

**Consultation Response from KC,
Policy****2024/90416 Former Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth, HD3 3FR****Erection of one dwelling****Date Responded:****Responding Officer:** Katie Wilson**Responding Ref:**

The Kirklees Local Plan was adopted on 27th 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 Local Plan policies and sections of the National Planning Policy Framework (NPPF) which are of particular relevance to the proposal.

The proposal is a full application for erection of one dwelling in former Hall Ing Quarry, off Hall Ing Road, Brockholes. The site and surrounding area is designated Green Belt on the Kirklees Local Plan where Green Belt policy applies.

Is the proposal inappropriate development in the Green Belt?

The National Planning Policy Framework (NPPF) paragraph 154 states that a Local Authority should regard the construction of new buildings in the Green Belt as inappropriate except for a small number of limited exceptions (for example agriculture and forestry). None of the exceptions listed in paragraph 154 or 155 of the NPPF are considered to apply in this instance.

The proposal therefore constitutes inappropriate development in the Green Belt and this is not disputed in the accompanying planning statement. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

What is the effect on openness and any other harm?

The application site is a roughly rectangular plot approximately 60m x 93m on south west facing hillside to the north east of Brockholes. It is adjacent to the southern side of Hall Ing Road, a single width country road roughly between Honley and Thurstonland.

There are large fields and woodland belts rising up to the north, mature woodland to the southern and western boundaries descending down the hillside and open fields to the east.

The site is a relatively small disused and overgrown sandstone quarry cut into enclosed grassy land that slopes from east (highest point) to west across the site at a gradient of approximately 1 in 12. The rock face is roughly 'J' shaped and positioned towards the eastern end of the site with exposed rock facing in a westward direction. The maximum height of the rock face is around 7.0m, with mounds covered in overgrown vegetation at the base and grassy banks to the northern and southern sides.

The proposed single storey, 4-bed house would be erected in front of the existing rock face and covered in new soft landscaping above and to the rear and sides. It would be graded to blend back into the existing landform. A 20.0m wide and largely glazed single storey front elevation would be visible below the new landscaping, and approximately seven roof lights would protrude slightly above the new earth covered roof, together with three rows of 15 solar panels on galvanised frame positioned near the eastern boundary.

There would also be a new vehicular entrance from Hall Ing Road constructed of natural stone walling with timber gateway, along with a new driveway of grasscrete edged in stone setts. This would lead to a stone turning circle with central fountain and continue to integral quadruple garage off to the north and integral workshop on southern wing of the house. There would be a 5.0m long straight footpath from circular drop off point to the central front door and significant areas of stone paving to either side outside the front elevation of the house.

It is considered that the proposed development would result in built volume above ground level which would reduce the openness of the site. However, the effect on openness would be limited by its low profile relative to the surrounding rockface at the back and tapering sides, together with proposed earth sheltering measures from landscaping above and sides graded back into the existing landform. Furthermore, relatively recent planning approvals for landfill and landscape reinstatement of the former quarry may set a precedence for filling this area, although these permissions appear to have now lapsed.

Notwithstanding the above, the creation of a residential use would undoubtedly change the character of the site. It is considered that the proposed new gateway, drive, turning circle, expanse of stone paving and other domestic paraphernalia and activities associated with a dwelling together with light wells and solar arrays would be at odds with and harmful to the existing rural appearance and character of the area. In accordance with the NPPF, this harm to the green belt should be afforded substantial weight.

Very Special Circumstances

Whilst the proposal would only have a limited impact on the openness of the Green Belt, that in itself is insufficient justification for granting planning permission. It is a requirement of national planning policy that very special circumstances must be demonstrated before inappropriate development can be approved.

The accompanying planning statement puts forward the following two reasons to demonstrate very special circumstances:

1. The erection of a single dwelling as opposed to 12 months of landfill operations is a significant benefit to the local community.

The statement says that *'planning permission has, as recently as 2017, been granted for landfilling the site and this is a material planning consideration'*. It goes on to assert that *'if the landfill was to be carried out there is no doubt that it would cause significant disruption to the local community and local highway network by virtue of the landfill operations. This would*

include up to 16 HGV movements per day as well as noise and disturbance from the landfill site itself.'

There appear to have been three planning approvals to landfill the former quarry, restore the landscape to agriculture, and provide several vehicle passing places on Hall Ing Road. The most recent approval was in April 2017 for planning approval 2016/93268. It was a conditional approval including several pre-commencement conditions and three-year timescale for commencing development which expired in April 2020. It appears that none of the pre-commencement conditions have been carried out and there has been no related discharge of conditions applications. As such it appears that the permission expired in April 2020 and so 12 months of landfill operations cannot take place, so there would be no significant benefit for the current proposal relative to 2016/93268 or landfill operations.

2. The design of the new dwelling is outstanding on the new dwelling it can be considered as an exception dwelling under NPPF paragraph 84 part e).

This part of the NPPF is set out in Chapter 5 - Delivering a sufficient supply of homes; subsection Rural housing and is as follows:

84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

This is not reflected in the local plan policies, although where there is inconsistency between the development plan and the NPPF, it is the NPPF which attracts more weight.

Would the proposed house be an isolated home in the countryside?

Recent caselaw on what is meant by isolated is set out in the Braintree decision (Braintree District Council v Secretary of State for Communities and Local Government & Ors) in which the Lord Justice found that the then paragraph 55's meaning, when it referred to isolated, was *'explicitly and simply a geographical one'* that *'simply differentiates between the development of housing within a settlement – or 'village' – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement'*. He continued: *'Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision -maker in the particular circumstances of the case in hand'*.

Similarly, whether a group of dwellings constitutes a settlement, or a village will again be a matter of fact and planning judgement for the decision maker.

In this instance the site is located at least 550m from the nearest settlement boundary of Brockholes / Honley, and being outside a settlement, it is deemed to be in the countryside. The nearest neighbouring dwellinghouse is also approximately 150m to the north, and so as a

matter of fact and degree in officers' opinion it is considered that the proposed development could be regarded as an isolated home in the countryside.

Is the design of exceptional quality, such that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area?

The supporting document asserts that the design ethos for this new dwelling has been to provide a low impact, earth sheltered dwelling. It establishes a 21st century vernacular by addressing the current issues of sustainability, solar gain, passive heating, environmental impact, sourcing of materials and energy, and new forms generated by the possibilities of developing building technology.

It goes on to say that there would be a single point of access and given it would be a single storey structure with only the front elevation visible and the rest covered with earth, it would respect the existing topography and would allow significant greening of the land together with insulation for the building. The planting would match the existing species to ensure the site looks as natural and unchanged as possible, and heating the building will be via heat pumps. The frontage will be largely glazed with local stone features. It would be a modern building for the 21st Century that takes advantage of an existing man-made landscape. It does not mimic the local vernacular except in the use of local natural stone. It makes use of modern technology to provide energy.

Although the proposed development would have a low-profile front elevation and would be surrounded by earth sheltering landscaping that could work well with the surrounding topography, and bring about some environmental and ecological benefits, it is considered that this low impact, earth sheltered design ethos is not uncommon in many bespoke designed dwellings. In addition, there is no indication of how or from where the material for the extensive earth sheltering landscaping would be sourced and so this along with its remoteness from public transport (approximately 750m and 800m down narrow 13% gradient road with no pavements to nearest train station and regular bus service respectively in Brockholes), may not promote high standards of sustainability.

Also, the design response does not appear to be particularly unique or groundbreaking to be of interest more widely. There is no demonstration to suggest the highest standards of architecture would be attained, for example that the design team have any particular track record or recognition for design excellence for buildings of this type. Furthermore, there is no evidence that as the scheme has evolved, it has been influenced or been recognised through any peer review or critical appraisal of its design (via a Design Review Panel) that might help to demonstrate its quality. As such it is considered that the proposal does not meet the particularly high bar of being of exceptional quality or of being truly outstanding.

In terms of significantly enhancing the immediate setting and being sensitive to defining characteristics of the local area, it is considered that the earth sheltering landscaping around the proposed house could be considered sympathetic to the patchwork of fields and woodlands on this hillside. However, the associated domestic use and paraphernalia together

with new entrance, driveway, turning feature, extensive patio, raised roof lights and mounted solar panels would not.

To conclude the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.

Just to note that a nationwide search of planning decisions (using Compasssearch.co.uk) for development involving NPPF paragraph 84 part e) showed that since 1st January 2021 there have been 53 appeals, of which 41 were dismissed, 11 were allowed and 1 partly allowed, partly dismissed.