



Appeal Decision

Site visit made on 27 May 2025

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/Z4718/W/24/3358489

Land adjacent to and part of Parsonage House, Edge Road, Thornhill Edge, Dewsbury, West Yorkshire WF12 0QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steven Brougham against the decision of Kirklees Council.
 - The application reference is 2024/62/90279/E.
 - The development proposed is a detached contemporary design house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the area; and whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The existing dwelling is the last property, in a row of houses, within the settlement, to the south of Edge Road. Although the house has a road frontage, due to the sloping nature of the land, it has a lower level with a side door and a conservatory. The conservatory opens into the side garden immediately to the east of the house which is laid to lawn. The large garage building adjoins the lawn and has a path that runs to the side of it, to provide access to the surfaced area in front of the garage. A steep driveway links this area to the road. The vehicular entrance is bounded by a high roadside wall. There is a further area of garden which is at a slightly higher level than the lawn, between the garage and the road. There is a separate pedestrian access within the roadside wall which steps down from the road towards the lower level, providing access to a side door and the access into the conservatory.

Green Belt

4. The Kirklees Local Plan 2019 (LP) refers to the Green Belt policies set out in the National Planning Policy Framework but includes additional clarification within specific policies. The boundary of the Green Belt passes through the garden of the

property, close to the dwelling. As a result, the existing house lies outside the Green Belt but the majority of the garden, the garage and its access, lie within it. As the proposed dwelling would replace the garage, it would lie entirely within the Green Belt. Similarly, the works required to create a new driveway and parking area for the existing house would also be fully within the Green Belt. The National Planning Policy Framework 2024 advises that development in the Green Belt is inappropriate unless it falls within one of its exceptions.

5. Exception d) allows for a replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This is also a requirement of LP policy LP57 which requires that it does not result in a greater impact on openness in terms of the treatment of outdoor areas, including hard standings, curtilages and enclosures and means of access.
6. Exception e) accepts limited infilling in villages. The LP advises that a village plot should be small, normally sufficient for not more than two dwellings and within an otherwise continuously built-up frontage.
7. Exception g) allows limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. LP policy LP59 adds that in the case of infilling, the gap should be small and located between existing built form on a brownfield site; and in the case of partial or complete redevelopment, the extent of the existing footprint is not exceeded.
8. The proposed dwelling would be substantially larger than the existing garage with regard to footprint and overall size. It would also require considerable amounts of ancillary development, including works within much of the garden area, to create the new parking and access requirements. It would therefore be materially larger than the current building and it would cause substantial harm to the openness of the Green Belt. Although it would be viewed as being part of the settlement and an extension of the row of roadside properties along Edge Road, it would sit beyond Parsonage House and a significant distance from the next property to the east, which is distinct from the built-up area of the settlement. It would not therefore represent an infill plot.
9. The council describe the plot as being part of the domestic curtilage of Parsonage House. Their report however suggests that the site may fall within the definition of previously developed land. The definition within the Framework specifically excludes land in built-up areas such as residential gardens. Parsonage House is undoubtedly part of the built-up area of the settlement. The land closely associated with the dwelling includes its lawn, the slightly raised garden area adjacent to the road side wall, the garage with its attached greenhouse and the residential driveway. There are no boundaries other than those that mark the perimeter of the plot and the roadside wall clearly appears as part of the built-up area of the settlement. The land associated with the house therefore appears, at present, to represent a single planning unit and there is nothing before me to suggest that the garden and garage should be considered to be outside the built-up area of the settlement; or that there is any distinction between the appeal site and the remainder of the garden to suggest that it should be considered separately from the house.

10. Whilst the Green Belt boundary passes through the site, this does not indicate that the site is beyond the built-up area as built-up areas are not always excluded from Green Belt. Whilst the Green Belt extent indicates that relevant policies should be applied, it does not determine matters such as the extent of built-up areas or the extent of a building's curtilage. This site forms part of the curtilage of the dwelling and is part of the built-up area of the settlement. Whilst it provides a relatively open area that forms an attractive transition from the countryside into the settlement, the roadside wall clearly indicates that the countryside has ended and residential development has commenced. Given these circumstances, this is not previously developed land and exception g) and LP policy LP59 are not relevant.
11. Given the above and as the proposal would not help to check unrestricted sprawl or preserve the setting and special character of the Thornhill area, despite the local housing supply position and its location within the settlement, the site would not fall to be considered as grey belt. As it would not meet any of the exceptions within paragraphs 154 or 155 of the Framework, the proposal would represent inappropriate development in the Green Belt. It would not gain support from the LP Green Belt policies.

Character and appearance

12. The plans do not provide sufficient detail to fully assess the impact of the proposal. No levels are provided to demonstrate the lower floor level of the proposed building or, as a result, its overall relative height. The levels of the two separate parking areas and the new and revised driveways, are not shown. The extent of the changes to the roadside wall are also unclear with regard to providing visibility, particularly from the proposed new access. There is no landscape plan to demonstrate what vegetation would be lost and what would replace it. Whilst some of these matters could be addressed by conditions, levels for the new house and the scale of the works necessary for the parking areas, particularly because of the significant changes in levels, would be necessary as part of a detailed proposal. In this regard, a positive decision could not be reached on the basis of the current details.
13. It would appear that most of the vegetation within the garden, that currently provides an attractive transition from the countryside into the settlement, would be lost. Given the scale of the house, it is likely that it would be publically apparent. Given its use of the full width of the site, it is likely that it would appear cramped and overdeveloped, particularly when considering its edge of settlement/countryside location. The proposed changes to the built form, including the supporting vehicular requirements, would be likely to detract from the current appearance of the site; and from the character and appearance of the area. The loss and limited potential for landscaping, adds to this concern. It would conflict with the design aspirations of LP policy LP24 and the Framework. I have further reservations with regard to LP policies LP32 and LP33 in relation to the landscape setting of the settlement and the loss of trees. In this respect, the proposal would also conflict with Principle 2 of the council's Housebuilders Design Guide Supplementary Planning Document 2021. As the document accords with the design aspirations of the development plan and the Framework, I afford it considerable weight.

Other considerations

14. The proposed dwelling would be intimately related to the remainder of the settlement which offers a full range of services. In this respect and as it would increase the efficiency of the use of the site, it gains support from the LP objective of achieving a sustainable pattern of development, including LP policies LP3, LP7 and LP20. As the council cannot demonstrate a sufficient supply of housing sites, the weight that can be afforded to achieving an additional dwelling, in the existing settlement, with its associated social and economic benefits, is substantial. The self-build nature of the property, its re-use of materials on the site, the proposed use of renewables and its energy efficient design, add to the benefits and gain support from LP policy LP26.
15. The appellant suggests that the house opposite, which is nearing completion, represents an overpowering three storey dwelling on the edge of the settlement. It is also suggested that the proposal will complement this development and retain a positive definition to the Green Belt boundary. The new house does represent a strident new feature but it retains a large open garden area to its east where it adjoins the countryside. The garden is within the Green Belt whilst the dwelling is not. I am not persuaded that the development opposite offers support for this proposal and must, in any event, consider the current proposal on its own merits.
16. Information has not been provided with regard to the provision of a safe new access, as required by LP policy LP21. The details are also insufficient to assess the overall impact on the future residents of the existing house with regard to the new parking and access retaining structures. I also consider that the side elevation of the proposal, so close to the retained garden, would be overbearing. There is also insufficient information to assess the impact on biodiversity and whilst this is not a requirement of the legislation, it is a requirement of LP policy LP30 which requires that development proposals result in no significant loss or harm to biodiversity and provide net biodiversity gains through good design. Given the scale of the likely loss of vegetation and the apparent lack of potential for replacement, the proposal would conflict with the policy objectives.
17. Reference has been made to the need for a Coal Mining Risk Assessment. Very little information has been provided with regard to this matter but given my findings, it is not an issue on which my decision would turn.

Conclusions

18. The proposal would not meet the exceptions for development in the Green Belt and would represent inappropriate development. It would also result in a significant reduction in the openness of the Green Belt. The detail is lacking but the proposal would be likely to result in harm to the character and appearance of the area and the approach to the settlement. I also have significant reservations regarding the provision of the new access and parking area, the scale of such works and the impact on the living conditions of the residents of the existing house. The loss of vegetation and the lack of open areas to replace it, adds to my concerns given that this site provides a visual transition from the settlement into the countryside.
19. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

20. I afford substantial weight to the provision of a self-build dwelling within this settlement, given the council's lack of a 5-year supply of housing sites. The sustainability measures incorporated into the design provide further weight in its favour. However, having had regard to all of the considerations put forward in support of the proposal, they are not sufficient to clearly outweigh the harm from inappropriateness and the reduction in openness. The likely harm to the character and appearance of the area adds to this balance, as do the other concerns identified. As the harm is not clearly outweighed, very special circumstances do not exist to justify the development. The proposal would therefore conflict with the Framework and the development plan. The proposal must therefore be dismissed.

Peter Eggleton

INSPECTOR