
Appeal Decision

Site visit made on 23 September 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/Z4718/W/25/3366496

Land off Far Lane, Hepworth, Holmfirth HD9 1RB

Easting: 416124 Northing: 406225

- 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 and Mrs B Hodgson against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/92626/W.
 - The development proposed is removal of equine buildings / structures and stables and erection of detached dwelling.
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This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 12 December 2025.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was formally determined on 28 November 2024, prior to the publication of the current version of the National Planning Policy Framework (the Framework) on 12 December 2024. The appeal and supporting submissions from both main parties were submitted after the publication of the Framework and, notwithstanding the Council's approach as set out in their appeal statement, it is against the current iteration of the Framework that the appeal now falls to be considered.
3. I am satisfied that in this instance the appeal timescales have been sufficient to allow the parties to consider the implications of the current Framework for their respective cases. I have determined the appeal accordingly, with references to Framework paragraphs being those of the current version of the Framework.

Main Issues

4. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework (the Framework);
 - The effect of the proposed development on the character and appearance of the appeal site and the surrounding area; and
 - Whether any 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 required to justify the proposal.

Reasons

Whether inappropriate

5. The Framework states¹ that the Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. It goes on to state that development in the Green Belt is inappropriate unless one of a number of exceptions apply². Inappropriate development is, by definition, harmful.
6. Kirklees Local Plan³ (KLP) Policy LP57 states that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable, subject to four criteria. In the case of replacement buildings, the new building must be in the same use and not be materially larger than the building it is replacing. The policy goes on to provide further qualification that the treatment of outdoor areas, including hard standings, curtilage, enclosures and means of access must not result in a greater impact on openness and its design and materials should have regard to design policies to ensure that the resulting development does not materially detract from its Green Belt setting. These provisions are similar, but not identical, to the exception set out at Framework paragraph 154(d) which states that the replacement of a building need not be inappropriate provided that it is in the same use as the building to be replaced, and not materially larger than it.
7. The proposal would effectively result in the replacement of the existing collection of buildings with a single building to be used and occupied as a dwelling. The Council have assessed the proposal against KLP Policy LP57, amongst other policies and concluded that a proposed dwelling would not be in the same use as the collection of stable buildings and structures, used for equine purposes, that presently inhabit the site. I do not disagree, and although the appellant is critical of the Council's approach in this respect it was not unreasonable for the Council to do so, and to subsequently discount the exception provided by Framework paragraph 154(d) or KLP Policy LP57. As such, the proposal fails to comply with the provisions of KLP Policy LP57.
8. However, KLP Policy LP59 sets out the Council's approach to brownfield sites within the Green Belt. It states that proposals for the partial or complete redevelopment of such sites will normally be acceptable provided that the existing footprint is not exceeded and that redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for. The supporting text to this Policy goes on to note that redevelopment should be designed so as not to have any more impact on Green Belt openness than the existing built form.
9. KLP Policy LP59 is not, however, wholly consistent with the provisions of Framework paragraph 154(g) with regard to partial or complete redevelopment of previously developed land in the Green Belt. The more recently published, current version of the Framework seeks instead to ensure that such proposals would not be inappropriate provided that development would not cause substantial harm to the openness of the Green Belt.

¹ Paragraph 142

² Paragraph 154 a) to h)

³ Adopted 27 February 2019

10. It is common ground between the main parties that the appeal site constitutes previously developed land, essentially established by a recently granted application for a certificate of lawfulness in respect of the equine buildings and use of land within the appeal site⁴. The test established by Framework paragraph 154(g) is therefore whether or not the proposed redevelopment of the site in the manner proposed would cause substantial harm to the openness of the Green Belt, openness being an essential characteristic of Green Belts alongside their permanence.
11. The Council have not directly challenged the appellant's submissions and calculations with regard the comparative footprint areas and building volumes of the existing and proposed buildings. Nor have I been presented with any compelling evidence that would lead me to conclude otherwise. Thus, whilst there would be a small increase in the overall building footprint of the proposed dwelling when compared with the existing barn, stables and storage sheds, the overall building volume would be slightly reduced.
12. Whilst that may be so, there are important differences between what exists and what is proposed. Although the appellant notes the overall height of the proposal would be lower than that of the existing, it would only just be so, being in the region of approximately 0.1 metres lower. Moreover, that difference in height would relate just to the open-fronted barn which is currently comfortably taller than the stables and storage sheds.
13. Openness in terms of the Green Belt has both a visual aspect as well as a spatial aspect. The existing buildings are contained within an area predominantly laid to a hard-standing surface enclosed by post-and-rail fencing. Located at the rear and corner of the site, the buildings back on to a stone wall and, due to ground forms, are largely hidden from view from public vantage points and only reveal themselves from the access track until relatively close quarters.
14. When visible, the existing group of buildings, although somewhat untidy in appearance and varied in materials and manner of construction are relatively unexceptional in the context of their open countryside location. The proposed dwelling would instead present a single building, comprising of a large footprint, volume and mass rather than the more dispersed, smaller, constituent parts of the existing complex of buildings. It would be sited more centrally within the site which, whilst pulling the built form in from the side and rear of the site would extend it more meaningfully towards the central portion of the site.
15. It may be correct to say that the proposed development, at its forward-most point, would not extend forward as far as the existing built-form, but that comparison would be between the wide frontage elevation of the proposed dwelling and significantly more limited size and proportions of the two small storage sheds. These elements are not comparable in their scale or massing and any limited reduction in forward projection would be offset by the overall scale, massing and width of the proposed dwelling.
16. The appellant accepts that the proposed dwelling would inevitably bring with it an element of paraphernalia associated with a domestic use. However, it is argued that this would be no more intrusive, and less unsightly, than that associated with the equine use of the appeal site. The appellant's approach is further supported by

⁴ LPA Ref No: 2024/CLD/91115/W

a pledge to return some of the existing area of hardstanding to grass, providing further 'spatial' benefits.

17. The area of hardstanding around the existing buildings within the appeal site is extensive and the potential for equine-related paraphernalia is clear, albeit that at the time of the visit to the site the hardstanding was essentially clear. Whilst I have no reason to believe that the paraphernalia associated with a dwelling in this location would be materially more than that associated with the equine uses, it would potentially be of a different character in the context of a rural, open countryside setting. As such, its presence and, particularly, its differing nature and character to that associated with equine uses would have a material effect on openness due to its somewhat incongruent appearance in this setting.
18. The proposed dwelling would have a larger footprint area, albeit only modestly so, than the existing range of buildings. As such, the proposal would be contrary to the provisions set out at KLP Policy LP59 regarding the redevelopment of brownfield sites within the Green Belt. However, the Framework is a material consideration to which I give significant weight. The current iteration of the Framework recognises that the redevelopment of previously developed land within the Green Belt need not amount to inappropriate development provided that it would not cause substantial harm to the openness of the Green Belt.
19. The proposed dwelling, despite the small increase in footprint area, would have a lesser built volume than the existing collection of barn, stables and storage sheds within the appeal site. However, where the proposal benefits from condensing the built form into one building rather than the existing sprawling collection of buildings, and reducing the overall width and height of structures, the dwelling would be a single built mass, wider than any one particular element of the existing buildings. It would also, importantly, be set further forward into the site rather than set back against the rear and side walls and, as such, would be a more significant visual presence on approach from the access track. Although not widely visible from the closest public vantage points, the taller and more prominently sited building would have a materially greater impact on Green Belt openness than the existing buildings.
20. Whilst a 'materially greater impact' is no longer the relevant Framework test in such matters, I am satisfied that the proposed development would nevertheless have a greater impact on openness of the Green Belt than the existing buildings and that this would cause harm to Green Belt openness. However, the harm to openness would be moderate and thus fall short of the substantial harm now required by Framework paragraph 154(g). Whilst Framework paragraph 153 still requires that substantial weight is given to any harm to the Green Belt, including harm to its openness, footnote 55 caveats this as 'other than in the case of development on previously developed land, where development is not inappropriate'.
21. Although contrary to the provisions of KLP Policy LP59, as the harm to the openness of the Green Belt falls short of the substantial harm set out in the Framework, the provisions of the Framework are a material consideration that leads me to conclude, contrary to the development plan, that the proposal would not be inappropriate development in the Green Belt. As such, it is not necessary for the appellant to demonstrate whether other considerations exist so as to amount to the very special circumstances required in such instance.

Character and appearance

22. The appeal site lies detached from the main body of Hepworth, separated from it by fields. Not only is it detached from the settlement itself, it is set some way back from the roadside. Although not widely visible from Far Lane because of rising land and the distance from the lane, the appeal site sits within a wider upland landscape of open fields enclosed by drystone walls. Whilst the appeal site has been enclosed by post-and-rail fences, the low-key equine nature of the buildings does not stand out uncomfortably amongst its rural, countryside setting.
23. I agree with the appellant that the existing buildings have something of a disorderly mix of scale, form and materials about them. However, such a range of factors are not uncommon in a setting such as the appeal site and as a consequence, and a consequence of the relative seclusion of the appeal site, the existing buildings are relatively inconspicuous within the wider landscape. I do not share the appellant's views as to any 'urbanising' nature of the existing buildings, which are essentially characteristic of a countryside setting and supporting uses typical of rural locations.
24. I appreciate the appellant's stated efforts to design a dwelling that would be relatively low-key in its appearance and comparable in scale and materials to some rural and agricultural buildings. However, it would be positioned in a more prominent, forward position within the site, rather than the discretely sited existing buildings along the site's rear, drystone wall marked, rear boundary. The proposed building would be the focal point within the site when approaching along the access track and take on a degree of prominence accordingly. It is inevitable too that elements of domestication and domestic paraphernalia would follow, should the appeal succeed. Although consideration could be given to appropriately worded planning conditions to restrict the construction of domestic outbuildings and other such structures, the domestic use of the land around the building would be at odds with the current equine-based use and paraphernalia, particularly within the expansive upland setting that the appeal site lies within.
25. KLP Policy LP59 states that in all cases, regard should be had to relevant design policies to ensure that proposals do not materially detract from their Green Belt setting which, in this instance, is of an open, expansive upland countryside setting where individual dwellings are better related to the network or rural lanes that traverse the area. KLP Policy LP24 states that amongst other factors, proposals should respect and enhance the character of the surrounding landscape through their form, scale and layout. For the reasons set out, the proposed dwelling would fail to do so and as such would cause harm to the character and appearance of the surrounding area.

Other Matters

26. It is common ground that the Council is unable to demonstrate a deliverable 5-year supply of housing land and that housing delivery has been low over the previous 3 years. The Council accept that as a consequence the provisions of Framework paragraph 11(d) apply regarding a presumption in favour of sustainable development. Thus, it is stated that where the policies which are most important for the determination of the application are out of date, to grant planning permission unless the application of policies in the Framework that protect assets

of particular importance indicate otherwise⁵, or that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole⁶.

27. Green Belts are however one of the assets of particular importance noted by footnote 7 to Framework paragraph 11 that tempers the permissive nature of paragraph 11(d). However, despite concluding that the appeal proposal would lead to harm to the openness of the Green Belt that harm would be less than the substantial harm required by Framework paragraph 154(g) and so the provisions of footnote 7 are not engaged in respect of paragraph 11(d)(i).
28. The appeal scheme would provide an additional dwelling against this background of housing under-supply. Whilst that should weigh in support of the proposal, the weight that it carries is limited as the benefits arising from it would also be correspondingly limited as would befit only a single dwelling. Whilst every little helps, a single dwelling in this context does not carry more than limited weight.
29. It has also been stated that the scheme would provide a range of energy efficiency and renewable energy measures, including solar panels, air source heat pumps and an electric vehicle charging point. These are all commendable features and contribute towards broader renewable energy and low carbon energy use goals but are not sufficient to overcome the harm that I have identified in terms of character and appearance.

Planning Balance

30. Whilst not finding Green Belt harm, I have identified that the proposal would result in harm to the character and appearance of the appeal site and the surrounding area. The proposal would introduce a building and immediate surrounds of clearly residential character and nature into a rural, upland, open countryside setting. The provisions of Framework paragraph 11(d) are triggered given the agreed shortfall in the Council's housing land supply and delivery positions.
31. However, the absence of Green Belt harm is just that, an absence of harm and is a neutral factor in the overall consideration of the appeal scheme. The proposal would however result in harm to the character and appearance of the appeal site through the domestication of the appeal site. The proposed building would inevitably have a domestic residential appearance in an overwhelmingly rural and open countryside setting. Whilst the appellant argues that the proposal would tidy up the existing site and buildings within it, thereby amounting to a visual betterment, I saw nothing particularly or exceptionally untidy about the existing buildings. Indeed, the buildings are typical of many in such locations and do not detract from the countryside's attractiveness or its character or appearance in this location, nor do they appear incongruous in this setting.
32. For these reasons, and whilst concluding that there would not be substantial harm to Green Belt openness, the proposal would result in harm to the character and appearance of the appeal site and surrounding area. The benefits that would arise from the appeal scheme would be limited and as such the harm to character and appearance would significantly and demonstrably outweigh these limited benefits.

⁵ Paragraph 11(d)(i)

⁶ Paragraph 11(d)(ii)

Conclusion

33. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR