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Planning Appeal against refusal of  
Application to erect two detached dwellings  
At  
Land Adjacent to Old Vicarage Thurstonland

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Statement of appeal

The decision notice issued by Kirklees Council on the 16<sup>th</sup> February 2017 has stated 6 reasons for refusal of permission for development.

We deal with each reason in sequence

- 1) Inappropriate development in the green belt

It should be noted firstly that only a small corner of this proposed site is identified as being within the green belt and the Planning Office were contacted over 12 months ago for clarification and the applicant was issued with a plan showing this small section of land removed from the green belt designation .

The planning office was further contacted again requesting that all land within the curtilage of the old vicarage ( including the land within this application ) be re designated as building land within the revised development plan specifically as all Agricultural land at present within the green belt abutting the southern boundary of the property has been re designated as housing development land within the proposed revised development plan .

To date no reply to that correspondence has been received and the Revised Development Plan has not yet been ratified

The actual greenbelt boundary is firstly not clearly defined depending on which maps your refer and the map issued to clarify this issue by Kirklees development team showed the land outside the greenbelt.

The site is an infill plot between the Old vicarage and no's 11 and 15 Marsh Hall Lane Thurstonland is the site of a former horse training arena and is therefore not a green field site and does not encroach physically into the wider green belt nor can it possible be described or defined as "inappropriate development " when the Planning Department intend to release the complete

southern infill site as high density housing development but is at present clearly defined as being within the greenbelt.

- 2) The density of the development proposed does not reflect the existing pattern of development in the area.

We are somewhat perplexed at this comment as it can clearly be seen from the heritage photographs submitted with this application that the varied house types and densities in the immediate vicinity of these proposals very much match the density of these proposals particularly the development immediately opposite the proposed site access.

- 3) The applicant has failed to demonstrate that the development would have no detrimental impact on the character and appearance of the conservation area with regard to the proportion of the buildings and landscaping requiring the removal of mature trees,

Once again we are somewhat taken aback by these comments . The access to the property is by the re establishment of an existing access driveway which is tree lined with mature trees . It is clearly shown on the drawings submitted that these trees would be maintained as part of the gardens to the old vicarage and are totally unaffected by the proposals.

Further more the actual site of the proposed houses as can be seen from the ariel photographs is a partly paved walled arena with an area of scrub land behind with bushes and shrubbery . As stated on the application no mature trees are affected felled or cut back to allow the proposals to be implemented and the landscaping of the gardens is an item which could easily have been conditioned in an outline application of this nature.

Further more the designs shown are indicative and more than reflect the local diverse building types and in particular compliment the immediately adjacent traditionally stone built vicarage and bungalows.

Once again we note this is an outline application and if any of the indicative design proposals presented were not considered acceptable then this could again have been dealt with by condition on an approval.

- 4) The proposed development by reason of its layout would fail to provide an acceptable level of off street parking or on site turning for emergency vehicles.

The proposals show a pair of indicative detached properties with a double garage serving each property and parking for two further vehicles in front of each garage with manouvering space onto what would become a private drive. In our opinion the outline proposals show more than adequate off road parking and manoeuvrability and are so remote from the main highway as to have no affect what so ever on highway safety.

- 5)The proposed development by reason of the proposed access to the site would fail to provide acceptable level of visibility.

Once again we are somewhat perplexed by this reason for refusal as drawings were submitted with the application showing in detail modifications to the existing

access lane entrance such that clear 75 m & 90 m visibility splays were established in each directions from a 2.0 m set back from the highway meeting Kirklees Highways departments design criteria.

6 The applicant has failed to demonstrate in the form of adequate arboricultural information that the development would not cause an unacceptable impact on the trees within and adjacent to the site.

There are no established mature trees within the proposed development part of the site and the entrance is an existing entrance way which would be slightly widened but as stated on the drawings no impact on the trees . Had this information been requested during the planning process it would have been demonstrated that if necessary the private access drive would be ‘green paved ‘ so as to have no affect on the adjacent tree routes.

It should however be noted that firstly this is an existing established entrance and whilst overgrown is an existing hard surface below as it was the original entrance to the rear stables and servants quarters.

Secondly that the application is for outline permission and as such the tree preservation could easily be conditioned.

Thirdly it clearly shows on the access drawing submitted with the application that all the trees would remain at no time have we been requested clarification or the submission of further information on this matter despite the application taking over double the period outside of its target decision date.

In conclusion we can see no justification for describing the proposals as inappropriate development within the greenbelt by virtue of its position and surrounding areas and local adjacent planning policy and do not consider that the other 5 reasons for refusal can be justified .

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