



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 February 2026

Appeal Ref: APP/Z4718/W/25/3372188

Hind Hill Farm Former, New Hey Road, Scammonden, Kirklees, Huddersfield HD3 3FW

- 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 M Whitwham (Airbourne Construction) against the decision of Kirklees Metropolitan Council.
 - The application ref is 2025/60/91541/W.
 - The development proposed for the erection of single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline, with access to be considered at this stage. The remaining matters of appearance, scale, layout and landscaping are therefore reserved for later consideration. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would constitute inappropriate development in the green belt having regard to the National Planning Policy Framework (the Framework); and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Inappropriate development

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the essential characteristics of Green Belts are their openness and their permanence.
5. Paragraph 155 of the Framework states that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all the following apply:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.
- 6. Both main parties are in agreement that the proposal would be within a sustainable location with public transport links a reasonable walking distance from the appeal site providing access to settlements with an abundance of amenities. There is additionally a demonstrable unmet need for the type of development proposed given the inability of the Council to currently demonstrate a five-year supply of deliverable housing sites. I see no reason to take an alternative view, even taking into account the interested party representations in this regard. As the proposal does not comprise major development, the Framework's 'Golden Rules' are not applicable. As such, the proposal would comply with criteria (b), (c), and (d) of Paragraph 155 of the Framework.
- 7. The Framework defines grey belt land as land that does not strongly contribute to any of purposes (a) check the unrestricted sprawl of large built-up areas, (b) prevent neighbouring towns merging into one another, or (d) preserve the setting and special character of historic towns, in paragraph 143 of the Framework. The land does not have to be previously developed to be grey belt. The appellant contends that the appeal site forms grey belt land and the Council do not dispute this. The appeal site is not within the immediate vicinity of any large built up areas or towns, including historic towns. Based on the evidence submitted and my observations on site, I am of the view that the appeal site could reasonably be described as grey belt land.
- 8. Given the relative scale of the site compared to the Green Belt as a whole, any encroachment into the countryside would be negligible. Accordingly, it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt in the plan area. The requirements of paragraph 155(a) of the Framework are therefore also satisfied.
- 9. The proposal would therefore be located within grey belt and would meet the requirements under Paragraph 155 of the Framework. The Council have not referred me to any relevant local planning policy in this matter. It would not therefore be inappropriate development within the Green Belt. As such, there is no requirement to demonstrate that very special circumstances exist to justify the development. Nevertheless, I must still consider whether there is any other harm.

Character and appearance

- 10. The appeal site is located along the southern section of New Hey Road. This section of the highway possesses an undeveloped rural character with open agricultural land flanking the road. The surrounding undeveloped land offers unrestricted views from the public realm, further contributing to the areas undeveloped rural character. There is sporadic residential development along this section of New Hey Road with their spacious relationship preserving the rural nature of the area, contributing to its character and appearance. This separation between these developments is of particular importance, serving to prevent the formation of a cluster of dwellings indicative of a less rural character.

11. The appeal site forms undeveloped land with a dwelling adjacent to the west and another to the east on the opposite side of the road. The existing absence of development is an important feature and serves to visually separate these developments, preserving the sporadic nature of dwellings within the area. The appeal site therefore contributes to the aforementioned character of the area.
12. The proposal would introduce a dwelling in between two existing properties, resulting in the encroachment of development along the highway. This encroachment would occupy an important gap between development, eroding the existing visual separation of the built environment along this section of New Hey Road. The proposal would visually link the existing dwellings, creating a ribbon like development, urbanising the area and appearing at odds with the existing rural character created by these generously spaced, sporadic dwellings. Its visual presence would be further enhanced by its proximity to the highway, appearing prominent from the public realm. Whilst matters relating to appearance, scale, layout and landscaping are reserved, any residential development within this location would create a ribbon like development at odds with the existing spacious relationship between the surrounding dwellings. As such, the proposal would have an unacceptably harmful effect on the character and appearance of the area.
13. For the above reasons 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 LP24 Kirklees Local Plan Strategy and Policies (2019) (the Local Plan) and Chapter 12 of the Framework. When read together these require development to respect and enhance the character of the landscape, and be sympathetic to local character and landscape setting. It would also conflict with the Housebuilders Design Guide Spatial Planning Document (2021), which when read as a whole requires development to take cues from the character of the built and natural environment within the locality.

Other Matters

14. I note the appellant has selected Self-build and Custom Build within the application form. Given I have not been presented with any mechanism to secure this, I cannot afford it any weight to this matter. As I am dismissing the appeal for other reasons I have not considered the implications of this for Biodiversity Net Gain any further.

Planning Balance

15. It is common ground that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence indicates that the current supply is 3.96 years and in this circumstance paragraph 11(d) of the Framework is engaged. The evidence does not indicate that paragraph 11(d)(i) applies to the proposal. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).
16. The development would result in unacceptable harm to the character and appearance of the surrounding area, contrary to the aforementioned policy of the Local Plan which is highly consistent with the Framework and to which I therefore attach significant weight. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.

17. The development would provide a single dwelling within a reasonable distance of services and facilities, therefore making a small but beneficial contribution to the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, the contribution that would be made by a single dwelling would be modest and, therefore, the weight attached to these benefits is limited.
18. Overall, whilst there is a shortfall in the five-year housing land supply, in the specific circumstances of this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

19. The proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Unwin

INSPECTOR