
14. The appellant contends that the appeal site has been allocated for housing since 2006 and the site is unlikely to be developed for housing. The Council have responded stating that the appeal site is within a former designation of Primary Housing Area but was not an allocated housing site. Further, the appeal site has been allocated for housing as part of the Local Plan which is relevant in the determination of this appeal.
15. Third parties have commented that rubbish has been removed from the appeal site, and it has been landscaped, improving their outlook. They go on to say that the proposal would not cause noise issues. I see no reason why these benefits are contingent on the proposed development, and a lack of noise is a neutral factor. Therefore, these weigh neither for nor against the proposal.

### **Conclusion**

16. The above proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

*N Unwin*

INSPECTOR