



## Appeal Decision

Site visit made on 14 December 2021

**by A Edgington BSc (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 December 2021**

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**Appeal Ref: APP/Z4718/D/21/3280768**

**3 Two Gates, Holme Lane, Slaithwaite, Huddersfield, HD7 5UG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr K Ryall against the decision of Kirklees Metropolitan Council.
  - The application Ref 2021/62/91972/W, dated 11 May 2021, was refused by notice dated 6 July 2021.
  - The development proposed is erection of sunroom.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. The appellant has submitted an application for a full award of costs. This is the subject of a separate decision.

### Preliminary Matter

3. Although the Council has not raised a concern in relation to the effect of the development on the setting of the listed building, I have a statutory duty to include this in my reasoning. The appellant was invited to provide comments in this regard during the appeal.

### Main Issues

4. The main issues are:
  - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - Whether the development would preserve the Grade II listed Nos 3-4 (Two Gates) Holme Lane, Slaithwaite, or any features of special architectural and/or historic character that it possesses, including setting; and,
  - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Green Belt*

5. The Framework states that inappropriate development is by definition harmful to the Green Belt. Paragraph 149 sets out exceptions for new buildings. These

- include replacement buildings, provided the new building is in the same use and not materially larger than the one it replaces.
6. The application concerns a single storey sunroom, to be located partly on the site of an existing timber shed/sunroom. The Council has concluded that the existing shed/sunroom would have needed planning permission as it is sited within the plot of a listed building. As such the presence of the existing shed/sunroom carries very little weight. I see no reason to disagree with the Council on this point.
  7. Even if I had concluded that the existing shed/sunroom did carry weight, the measurements I took at my visit led me to conclude that what is proposed would have a footprint around 200 per cent larger than the existing structure. What is proposed would be materially larger than the existing shed/sunroom and would not fall within the category of a replacement building as set out in Paragraph 149 of the Framework.
  8. The proposed sunroom would therefore be contrary to the purposes of the Green Belt as set out in Paragraph 138 of the Framework, which includes safeguarding the countryside from encroachment. Paragraph 147 of the Framework states that inappropriate development is by definition harmful, and Paragraph 148 states that substantial weight should be given to any harm to the Green Belt.
  9. The proposals would be inappropriate development in the Green Belt, contrary to Paragraph 147 of the Framework, and Policy LP57 of the Local Plan which is broadly supportive of the Framework in this regard.

#### *Listed Building*

10. Number 3-4 Holme Lane (Two Gates) is a pair of semi-detached two storey stone dwellings with a pitched stone slate roof, and stone mullioned windows on its front and rear elevations. At the rear Two Gates has single storey pitched roof extensions as well as a substantial pitched roof former barn attachment at the rear. It is located close to the road and on the edge of a small cluster of stone dwellings and outbuildings which appear to date from a similar period and which directly abut open countryside to the rear.
11. There is very little evidence before me with regard to the significance of Two Gates but I conclude that significance is derived from its intact historic fabric, what appears to be typical vernacular detailing and its spatial relationship with the period buildings nearby, the lane and the open countryside. This is reflective of the socio-economic evolution of this rural area during the 19<sup>th</sup> century.
12. The sunroom would be located adjacent to a mono-pitched random rubble stone outbuilding which appears to be in the adjoining plot. The sunroom's overall footprint would appear disproportionately large in comparison with the outbuilding and the proposed flat zinc roof would appear incongruous with the pitched roofs associated with the nearby period buildings. It would also appear to be considerably larger than the platform currently occupied by the shed/sunroom and would encroach into the open garden area to No 3-4's rear. I conclude that as a consequence of its overall scale and contemporary boxy design, it would detract from the setting of Two Gates.

13. The proposals would fail to preserve Two Gates or its setting and would lead to less than substantial harm. This would be contrary to Section 66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990.
14. Where a development will lead to less than substantial harm, Paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal. However, all benefits arising from the development would be private and there is nothing to suggest that Nos 3-4 would not continue to be in residential use if the sunroom was not built.

*Other considerations*

15. No other considerations have been advanced in support of the proposals. As such I conclude that there are no special circumstances to outweigh the harm arising from inappropriateness in the Green Belt and harm to the setting of the listed building.

**Conclusion**

16. In the light of the above, I conclude that the appeal should be dismissed.

*A Edgington*

INSPECTOR