



Appeal Decisions

Site visit made on 31 March 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date 13 April 2026

Appeal A Ref: APP/Z4718/C/25/3364924

26 Crosland Edge, Meltham, Holmfirth HD9 5RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Joanne Slocombe against an enforcement notice issued by Kirklees Metropolitan Council.
- The notice was issued on 21 March 2025.
- The breach of planning control as alleged in the notice is "Without the benefit of planning permission, an engineering operation consisting of the excavation of the hillside and ironwork for the erection of retaining walls."
- The requirements of the notice are:
 - a) Dismantle and remove the ironwork for the retaining walls at the site
 - b) Remove all dismantled resulting material from the site.
 - c) Return the land in its entirety to the condition of the land prior to the development taking place.
- The period for compliance with the requirements is 90 days after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/Z4718/D/25/3364622

26 Crosland Edge, Meltham, Holmfirth, Kirklees HD9 5RS

- 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 Chris Slocombe against the decision of Kirklees Metropolitan Council.
- The application Ref is 2024/62/93251/W.
- The development proposed is the formation of parking area including associated retaining wall structures, engineering operations and works.

Decisions

Appeal A

1. It is directed that the enforcement notice is varied by:
 - *the deletion of "90 days" and its substitution with "180 days" as the period for compliance.*

Subject to the variation, the enforcement notice is upheld.

Appeal B

2. The appeal is allowed and planning permission is granted for the formation of parking area including associated retaining wall structures, engineering operations and works at 26 Crosland Edge, Meltham, Holmfirth HD9 5SR in accordance with the terms of the application, Ref 2024/62/93251/W and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing number 23-029/ (AL)01.

- 2) Notwithstanding condition (1) above, no more development above ground level shall take place until details for the provision of a natural stone façade to the concrete retaining walls has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the parking area is brought into use.

Preliminary Matters

3. There is no dispute that the matters alleged in the notice have occurred. These works form part of the development for which planning permission is sought under Appeal B. This appeal is therefore retrospective in so far as it relates to the excavation of the hillside and construction of ironworks to facilitate the erection of retaining walls.
4. The success or otherwise of Appeal A is in part dependent upon the outcome of Appeal B. I will therefore determine Appeal B first.

Appeal B

5. Crosland Edge is a narrow lane providing access to several dwellings within the village of Meltham, which sits on a relatively steep hillside. Many of the dwellings fronting Crosland Edge abut the carriageway, including the host dwelling and the dwelling opposite. The host dwelling has a modest enclosed garden to the southeast and a parking area to the northwest. Also to the northwest is an area of hillside which is roughly grassed.

Main Issues

6. The main issues are:
 - Whether the proposal would be an inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling and wider locality; 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

7. Policy LP58 of the Kirklees Local Plan (February 2019) relates to garden extensions. The proposal does not provide for the extension of a garden. I do not therefore find this policy to be relevant.
8. Paragraph 153 of the Framework confirms that inappropriate development is by definition harmful to the openness of Green Belt, and that substantial weight should be given to any harm to Green Belt. Paragraph 154 of the Framework sets out the forms of development that are not considered to be inappropriate in Green Belt. These include h) ii. engineering operations, providing they preserve openness and do not conflict with the purposes of including land within Green Belt.

9. The excavation of the hillside and the provision of retaining walls constitute an engineering operation. While there is no statutory definition of 'openness' the courts have held that it has spatial and visual elements. While the retaining walls, hardsurfacing and ultimately the parked vehicles would replace some of the excavated volume, they would not replace it all. The proposal will not therefore be detrimental to spatial openness. The alignment of the hillside is such that the proposal would not be visible except from within or directly opposite the existing parking area of the property. Given that the retaining walls would become an integral part of the adjoining hillside, I find there would be no adverse effect on visual openness. For these reasons I find the proposal is not inappropriate development in Green Belt.
10. The Council claim the proposal would cause encroachment into the countryside. I saw from walking along Crosland Edge that the hillside along the northeastern side has been excavated in various places to accommodate dwellings and their associated gardens and parking facilities. The proposed development would not significantly encroach beyond the established limit of domesticated land along this side of Crosland Edge. The development would not therefore conflict with the Green Belt's purpose of safeguarding the countryside from encroachment.
11. When travelling south along Crosland Edge the development would be screened by the adjacent hillside and when travelling north it would be screened by the existing dwelling. Due to its position, I do not therefore agree with the Council's finding that the retaining walls would *"appear as a significant and prominent feature"*.
12. The submitted plans show that the retaining walls would be formed from concrete, which I do not doubt is necessary to retain the integrity of the hillside. Notwithstanding that the retaining walls would be set back from the lane and contained within the remaining hillside, such an expanse of concrete would be visually out of keeping with the host dwelling and other walls within the locality.
13. The appellant accepts the concrete finish would be harsh in visual terms and goes on to suggest that natural stone would be preferable. I appreciate that reinforced concrete may be necessary to provide the necessary stability. The provision of a natural stone facing would however be in keeping with the established character of the locality and the host dwelling. Such provision is necessary to make the proposal acceptable in planning terms and this could be secured by condition.

Other Matters

14. The Council's officer report refers to *"the presence of unlawful structures along Crosland Edge similar to that proposed... There is no record of planning permission being granted and from review of information available to the LPA it appears these structures are not lawful by virtue of the passage of time. Therefore limited weight to the presence of these structures."* [sic] It is unclear what structures the Council is referring to and while I noted several natural stone retaining walls and domestic extensions within the locality, all that I saw appeared well weathered, having the appearance of being in situ for considerable periods of time.
15. There is no evidence before me to show that the land upon which the development is proposed is public open space. I have addressed the effect on Green Belt openness above.

16. The submitted details confirm that the development is not at risk of flooding and the proposed surfacing materials should not cause surface water run-off. I am satisfied surface water flooding would not be caused elsewhere.
17. Vehicle access to the host property may be obstructed during construction. This would however be a temporary inconvenience/disruption.

Conditions

18. A condition requiring the proposal to be carried out in accordance with the submitted plan is necessary to define the permission. I have set out above that a condition requiring the submission of details for facing the retaining walls with natural stone for approval is required to ensure the proposal is made acceptable in terms of visual amenity.

Conclusion on Appeal B

19. For the reasons given above Appeal B does not conflict with policies LP24 or LP57 of the Kirklees Local Plan (February 2019), which seek to preserve openness and secure the use of appropriate materials, amongst other things.

Appeal A on ground (f)

20. An appeal on this ground, relative to this case, is that the steps required to be taken exceed what is necessary to remedy the breach of planning control. The appellant does not dispute that the built development needs to be removed. They however claim that returning the land *"in its entirety to the condition of the land prior to the development taking place"* may be difficult to achieve. In the alternative, plans showing the land level reinstated at a lower gradient are provided.
21. It is generally accepted that the appellant is best placed to know the condition of the land before the development took place. In this case Google Streetview images provide a snapshot of how the land appeared before the development took place. Furthermore, drawing number 23-029/ (EX)01, submitted with Appeal B, provides cross sections of the land prior to the development taking place. I therefore see no reason why reinstating the land to its former condition would be difficult.
22. In the absence of a ground (a) appeal, lesser steps to remedy the breach of planning control could not be secured, even if they were found to be acceptable.

Appeal A on ground (g)

23. An appeal on this ground is that the period for compliance with the requirements is unreasonably short. The appellant is seeking 180 days as opposed to the 90 days specified in the notice because the works required to be undertaken are weather dependent.
24. I do not consider the appellant's reason sufficient to justify extending the period. However, as I have allowed Appeal B subject to conditions, the appellant will need time to formulate a scheme, and the Council will require time to determine the acceptability of that scheme. In these circumstances, I find the extension of the period to 180 days to be justified.

Overall Conclusion on Appeal A

25. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on grounds (f) and (g) succeeds to that extent.

M Madge

INSPECTOR