

**Consultation Response from KC,
Policy****2023/90988 rear of, 3, East Fold, Skelmanthorpe, Huddersfield, HD8 9EZ****Erection of detached dwelling****Date Responded:****Responding Officer: Amanda Potter****Responding Ref:**

The Kirklees Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered and other policies that are not mentioned here may also apply.

The following response relates to specific policies which are of particular relevance to the proposal, which in this case is national and local Green Belt policy.

This application proposes the erection of a detached dwelling in the rear garden of 3 East Fold Skelmanthorpe including the extension of the existing drive to create access and turning area to the front of the proposed dwelling and a new fence to create a separate curtilage. The two-bedroom dwelling is of single storey construction with an L shaped footprint.

NPPF paragraph 149 states that a local authority should regard the construction of new buildings as inappropriate in the green belt, except for a small number of specified exceptions, none of which apply to this proposal. This application is therefore contrary to green belt policy and represents inappropriate development. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. When considering any application, local planning authorities should ensure that substantial weight is given to any harm and that very special circumstances will not exist unless the reason by inappropriateness, and any other harm, is clearly outweighed by other considerations. The erection of a building where none currently exists will harm the openness of the green belt in this location. The intensification of use from the creation of a separate dwelling including fragmentation to create a separate curtilage will also harm the openness of the green belt in this location. Harm is therefore caused through reason of inappropriateness and through impact on openness, both of which carry substantial weight.

In support of the application the applicant has stated that a certificate of lawfulness has been granted (2022/94055) for the proposed erection of an outbuilding to house pool enclosure and garage which included a proposed driveway to the garage. The footprint and height are generally the same but with some differences to window and door openings. The applicant contends that the permitted development right to construct the building as shown on 2022/94055 represents a fallback position that would not have any material difference in terms of impact than the current proposal and as such very special circumstances exist that would outweigh the harm caused to the green belt.

National green belt policy in the NPPF is clear that the construction of new buildings is inappropriate with only a limited number of specified exceptions, none of which apply to this proposal. The fact that permitted development rights exist is not a very special circumstance sufficient to overcome the substantial degree of harm that would be caused to the green belt by reason of inappropriateness and impact on openness. On that basis this application is not supported.