

Detailed Application for 1 No Dwelling

Planning Support Statement

LAND ADJACENT TO HILLCREST, WHITEGATE ROAD, HONLEY RESUBMISSION OF APPLICATION 2014/62/93807/W

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1.0 INTRODUCTION

The proposal which forms the subject of this application for planning permission is for the development of a dwelling on an existing side garden at a site known as Hillcrest, Whitegate Road, Honley. The proposal also involves a comprehensive ecological enhancement scheme for the site as set out in the ecological report. The dwelling will be constructed to Passivhaus standards. This is a resubmission of the previous application (2014/62/93807/W).

The starting point for the consideration of this proposal is the previous appeal decision (APP/Z4718/15/3132634) following the Council's refusal of planning permission. That appeal decision (notwithstanding the Council's reasons for refusal) essentially determined that the proposal was not contrary to Green Belt policy. The Inspector, however, dismissed the appeal on the basis of the impact on the Conservation Area. It is demonstrated that since that decision there has been a material change in circumstances and the character of the land has changed and as such the proposals will not give rise to harm to the Conservation Area but will indeed enhance it.

The principal aim throughout the preparation of the proposal has been to develop a scheme which is outstanding and achieves the highest standard of architecture, whilst at the same time ensuring it is sensitive to the area thereby enhancing its immediate setting.

It is considered that this architectural scheme will offer an outstanding proposal providing for a Passivhaus on this currently unused area of land which at the same time will allow for an ecological improvement scheme. Full details in respect of architectural design ethos are set out in the accompanying Architect's Design Statement. A full Ecological Appraisal and Enhancement Report are also submitted which demonstrates the benefit which will accrue. A

Statement of Significance is also submitted which concludes that the proposal will indeed give rise to benefit to the character and appearance of the Conservation Area.

The following supporting documents/information is submitted with the application:-

1. Full layout plans and details (as previously submitted) by Roy Harrison Architects;
2. Planning Support Statement by Townsend Planning Consultants;
3. Architect's Design Statement (as previously submitted) by Roy Harrison Architects;
4. Ecological Report – Middleton Bell Ecology Consultant;
5. Drainage/Flood Risk Assessment (as previously submitted) – Haigh Huddleston and Associates;
6. The Inspector's decision; and
7. Statement of Significance – Townsend Planning Consultants.

It is considered that this statement, together with the accompanying documents, clearly demonstrate to the Council that the proposal accords with planning policy as set out in the development plan (as relevant) and the NPPF and, when judged against this and all material considerations, it is clearly the case that planning permission should be granted. This statement demonstrates that notwithstanding the fact that the site is located wholly within the Green Belt, there exist the "very special circumstances" necessary to justify the grant of planning permission for the development of the site for this proposed scheme (a position which the previous Inspector concurred with). It will be demonstrated that the character of the site has changed since the previous appeal decision and, as a consequence, the development will not harm the character or appearance of the Conservation Area.

This statement proceeds to provide details of the site and the proposal and includes reference to the planning history of the site and negotiations with the Council. Relevant

planning policy, central government advice in the form of the NPPF and local planning policies are then discussed. The issues that the proposal raises, including impact on the Conservation Area, are also examined and the conclusion is finally reached that planning permission should be granted for the proposal which achieves the highest quality aesthetic design and is sensitive to its setting within the landscape.

It is considered that the proposal is wholly acceptable when judged against the development plan and all material considerations and that there has been a material change since the last appeal decision which now justifies the grant of planning permission. Nevertheless, the applicants remain willing to discuss all aspects of the proposal with the Council.

2.0 THE SITE, PROPOSAL AND BACKGROUND

2.1 The Site

The subject site extends to some 928 square metres or thereabouts and forms an open steeply sloping site historically used as garden land but at the time of the previous application and appeal was somewhat overgrown and untidy. The land has now been tidied and in terms of character and appearance, now fully reflects its function, i.e. domestic garden land. The land has a road frontage onto Whitegate Road with residential development on three sides. It will be noted that the site benefits from an existing vehicular access. There is a rundown and dilapidated detached garage situated on the site, together with a dilapidated shed.

The immediate area around the subject site forms essentially ribbon development and a characteristic of the area is properties in linear format fronting onto Whitegate Road, with further residential development below. Notwithstanding the site's Green Belt location, this is not an isolated site but one which abuts residential development on three sides with the principle characteristic of the area being residential development. The site is also domestic in character.

It will be noted that the site is located wholly within the Green Belt (notwithstanding that this is an area of well established residential development) and within a defined Conservation Area. In terms of character and appearance, it constitutes domestic garden in both form and function.

2.2 The Proposal

The proposal replicates the previous submission in all detail. The only change that has occurred is the change in the character of the subject site. The following comments, therefore, relate to how the original scheme evolved and developed.

Following the lengthy negotiation process with the Council, a scheme was evolved (the full architectural details of which are set out in the submitted statement from Roy Harrison, Architect.

In summary, the proposal put forward a scheme for a dwelling which incorporated a number of distinct design features:-

- (i) The building will essentially be an underground dwelling. Full details of the ongoing evolving concept adopted by the architect are set out in the Architect's Design Statement. It will be noted that there would be no residential paraphernalia in the 'open' parts of the site, which currently is domestic in character.
- (ii) As part of the design features, enhanced landscaping and ecology will be provided within the site as set out in the detailed ecological appraisal submitted with the application. Indeed, the land will be transformed from domestic garden to an ecological area with wildlife planting and will appear as a meadow/woodland. This will enhance the appearance of the site and in turn the Conservation Area.
- (iii) A parking area and access are provided within the scheme and it will be noted that there is already vehicular access into the site. The openness of the site will be improved by the demolition and removal of the existing dilapidated single garage and removal of existing boundary treatment.

- (iv) Sight lines will be improved by reconstructing the dilapidated dry stone wall to a lower height to facilitate improved visibility.
- (v) The new property will be constructed to Passivhaus standards.

The above elements of the scheme are retained in this submission.

3.0 PLANNING HISTORY

The previous planning application was refused by the Council on the 18th December 2014 under officers delegated powers for the following reason:-

“1. The application site is located within the designated Green Belt whereby, as set out in the National Planning Policy Framework (NPPF), the construction of new buildings, subject to certain exceptions, is regarded as inappropriate development. The proposed dwelling would constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt and which should not be approved except in very special circumstances. The evidence submitted with the application does not outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form and the paraphernalia and activities associated with the domestic use of the site. Consequently the very special circumstances that are required to grant planning permission do not exist, and the proposal would conflict with Chapter 9 of the NPPF.”

That application was refused and the matter pursued to appeal. The appeal was dismissed by the Inspector and it is noted that in the Inspector's decision at Para 2 it sets out that there were four main issues to consider, which in short included:-

- (i) Whether the development was inappropriate development;
- (ii) The impact on openness of the Green Belt;
- (iii) The character and appearance of the Honley Conservation Area; and
- (iv) Whether there were any very special circumstances.

At Para 3, the Inspector refers to the site as follows:-

“It comprises an area of garden to the side of Hillcrest somewhat overgrown and occupied by shed and garage which are both in a dilapidated condition. ...There are a number of trees across the site and whilst these are largely self set they contribute to its semi natural appearance and to the wooded character of the area.” (TPC underlining).

The Inspector then goes on to consider whether the development constitutes inappropriate development in green belt terms and reaches the conclusion is that it does.

Following this, the Inspector considers the issue of “openness” of the Green Belt and states that the scheme would maintain the openness of the Green Belt (Para 11).

The Inspector then goes on to consider the character and appearance of the Conservation Area and highlights at Para 14 that the Council’s tree officer had no objection to the scheme on the grounds that the trees on the site do not warrant protection. The Inspector then proceeds to state:

“The landscaping proposals and use of the site as a more formal area of garden in association with the new dwelling would change its existing semi-natural character and it would have a more manicured and developed appearance.” (TPC underlining).

The Inspector concludes that this “change” would harmfully impact on the character and appearance of the Conservation Area.

However, it will be noted at Para 15 that the Inspector acknowledges that ***“the site forms part of the existing garden to Hillcrest”*** and the fallback position is that the site could be used as cultivated garden with associated domestic paraphernalia.

Furthermore, at Para 17, the Inspector however goes on to state:-

“In my view the harm to the Conservation Area identified above is less than substantial.”

At Para 17 in respect of Para 55, it goes on to state:-

“I am satisfied that the scheme would reflect the highest standards in architecture and meet this aspect of Para 55 test.”

The Inspector then concludes the merits of the issue of design and states at Para 20:-

“I am therefore satisfied that the scheme would contribute to innovative design as required by Para 55 of the NPPF and would also comply with UDP policies BE1 and BE2 in this regard.”

The Inspector then goes on to consider the issues of sustainable development and identifies that the proposal would also constitute sustainable development in terms of economic and social dimensions. However, the harm to the Conservation Area the Inspector concludes would outweigh the benefits.

Quite clearly in the context of the above and notwithstanding the fact that the Council’s conservation officer did not object to the Council and neither did the Council’s tree officer, the

Inspector dismissed the appeal solely on the basis of the loss of the semi-natural character but at the same time fully recognised that this garden area could be domesticated.

Since the appeal decision the land has been fully domesticated and no longer has the “open and natural character” that the Inspector saw. It is considered that this proposal, therefore, should be reconsidered in the context of the character and appearance of the site as it exists today. The submitted landscaping and ecological reports will ensure the development provides a more natural character than the existing domestic character through further woodland planting and meadow grass planting. It is noted that the Inspector fully recognised that on the three dimensions of sustainable development set out in the Framework, the proposal was acceptable in terms of the economic and social dimensions. In terms of the environmental dimension, it is considered that this proposal which will turn domesticated garden into a more semi-natural state offers the opportunity to enhance the Conservation Area and as such the proposal is acceptable.

4.0 PLANNING POLICY

Section 38(6) of the Planning & Compulsory Purchase Act 2004 sets out that in considering planning applications, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

4.1 Central Government Policy Advice – The National Planning Policy Framework

It is considered that the following central government policy advice in the form of planning policy guidance notes is relevant to the consideration of this proposal:-

In the ministerial forward it states:-

“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan and every decision”.

Furthermore:-

“In order to fulfil its purpose in helping achieve sustainable development, planning responses will be about scrutiny. Planning must be a creative exercise finding ways to enhance and improve the places in which we live our lives.”

Para 6 of the advice goes on to state-

“The purpose of the planning system is to contribute to the achievement of sustainable development.”

At Para 7 it proceeds to outline the three dimensions of sustainable development being economic, social and environmental.

In terms of the economic role:-

“Ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation...”

In terms of the social role:-

“By providing the supply of housing required to meet the needs of present future generations; and by creating a high quality built environment...”

With regard to the environmental role:-

“... enhancing our natural built and historic environment and as part of this helping improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

It is considered that the subject proposal fully conforms to the above criteria. The development will enhance the natural environment, will not give rise to harm to the historic environment for the reasons set out and will be constructed as a Passivhaus dwelling.

The advice goes on to state at Para 8:-

“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”

Furthermore:-

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):-

- ***Moving from a net loss of bio-diversity to achieving net gains for nature;***
- ***Replacing poor design with better design;***
- ***Widening the choice of high quality homes.”***

At Para 10 it states:-

“Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.”

It is considered that the proposal also fully conforms to the above criteria.

At Para 14 the advice goes on to state:-

“That the heart of national planning policy framework is the presumption in favour of sustainable development which is seen as a golden thread running through both planning making and decision taking.”

For decision making this means:-

“Approving development proposals that accord with the Development Plan without delay”.

At Para 17 a number of core planning principles are set out which include:-

- “• proactively driving support to sustainable economic development to deliver homes, businesses and industrial units, infrastructure and thriving local places the country needs;***
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;***
- always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;***
- support the transition to a low carbon future in a changing climate and encourage the use of renewable resources;***
- contribute to conserving and enhancing the natural environment and reducing pollution.”***

Para 55 then goes on to state:-

“Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as...

- ***the exceptional quality or innovative nature of the design of the dwelling. Such a design should:***
 - ***be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;***
 - ***reflect the highest standards in architecture;***
 - ***significantly enhance its immediate setting; and***
 - ***be sensitive to the defining characteristics of the local area.”***

The subject proposal has evolved to ensure full compliance with the requirements of the above advice and it is considered that the proposal meets those standards in that:-

It is contended that the proposed development is of exceptional quality and innovative design (a view concurred with by the previous Inspector). It is outstanding and innovative and constitutes development to Passivhaus standards. The highest standards of architecture are reflected in the design and, through the proposed ecological standards, the proposal will significantly enhance its immediate siting. The proposed dwelling has also been designed to be sensitive to the defining characteristics of the local area and, as identified in Section 3.1 above, the Council's Conservation and Design Team raised no objections to the proposal. Since the determination of the previous appeal, the character of the site has significantly changed.

Para 56 goes on to deal with good design and states:-

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

It is considered that there is no doubt good design had been achieved in respect of this proposal.

At Para 57 it goes on to state:-

“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

Para 60 states:-

Planning policies and decisions should not attempt to impose architectural styles or particular tasks and they should not stifle innovation, originality or undermine through unsubstantiated requirements to conform to certain forms or styles.”

It is clear that the Council's decision to refuse the application has resulted in the stifling of innovation and originality.

At Para 61 it goes on to state:-

“Although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the

connections between people and places and the integration of new development into the natural built and historic environment.”

At Para 63 it goes on to state:-

“In determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”

At Para 88 with regard to the Green Belt it states:-

“When considering any application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and by any other harm is clearly outweighed by other considerations.”

It is considered that in this instance “very special circumstances” do exist as set out in this appeal statement, with particular reference to compliance with Para 55 of the NPPF, the achievement of the highest standards of architecture and innovative design and the enhanced ecology of the site.

Section 10 of the NPPF deals with climate change and stresses the fact that planning plays a key role in securing a reduction in green house gas emissions.

Para 95 advises that local authorities should support the move to a low carbon future...

Section 11 - Conserving and Enhancing the Natural Environment outlines the importance of enhancing bio-diversity and sets out that:-

Opportunities to incorporate bio-diversity in and around development opportunities should be encouraged.”

By reference to the response from the Council’s Ecology Officer to the previous application, it is clear that significant benefits would accrue in terms of the above as a result of the proposal.

With regard to decision taking at 186 it states:-

“Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision taking and plan making should be seamless, translating plans into high quality development on the grounds.”

In all the circumstances, it is contended that this proposal wholly complies with the NPPF.

4.2 Local Planning Policy – Kirklees MDC Unitary Development Plan

Adopted in 1999 this document forms the statutory Development Plan for the area.

The site is located wholly within the Green Belt on the Council’s UDP and the following policies are considered relevant:

(i) Policy D8

Policy D8 sets out:-

“WITHIN THE GREEN BELT EXCEPT IN VERY SPECIAL CIRCUMSTANCES TO BE DEMONSTRATED BY APPLICANTS, PLANNING PERMISSION WILL NOT BE GRANTED FOR INAPPROPRIATE DEVELOPMENT....”

It is considered that this proposal as put forward clearly demonstrates the existence of the necessary “very special circumstances” required to justify the development.

(ii) Policy BE1

Policy BE1 states:-

“ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:

- (I) CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;***
- (II) IS VISUALLY ATTRACTIVE;***
- (III) PROMOTES SAFETY INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;***
- (IV) PROMOTES A HEALTHY ENVIRONMENT INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION; AND***
- (V) IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF***

TRAVEL PARTICULARLY WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.”

It is considered that this proposal fully complies with this policy. It is of good design and will be fully energy efficient being constructed to Passivhaus standards.

(iii) Policy BE2

With regard to quality of design, BE2 states:-

“NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:-

- (I) IT IS IN-KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN, MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;***
- (II) THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;***
- (III) SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED; AND***
- (IV) EXISTING AND PROPOSED LANDSCAPE FEATURES INCLUDING TREES ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.”***

It is considered that there is no conflict with the above as the proposal conforms to the terms of the policy in the following areas:-

- (i) Design, scale and layout.
- (ii) The topography of the site is full utilised.

- (iii) Access to the site can be achieved to a standard acceptable to the Council's Highways Officer.
- (iv) Landscaping and ecology form an integral and key part of the proposal.

(iv) Policy BE5

This policy relates to Conservation Areas and states:-

***“Proposals for new development within Conservation Areas including extensions or changes of use to existing buildings should respect the architectural qualities of surrounding buildings and their materials of construction, and contribute to the preservation or enhancement of the character or appearance of the area.*”**

It is clear that in the context of the character of the site as it exists today, the proposal does not give rise to harm to the Conservation Area, a view which is common ground between the appellant and the Council.

(v) Policy BD6

***“Development on infill sites will not normally be permitted when it would adversely affect the character or appearance of a Conservation Area.*”**

There is no conflict with this policy.

5.0 THE ISSUES

It is not the intention in this statement to run through all of the planning issues that this site and proposal gives rise to. The starting point for the consideration of all of these relevant matters is the Inspector's previous appeal decision. The Inspector found no conflict with any green belt policies and concluded that the proposal achieved the highest standards of architecture. However, the Inspector dismissed the proposal on the basis that the scheme would change the semi-natural character of the site which would be detrimental to the character and appearance of the Conservation Area. It is noted that in the Inspector's decision it is acknowledged that the site which formed garden land could in any event be domesticated.

Since the decision, the land has indeed been domesticated and the character and appearance of the site has indeed changed since the Inspector's decision. It will be noted that the ecological enhancement scheme submitted with application will indeed return the site to a more semi-natural character with further tree, plant and meadow planting.

It is considered that there has been a material change in circumstances in terms of the existing character of the site to now warrant the grant of planning permission.

6.0 CONCLUSION

It is acknowledged that this scheme is an exact replication of a previously refused scheme which was subsequently dismissed on appeal. The Council refused the application on a number of issues and the matter was pursued to appeal. It will be noted that the only issue of harm that the Inspector raised, which resulted in the dismissal of the appeal, was the issue of the impact on the character of the Conservation Area. At the time, this side garden to the host dwelling was somewhat overgrown and unkempt. The Inspector concluded that the domestication of the land would harm the character and appearance of the Conservation Area (notwithstanding that there were no objections from the Council's conservation officer). At the same time as concluding this, the Inspector recognised that the land could be domesticated and identified that it did indeed constitute garden land. Since the decision the land has been domesticated and is no longer semi-natural. It clearly constitutes domestic garden land.

It is considered, therefore, that there is a significant change in circumstances and the development will not give rise to issues of harm. Indeed, it is considered that the proposed ecological and landscape enhancement that will accrue from the development will be to the benefit of the character and appearance of the Conservation Area.

It is, therefore, considered that there has been a material change in circumstances and as such the Council should grant planning permission. Nevertheless, the applicants remain willing to discuss all aspects of the proposal with the Council.