



Appeal Decisions

Site visit made on 27 January 2026

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03rd March 2026

Appeal A Ref: APP/A4710/X/25/3358833

14 Higgin Chamber, Boulderclough, Luddendenfoot, Halifax HX2 6JS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use (LDC).
- The appeal is made by Mr Martin Copley against the decision of Calderdale Metropolitan Borough Council.
- The application ref 24/00831/191, dated 13 August 2024, was refused by notice dated 7 October 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use is sought is Class C residential, Class B2 general industrial and Class B8 open air storage.

Appeal B Ref: APP/A4710/W/25/3363584

- 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 Dan Copley against the decision of Calderdale Metropolitan Borough Council.
- The application Ref is 24/00447/FUL.
- The development proposed is the 'Change of use of an existing stone masonry works and construction of a new live/work family dwelling (Revised Scheme to 22/00143/FUL)'.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals which relate in part to the same land. Appeal A relates to the refusal of a lawful development certificate (LDC) for the mixed use of a wider site. Appeal B relates to the refusal of planning permission for development on land lying to the rear (west) of the existing dwelling at 14 Higgin Chamber and some of the adjacent terraced properties. As Appeal B may be dependent on my finding on the LDC, I deal with Appeal A first.
4. The address in the banner heading above is taken from the application form. However, the site is referenced by a number of different road names shown in the various documents associated with the appeals. For consistency, I have used the Council's references to Acre Lane and Broad Lane as the adjacent roads, the latter providing the vehicular access into the Appeal sites.

5. As part of Appeal A, the appellant submitted additional documents which were not before the Council when it considered and determined the application. The Encyclopedia of Planning Law and Practice sets out that appeals under s195 of the 1990 Act as amended 'are invariably treated as *de novo* appeals...the parties and interested persons may submit additional evidence to the Secretary of State which was not before the authority at the time of its decision'. Consequently, I have had regard to the additional documents in my determination of the appeal. Given that the Council has had the opportunity to comment on the documents as part of the appeal, I am satisfied that their interests are not prejudiced by this approach.
6. The plans submitted to the Council in Appeal B inconsistently show the extent of the application site. Compared to the Site Location Plan¹ the site southern boundary appears reduced on some of the detailed layout plans. Notwithstanding, I have considered the larger site area shown on the location plan which includes areas of proposed facilitating works to the 'lower dam'. For the avoidance of doubt, the reference to a revised scheme in the description of development in Appeal B is to a refused planning application.
7. Since the date of the Council's decision, on 12 December 2024, the National Planning Policy Framework (the Framework) was updated. Notably this included provisions for the development of 'grey belt' land lying within the Green Belt. On 16 December 2025 the Government published a consultation on further planning reforms and changes to the Framework. The consultation continues until 10 March 2026. While I have invited comments on the previously adopted changes, I find the current consultation draft a matter of limited weight in Appeal B as its content may be subject to changes.

Appeal A – Lawful Development Certificate

Main Issue

8. The main issue is whether the Council's decision to refuse the LDC was well founded.

Reasons

9. The appeal is made to ascertain whether the claimed mixed use of the land for residential, industrial and storage uses is lawful as described in s191(2) of the Act. It provides that '...uses and operations are lawful at any time if - (a) no enforcement action can be taken in respect of it, whether because it did not involve development or require planning permission, or because the time for enforcement action has expired, or for any other reason, and (b) it does not constitute a contravention of any of the requirements of any enforcement notice then in force'.
10. It is the appellant's burden of proof to establish that the use of the land for the specified mixed use commenced at least 10 years² before the date of the application and continued without any significant interruption thereafter. The appropriate standard for testing the evidence is made on the balance of probabilities, that is to say whether something is more likely than not. According to the Council, the application was received on 12 August 2024. As such, the relevant

¹ HCH-CWA-ZZ-XX-DR-A-0001 Rev P-00

² Section 171B (3) of the Act specifies the period of ten years for breaches of planning control which are neither operational development nor changes of use of buildings to single dwellings.

date on or before which the use described must have commenced is the 12 August 2014.

11. The Planning Practice Guidance³ reflects prior Court judgments. It sets out that an appellant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided the appellant's evidence alone is sufficiently precise and unambiguous.
12. There is no dispute between the main parties that the main building at 14 Higgin Chamber is a dwellinghouse in residential use. It is consequently for the appellant to demonstrate that a material change of use had occurred to include primary storage and general industrial uses as part of a mixed-use by the relevant date and continued thereafter.
13. In consideration of material changes of use, Bridge J in *Burdle*⁴ highlighted 3 broad categories of distinction in considering the relevant planning unit (PU). These are:
 - 1) a single PU where the unit of occupation is used for one main purpose and any secondary activities are incidental or ancillary;
 - 2) a single PU that is in a mixed use because the land is put to two or more activities and it is not possible to say that one is incidental to another; and
 - 3) the unit of occupation comprises two or more physically separate areas that are occupied for different and unrelated purposes.
14. Bridge J went on to state that 'It may be a useful working rule to assume that the unit of occupation is the appropriate planning unit unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally'.
15. The appellant's evidence includes invoices from suppliers of stone, tools and hire companies, for example; invoices issued by 'Branxstone' - the masonry business addressed to the appellant's home at 14 Higgin Chamber; and, third party statements confirming a long-established masonry business at the address. The invoices cover the period from July 2010 through to the date of the application and (now) beyond. In conjunction with investigations instigated by the Council in 2007 and 2014, it seems probable that a masonry business has been operating from the site in excess of 10 years.
16. However, the Council's conclusions to those enforcement investigations in both 2009 and 2017 determined that the business use was at a level incidental to the primary residential use at No14 such that no material change of use had occurred on the site at that time. In effect, the Council found the site use to fall within category 1 identified in the *Burdle* judgement reflecting a working from home scenario.
17. For a Class B2 general industrial use to have occurred, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO), the appellant must demonstrate that an industrial process which cannot be carried out

³ Paragraph: 006 Reference ID: 17c-006-20140306

⁴ *Burdle & Williams v SSE & New Forest RDC* [1972] 1 WLR 1207

in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit has continuously occurred as a primary use of the land.

18. The appellant's statement describes the business as a small bespoke stone masonry workshop. There is little to demonstrate that it employs anyone other than the appellant who resides at the address, nor actual hours worked. Although the appellant asserts that the business has been VAT registered for over 10 years, there is little clear evidence to support that claim or demonstrate the level of income generated.
19. Activities are said by the appellant to take place within the area of the driveway from Broad Lane, the land behind that (to the west), and within the domestic-scale workshop alongside the garden area immediately behind the house. Some pictures attributable to the site show worked pieces, stored stone and a forklift for moving items on the driveway and on part of the land beyond. The photographs are undated.
20. A formal response to a Planning Contravention Notice (PCN) served in June 2015 clarified that a small amount of stone cutting took place on the site and that traffic generated in conjunction with that use was intermittent and limited. Although photographs provided by the appellant show disc cutters and settled dust, there is little to suggest this might be carried out with any level of frequency to give rise to any material change in the intensity or character of the overall use of the site.
21. Furthermore, according to the appellant, the complaint giving rise to the 2007 investigation was from an 'internal' source as opposed to one generated by neighbours concerned about effects of activities taking place on the land. Given the proximity of the site to neighbouring residential properties, if a continuous general industrial use were taking place, then it would probably generate complaints. If that occurred in the run up to the Council's previous assessments, very little was made of it. In concluding the investigation in 2017, the Council determined that any change in the character of the use of the site was *de minimis* and therefore not material.
22. The appellant's evidence provides business invoice numbers in the lead up to his PCN response in 2015 and since. The evidence suggests that the business deemed incidental by the Council issued about 6 or 7 invoices on average per year. Invoice references after that date indicate a roughly similar number of jobs annually. While I acknowledge that the nature or scale of the work involved may vary, there is little to demonstrate that any radical change in the nature of activities occurred to cause it to become a use falling with Class B2 as a primary use of the land in its own right.
23. In relation to storage use, at the time of my site visit items stored on the rear site about the container included pallets, furniture, a cement mixer, glazing, canoes, bins, trolleys, trays, barrows, tyres, vehicle parts, a keg and street-work barriers. An area of predominantly plastic garden toys lay in the north-western corner of the site. The area to the front of the dwelling, lying on the opposite side of Acre Lane, was in use for storage of items including stone, timber, pallets and palletised items, stored vehicles, and parked vehicles.
24. The appellant's evidence does not demonstrate that the on-site storage is anything but that associated with a primary residential use of the site or beyond that

associated with an incidental masonry business. In 2015, the appellant's response to a PCN confirmed any materials storage was then in association with the construction of a rear extension to the dwelling approved under planning permission 14/00134. There is little to show storage as a distinct primary use of the land. Even if that was said to have occurred, aside from the presence of the container, the evidence provided falls short of demonstrating that any open air storage use has persisted as a primary use over a continuous 10-year period, or more.

25. There is also little to show that the remainder of the land to the west of the driveway and running behind the gardens of the adjacent terrace has been in active use either as a residential garden area, or in conjunction with the other uses referred to. That part of the site has been alternatively referred to by the appellant as redundant, overgrown and derelict.
26. Taking the above matters together, I find the appellant has failed to discharge the evidential burden. There is insufficient evidence of a precise and unambiguous nature to demonstrate that the uses referred to were consistently taking place as part of a mixed use on the entirety of the land and over the relevant period of ten years or more.

Conclusion on Appeal A

27. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use for Class C residential, Class B2 general industrial and Class B8 open air storage was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Appeal B – Live/work unit

Main Issues

28. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies
- the effect/s of the proposed development on the character and appearance of the locality; local heritage assets; biodiversity; highway safety; 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

Green Belt

29. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework makes it clear that development in the Green Belt is inappropriate unless a specified exception.

30. Policy GB1 of the Calderdale Local Plan [2023] (the CLP) confirms the local application of the Framework's exceptions. However, it precedes the changes made in late 2024. As the more recent policy, the Framework's provisions prevail.
31. The appellant claims that the site is previously developed land (PDL) such that the exceptions at Paragraphs 154g) and 155 of the Framework apply. These relate to the redevelopment of PDL and grey belt land respectively. The Framework's definition of PDL includes that occupied by a permanent structure and any fixed surface infrastructure associated with it. It also clarifies that it includes any curtilage of the developed land.
32. Although the original use of the appeal site in association with an historic mill building has long since ceased, as has the use of the reservoir to support the nearby railway when used by steam locomotives, the site still contains part of the water infrastructure used to manage surface water in the locality. According to the appellant, it carries a flow from the main upper reservoir with an outfall into a gully serving a culvert routed beneath the adjacent terraced properties fronting Acre Lane. As active infrastructure, I find much of the site falls within the Framework's definition of PDL despite a significant degree of vegetation cover.
33. In the absence of buildings on three sides of the proposed dwelling, the scheme would not constitute 'infilling'. The redevelopment of PDL under Paragraph 154 g) of the Framework is subject to the development not causing substantial harm to the openness of the Green Belt. The Planning Practice Guidance⁵ advises that 'openness' is capable of having both spatial and visual aspects (the latter being distinct from visual quality). Here, an existing container would be replaced by a substantially larger building designed to have a significant degree of permanence. The effect of the dwelling on spatial openness would be marked.
34. Furthermore, despite that engineering operations to accommodate parts of the dwelling into the site topography would keep the overall ridge level lower than it might otherwise be, or the presence of other sporadic buildings and clusters, the proposed building's position in the more open land to the rear of the existing line of buildings fronting on to Acre Lane would visually expand the group. Even when accounting for the higher greened embankment of the main reservoir and the removal of the container, the development would impose on the perception of openness about the existing group.
35. This effect would be clearly visible from the adjacent road, the approach from the north and a public footpath traversing the field to the south. Although, that effect would vary seasonally on account of tree cover about the site, I find considerable effects on visual openness would also arise.
36. I note the appellant's claim that the removal of a mature tree at the site entrance might enhance the openness of the area. The removal of a natural asset providing a degree of screening to the site in lieu of a two-storey building, is not, to my mind, a benefit to the spatial or visual openness. While vegetation may come and go over time, a building would likely last much longer.
37. Together, the combined effects on the visual and spatial openness of the Green Belt would be substantial. For those reasons, I find the development is not consistent with the exception at Paragraph 154g) of the Framework.

⁵ See ID: 64-013-20250225

38. Paragraph 155 of the 2024 revised Framework sets out the circumstances whereby the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate by utilising grey belt land. Grey belt is defined in Annex 2 of the Framework. It includes 'previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b) or (d) in Paragraph 143.'
39. There is no dispute between the main parties that the proposed development would not conflict with the purposes of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another, or protecting the setting and character of historic towns. Accordingly, those purposes do not exclude the site from consideration as grey belt land. Furthermore, although the Council express concerns in relation to localised encroachment, it accepts that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan such that the requirement of Paragraph 155a of the Framework would be met.
40. Since the date of the refusal of planning permission, the Council has confirmed that it no longer has a five-year housing land supply. Hence, there is a demonstrable unmet need as described in footnote 56 of the Framework such that Paragraph 155b applies.
41. Paragraphs 110 and 115 of the Framework seek to manage patterns of growth to reduce travel and offer a genuine choice of transport modes with priority for sustainable modes. The site is located high on a valley side served by narrow rural roads. Predominantly the routes don't provide for pedestrian footways. Furthermore, there is little before me to suggest that the locality is served by any public transport or meets any adopted local sustainable travel criteria, as asserted by the appellant.
42. Although the site is close to existing residences, the location is at some distance from settlements providing the goods and services necessary to support day-to-day living. The topography and distances in between would deter most from sustainable sources of travel – particularly so during hours of darkness or inclement weather. It would provide little, if any, opportunity for maximising sustainable transport solutions. Prospective occupiers and visitors would thereby be substantially reliant on private motor vehicles for the travel generated by the development.
43. As a development which has not been demonstrated to have a rural location need, the site would not be consistent with the Framework's strategies for the sustainable distribution of development, including through the maximisation of sustainable transport modes. The requirement at Paragraph 155c of the Framework would not be met by the development such that the exemption in Paragraph 155 does not apply in the case circumstances.
44. For the above reasons, I find the development fails to meet any of the listed exemptions in Section 13 of the Framework and the proposal would constitute inappropriate development in the Green Belt.

Character and appearance

45. The site lies within a valley-side rural landscape of pasture fields enclosed by stone walls with occasional woodland blocks. Built development is typically dispersed

consisting of small road-fronting clusters with occasional individual buildings and isolated farmsteads.

46. Vernacular buildings are predominantly of simple form. They are constructed in coursed sandstone under low-pitched stone flag or slated roofs. Integral chimney stacks are a feature of the domestic architecture. In the immediate vicinity of the site is a small traditional back-to-back terrace of stone houses attached to a subdivided Grade II Listed Building also in residential use. In addition, the appellant's extended barn conversion and ancillary outbuilding lies to the east. Further to the south is a loose cluster of mixed-age buildings, mainly in residential use. This includes former farm buildings, and modern detached dwellings.
47. The principal element of the proposed dwelling takes reference from and has similar proportions to individual units in the adjacent terrace. It includes traditionally proportioned windows with a vertical emphasis enhanced by stone sills and headers. It has a characteristic low-pitched gabled roof. It would utilise external facing and roofing materials to match the nearby buildings.
48. However, despite a typical 2-storey form, the lower element would incorporate contrasting 'landscape' proportioned windows and be skirted by a large wooden-framed wrap-around veranda canopy. Along with an attached flat-roofed garage and projecting porch, the building design has a limited overall degree of integrity. It would appear as an incrementally and unsympathetically extended building rather than having a consolidated design.
49. I recognise that various types of porches and extensions have been added to buildings in the locality resulting in similar arrangements. However, there is little before me to suggest that those developments have been subject to planning control and the design standards set out in both the development plan and the Framework. Accordingly, they are not a strong reason to support the proposed scheme, despite its amendment from a previously refused design.
50. The proposed building would have a moderate degree of prominence on account of its raised position, height and opened aspect to Broad Lane arising from the reduced boundary wall and removal of a tree. I find it would relate poorly to the existing group which predominantly retain a traditional form.
51. Within the plot, the footprint of the building would leave a limited amount of usable outdoor amenity space. This is mainly due to the confinement arising from the dam structure and proximity to part of the slope supporting the upper reservoir. However, the Council have not directed me to any minimum standards in that regard. In the context of the open countryside setting, and limited outdoor spaces associated with units in the adjacent terrace, this is not a matter of significant weight in the appeal.
52. The dwelling would replace a timeworn container currently located on the site. Although the container is only partially visible from the adjacent road on account of its position behind a walled embankment, its removal would provide a benefit to views from the adjacent road and the outlook of some of the terraced properties.
53. In support of the scheme, the appellant highlights that the design would provide for adaptability and accessibility to internal and outside spaces to support health and wellbeing. While those are benefits of the scheme, there is little to demonstrate this could not be provided in a policy-compliant consolidated design.

54. I note the appellant's reference to another case where a proposal designed to reflect existing nearby development was refused by the Council. However, the detail and circumstances of that decision have not been provided. I am therefore unable to draw comparisons, or otherwise, to the case before me.
55. Taking the above matters together, I find the design, scale and siting of the dwelling would conflict with policies BT1 and GN4 of the CLP, and the Framework, which require high quality design with an holistic approach that respects, reflects or enhances the character and appearance of existing buildings and surroundings, and takes account of its local context and distinctiveness. The benefits of the removal of the container would not outweigh the identified harm.

Heritage

56. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Framework is clear at Paragraph 212 that 'great weight should be given to the asset's conservation'.
57. A Grade II Listed Building is located to the southern end of the terrace adjacent to the site. The listing describes the whole of the building, which includes both numbers 5 and 6 Higgin Chamber. The building's significance derives from its mid C17 origins and architectural features. Although some alterations have occurred over time, including its integration with the terrace of houses replacing a former mill at Higgin Chamber, its historic and architectural significance are clearly visible from Acre Lane and, to a lesser degree, the public right of way to the south.
58. Along with the later attachment of the terrace and the converted barn, which form a distinct group at the junction of Broad Lane with Acre Lane, the isolated rural location and sense of openness of the landscape enhances the historic interest associated with the age and higher-quality architectural detailing when compared to other local buildings.
59. The proposed development would not directly affect the significance of the Listed Building. However, the siting of the dwelling alongside the existing cluster of character buildings would encroach on the group undermining the sense of rural solitude in which the Listed Building is experienced. This would be particularly notable from the footpath to the south. While that effect would be at the very lower end of the harm spectrum, it would nevertheless fail to preserve the open setting of the designated heritage asset.
60. The appellant highlights that existing development within the building's setting already causes harm. However, existing effects on the asset's setting is not justification to allow further harm.
61. Despite the low level of harm, the failure to preserve the setting falls within the category of 'less than substantial harm' in the context of Paragraph 215 of the Framework. That harm must be weighed against any public benefits of the proposal. I undertake this assessment within the overall conclusion of this decision.
62. The building would also be sited close to the rear elevation of the appellant's converted barn at the junction, a building de-listed in 2013. As it legibly retains

features of a traditional rural utilitarian building, it maintains some historic interest in Calderdale's sense of place and local distinctiveness. The 'non-designated heritage asset' (NDHA) status is contested by the appellant. However, while the building may no longer reach the threshold required for formal national listing due to a sequence of alterations, there is little evidence to demonstrate that the Council's assessment of the inherent heritage value should be discounted.

63. For the reasons described in relation to the Listed Building, I find the close siting of the proposed dwelling would undermine the historic open setting of the barn in its associated group. It would thereby have an indirect effect on the NDHA which results in limited harm. Pursuant to Paragraph 216 of the Framework, that minor harm must be weighed in the balance. Again, I will return to this below. Nonetheless, at this stage it is important to recognise that the proposal would be contrary to Policies HS1, HE1 and BT1 of the CLP as together they require development to conserve the historic environment and be designed to take account of its local context, including the setting of designated heritage assets.

Biodiversity

64. The land lies within a bat alert area and a pocket of the Calderdale Wildlife Habitat Network (CWHN). Policy GN3 of the CLP requires justification by way of very special circumstances for development which would likely have a significant adverse impact on a site within the CWHN.
65. Since the date of the Council's decision, the appellant has provided an Ecological Impact Assessment Scoping Report for part of the site. While it appears that the southern end of the site has been omitted from the survey, I am satisfied that it refers to and considers relevant habitat found in the residual area.
66. The report concludes that there are risks associated with protected and notable species and their habitats. It identifies that precautionary working during construction alongside proposed mitigation measures and biodiversity enhancements (including replacement tree planting, removal of invasive species, the introduction of native species landscape planting, and the installation of bird and bat boxes), would ensure that no significant adverse impact on site biodiversity would arise.
67. Further, the report assesses that the effect on the CWHN would be minimal on account of the limited plot size. However, on the Council's estimate, the site covers some 40% of the local element of the CWHN. Although the report considers the construction period in detail, there is little substantive assessment of the long-term effect of the proposed presence and use of the building and associated land on the wider habitat network.
68. The assessment identifies that the net effect of additional lighting associated with the use of the development would likely cause adverse displacement effects on commuting and foraging bats. While recommendations to limit the effects of internal and external lighting are included, it is unclear what residual effect might result. Furthermore, there is little assessment of other potential long-term displacement or wildlife movement effects. Alongside limited quantification of other potential habitat losses such as bramble and ragwort, for example, I find the effect on the CWHN as not been duly assessed.

69. Notwithstanding the self-build exemption to biodiversity net gain requirements, when applying the precautionary principle – particularly in relation to bat habitat but also in the context of the identified network significance, I find the supporting information fails to demonstrate that the scheme would not have a significant adverse impact on the CWHN or habitats of a protected species. Accordingly, it fails to meet the requirements in Policy GN3 of the CLP as it seeks to conserve, protect and improve habitats, preserve or enhance biodiversity and important strategic wildlife habitat networks allowing the free movement of wildlife.

Highway safety

70. The scheme shows capability to accommodate two parked vehicles within the site and provision for turning utilising a dedicated area of the existing drive from Broad Lane. This would enable vehicles to enter and leave the site in a forward gear.
71. In conjunction with the realignment of the boundary wall to improve visibility to the west on exit, I find the parking and access arrangements – which could be conditioned for retention for those purposes, suitable for the proposed development. Given the close proximity to the junction where traffic speeds will be generally lower than the road speed limit, any risk to highway safety would be limited if not improved against the existing situation.
72. Pursuant to my earlier finding that the business probably operates at a level incidental to the dwelling at 14 Higgin Chamber, that the space given over to that use in the proposed development would also be limited, and the first appellant's description of those activities as a small-scale business relying on his own 1-ton truck also used for daily (domestic) transport, then there is little to suggest a material increase of vehicular activity at the site. Parking provision for no14 can be accommodated to the eastern side of Acre Lane.
73. For the above reasons, I find the scheme would align with the requirements in policy BT4 of the CLP as it requires the provision of safe access without harm to highway safety interests or the free flow of traffic. Furthermore, it would provide a commensurate level of parking for the accommodation proposed.

Other Considerations

74. The appellant highlights that the Council has undertaken a sensitivity analysis of the Green Belt area showing the site to be categorised as outside of the most sensitive Green Belt area. However, there is little detail of the basis of the study, nor indication that its findings might be adopted or should reduce the weight of national policy to protect its openness and permanence. I find it is not therefore a strong reason to reduce the weight to the merits of the proposed development on the Green Belt.
75. The development is described by the appellant as a live/work unit. However, the extent of the work element is limited to a minority part of the garage for a stone masonry business. While working from home may sustain the appellant's existing business through better site security, better working conditions and fewer days lost to bad weather, there is little to indicate that the development is necessarily the only way to achieve that. Furthermore, the evidence before me fails to demonstrate a second dwelling is necessary in the location to sustain the business. Accordingly, I find this a matter of limited weight in the appeal.

76. The appellant's application form confirms the proposal as a self-build project. While there is little evidence to indicate that the Council has failed to meet demand for serviced self-build plots, and the Self-Build and Custom Housebuilding Act 2015 (as amended) seeks to encourage contribution to housing supply from those sectors, such provision is not without due regard to the local development plan. Notwithstanding, as a development contributing to housing supply and using underutilised previously developed land, the scheme would provide such benefits, albeit limited to only one unit of accommodation.
77. The scheme could remediate a timeworn dam system which could otherwise suffer further dereliction. It could offer attenuation storage with flood risk benefits locally and downstream. Although there is little evidence of flood risk in the immediate area, a reduction to runoff rate into downstream watercourses would be a benefit in times of high rainfall and is a matter of moderate weight.
78. The removal of a dilapidated container and untidy outside clutter could provide some visual enhancement of the site to the benefit of neighbours. However, such benefits are limited to minimal weight to discourage unsightly sites purposefully proliferating. However, the removal of invasive species from the site would provide an ecological benefit and prevent potential further unwanted spread.
79. The building could be built to a high standard and along sustainable construction principles through the application of fabric first approach, high levels of insulation, incorporate high thermal mass foundations, be energy efficient and include renewable or low carbon energy sources. Construction above Building Regulation requirements for sustainable building performance would provide a benefit; however, there is limited detail to demonstrate how that would be delivered or the exceedance of the overall building performance.
80. The dwelling could facilitate aspirations for family members to reside in close proximity and add to the vitality of the local community. Furthermore, it is designed to be adaptable to allow for enhanced internal and external accessibility should the need arise. However, as aspects of the development deriving from personal circumstances, these are matters of limited weight because a development designed to last for tens of years would outlast the circumstances and/or preferences of any individual.
81. The appellant asserts that the development of the site would fill a hole in the Higgin Chamber community. In the absence of substantive evidence to support that claim, it is a matter of limited weight. I note the support of the local community to the proposals; however, this is not a benefit in favour of the scheme.
82. I acknowledge the appellant's frustrations and allegations of limited and time-restricted communications, contradicting positions, and pre-determination of planning matters relating to the site by the Council in the run-up to the appeals. However, those are not relevant matters to my considerations.

Very Special Circumstances and the Planning Balance

83. The proposed dwelling is inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The building would also cause long term harm to the openness of the Green Belt, which is one of its essential characteristics.

84. The scheme would result in less than substantial harm to the setting of a designated heritage asset. As a proposal to provide private housing, there would be no public benefits to outweigh that harm. In addition, there would be limited harm to a NDHA, potential for adverse effects on protected species habitat and a designated wildlife network, and an adverse effect on the character and appearance of the locality.
85. While I have found in favour of the appellant in regard to highway safety, this and the other considerations presented by the appellant do not clearly outweigh the totality of the identified harm. Accordingly, I find the very special circumstances necessary to justify granting planning permission do not exist and the development is also contrary to Policy GB1 of the CLP and the Framework.
86. The Council has confirmed that, as of November 2025, it was unable to demonstrate a 5-year housing land supply. However, as I have found against the development on the grounds of protecting the Green Belt and the conservation of heritage assets, which provide strong reasons for refusing the development, the presumption in favour of granting planning permission in Paragraph 11 of the Framework does not apply and the appeal should be dismissed.
87. In coming to the above conclusion, I have been mindful that a refusal of permission may deprive the appellant's family of adaptable living quarters to maintain or improve living standards should the medical condition or extent of disability of a family member deteriorate. However, there is little to demonstrate that those provisions could not be met within current accommodation or elsewhere. A refusal of permission is therefore proportionate in order to uphold the legitimate and well-established planning policy aims to protect the Green Belt, heritage assets, biodiversity and the character and appearance of the countryside.
88. I have also had due regard to the aims of the Public Sector Equality Duty (PSED) set out in s149 in the Equality Act 2010: to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appellant's family member may have the protected characteristic of disability, but he has not shown that this is intrinsically related to the proposal. Since the development is not acceptable in planning terms, a refusal of permission does not amount to unlawful discrimination and is the only decision which can advance equality of opportunity and foster good relations. The PSED adds weight to my decision.

Conclusion on Appeal B

89. For the reasons set out above, I find the development conflicts with the development plan read as a whole and there are no material considerations, including the Framework, to indicate a decision otherwise than in accordance with the development plan. I conclude that the Appeal B should be dismissed.

R Hitchcock

INSPECTOR