



Appeal Decision

Site visit made on 6 August 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/Z4718/W/24/3341557

Land adjacent No 2 Holmclose, Holmbridge, Holmfirth HD9 2NJ

- 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 J Pullan against the decision of Kirklees Council.
 - The application ref is 2023/62/93385/W.
 - The development proposed is described as the erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would preserve the setting of The Old School, a grade II listed building.

Reasons for the Recommendation

4. The appeal site relates to a parcel of land located to the side of 2 Holmclose (No 2). The site is positioned opposite The Old School, a grade II listed building, and is situated at the junction of Holmclose with Field End Lane.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving the setting of the listed building. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 196, it sets out matters which should be taken into account, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

Heritage assets - special interest and significance

6. The Old School¹ dates from the 19th century. The stone-built building has a stone slate roof with roll top copings on large carved kneelers. There is one ashlar stack and a small ashlar bell cote. It has seven front bays. The central bay is gabled with a colonette in the apex. There is also a heavily moulded

¹ Also referred to as the former Church of England Primary School

central Tudor arched doorway with a hood mould, above which is an inscribed plaque.

7. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its prominent presence on Field End Lane, its age and its surviving historic fabric.
8. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. I have had regard to the definition of setting within the Framework. This sets out that the setting of a heritage asset is formed of the surroundings in which it is experienced.
9. The open but clearly defined garden of the listed building has an historic, visual, and functional connection with the heritage asset. It is from these grounds that the asset is best appreciated. This forms the asset's immediate setting. This immediate setting contributes considerably to the asset's special interest and significance.
10. Beyond this, the surrounding area is made up of predominantly residential development. This is indicative of the evolution of the surrounding settlement over time. Views and glimpsed views of the heritage asset can be obtained from, and through, the open and verdant garden land of the appeal site, from Holmclose and from within Field End Lane. This surrounding area, which includes the appeal site, forms the asset's wider setting.
11. The surrounding suburban development has altered how the asset is experienced to a degree. Whilst the asset might once have formed a very prominent and imposing building within a largely rural setting, the later residential development has, to a degree, altered how the asset is experienced. Nevertheless, No 2 is particularly set back from its front and side boundaries. It is this that allows views of the listed building from Holmclose. Moreover, the appeal site retains an open and verdant character. This surrounding area allows an ability to appreciate the heritage asset within its wider context and makes a positive contribution of the assets special interest and significance.

Heritage assets - appeal proposal and effects

12. The introduction of a dwelling to the side of No 2 would, by reason of its siting and scale, significantly reduce the openness of the appeal site, having an urbanising effect which would diminish the positive contribution the site makes to the setting of the listed building, particularly in terms of open views to it across the site, from Holmclose. The development would also alter how The Old School is perceived in terms of prominence when viewed from the south-eastern side of Field End Lane, as it would add a structure of substantial scale directly opposite the listed building. Therefore, the proposal would cause harm to the setting of The Old School.
13. Overall, I conclude that the proposed development would fail to preserve the setting of the grade II listed building, The Old School. Consequently, the development would harm the significance of this designated heritage asset. In doing so, it would be contrary to the requirements of section 66(1) of the Act.

Heritage assets - public benefits and balance

14. In terms of the approach set out in the Framework, the harm to the significance of the heritage asset would be 'less than substantial' by reason of the extent of the development relative to the listed building and its setting. The harm is, nevertheless, of considerable importance and weight. In such cases, harm should be weighted against the public benefits of the proposal in accordance with paragraph 208 of the Framework.
15. The development would contribute to the supply of housing within the area. There would also be some economic benefits, including employment during construction. However, given the small scale of the proposal, these public benefits would be limited.
16. The appellant has drawn my attention to alterations made to the listed building previously. Regardless of any effect these changes may have had on the significance of the listed building, which is not a matter before me, previous works do not justify identified harm to the setting of the listed building. The proposed materials, design details, and landscaping are acknowledged, as is the sustainable location of the development, which would utilise a small site. However, these matters do not provide clear and convincing justification for the identified harm to the setting of the listed building.
17. I do not consider the siting of the proposal to be directly comparable to the siting of the established dwellings at Nos 2, 3 and 4 Field End Lane. This is due to the particularities of the appeal site, which offers views of The Old School from Holmclose. In addition, these neighbouring properties, when viewed in the context of Field End Lane, are located beyond the junction with Holmclose, thus they do not compete with The Old School in terms of its prominence when approaching from the south-east.
18. The appellant outlined within the Heritage Impact Assessment/Design and Access Statement/Planning Supporting Statement document, dated October 2023, that, through permitted development rights, the existing property (No 2) could be extended in matching materials, potentially closer towards the listed building. This is their fallback position. Nonetheless, I am unconvinced, based on the limited evidence before me, that such a development could have a more significant impact on the setting of the listed building than the appeal scheme. Thus, I give this matter limited weight.
19. Overall, the weight that I ascribe to the public benefits that would accrue from the proposed development is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
20. Accordingly, the proposal would fail to preserve the setting of the grade II listed building, The Old School. As such, it would not meet the statutory requirements of section 66(1) of the Act. I also find the proposal to be contrary to Policies LP2, LP24(a) and LP35 of the Kirklees Local Plan Strategy and Policies (2019), Policy 2 of the Holme Valley Neighbourhood Development Plan (2021) and the guidance outlined within the Housebuilders Design Guide Supplementary Planning Document (2021), along with the aims of the Framework. Collectively, these state that, amongst other matters, developments should protect and enhance the existing built environment.

Other Matters

21. The Council refers to the effect of the proposal on the street scene in its decision notice. However, this has not been set out as a separate reason for refusal or clearly substantiated. Accordingly, I have referred to the effect on the street scene only insofar as it relates to heritage matters, above. Even were I to find the effect on the street scene, individually, acceptable, this would not change my conclusion on the main issue.
22. I also note the appellant's argument that the proposal would meet some other policy objectives, including in respect of living conditions and highway safety. However, those matters are not in dispute between the Council and appellant, and I have no reason to conclude otherwise. This does not change my conclusion on the main issue.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend for the appeal to be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

A Price

INSPECTOR