



Appeal Decision

Site visit made on 7 November 2025

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/Z4718/W/24/3354853

Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth, HD3 3FR

- 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 S Morris against the decision of Kirklees Council.
 - The application Ref is 2024/62/90416/W .
 - The development proposed is the erection of single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised after the appeal was made. Both parties were given the opportunity to comment on the implications for the appeal, which I have taken into account in my decision.

Main Issues

3. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt;
 - ii. The effect of the proposal on the openness of the Green Belt;
 - iii. The effect of the proposal on protected species;
 - iv. Whether, with particular regard to contamination, the site is suitable for housing;
 - v. The effect of the proposal on trees and ancient woodland;
 - vi. Whether the design of the proposed development is of exceptional quality, and meets the location circumstances necessary for approval; and,
 - vii. Whether any 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 proposal.
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Reasons

Whether the proposal would be inappropriate development

4. The site lies in the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts, it says, are their openness and their permanence. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In paragraph 154, it says that the construction of new buildings in the Green Belt should be regarded as inappropriate, save for a number of specific exceptions, none of which have been claimed to apply to the proposal.
5. More relevant is paragraph 155 of the Framework which provides that the development of homes in the Green Belt should also not be regarded as inappropriate where it would meet all of the four criteria in the paragraph.
6. Paragraph 155 (a): Given its isolation from settlements the site cannot be said to strongly contribute to purposes (a), (b), and (d) of the five purposes of the Green Belt set out in paragraph 143. In which case the site meets the definition of grey belt land given in the Framework. I have no evidence from the Council about the remaining Green Belt across the area of the plan, and no reason to conclude that the proposal would fundamentally undermine its purposes (taken together). Therefore, paragraph 155(a) is satisfied.
7. Paragraph 155 (b): The Council has less than 4 years supply of deliverable housing sites. Its delivery of housing has fallen substantially below its housing requirement over the last 3 years. In these circumstances, paragraph 155(b), which requires that there be a demonstrable unmet need for the type of development proposed, is satisfied.
8. Paragraph 155 (c): This requires the development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Paragraph 110 encourages the management of patterns of growth to support the objectives of promoting sustainable transport. Paragraph 115 requires that in assessing sites, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location.
9. The site is around 550m from the nearest settlement. It lies around 1.5km from the village of Thurstonland, and 2km from the centre of Honley. It is around 500m from Brockholes railway station and there are a few shops and services on New Mill Road, some distance beyond the station. Though there is no substantive evidence

- of which shops and services are on the road, the convenience store, sandwich shop, kebab shop, primary school, nursery school, and village hall that I saw suggest that at least some local services and facilities are available there.
10. The opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which is particularly relevant here. However, these shops and services are more than half a kilometre from the site. And, the lanes leading to them are for the most part very narrow, unlit, and without the benefit of a footway. Although the distance may not be excessive for the young or fit, the length and condition of the route to reach these facilities would deter those less able to walk or cycle, and those accompanying young children, particularly in darkness or in inclement weather. Thurstonland and Honley both lie a considerable distance further and there is no indication of the services or facilities there.
11. In these circumstances, future occupiers would depend largely on the private car to reach the services and facilities they need to meet their daily needs. The proposed development would not be in a sustainable location. It would not therefore satisfy criterion (c) of paragraph 155.
12. Paragraph 155 (d): This applies only to major development so is not relevant in this case.
13. As the development would not meet all of the relevant criteria in paragraph 155, it cannot be regarded as not inappropriate. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt, and that substantial weight is given to any harm to the Green Belt.

The effect of the proposal on the openness of the Green Belt

14. The proposal would erect a building where there is presently none. This would reduce the openness of the Green Belt, in spatial terms, by the volume of the building. However, the building appears to be sited within the excavated volume of the quarry, where the change in level between natural, or spoiled ground, and the quarry floor is substantial. Taking into account the height of the retaining quarry faces, and the siting of the building, the spatial impact on openness of the development would be limited to the point of being neutral.
15. Notwithstanding this, the proposal includes an access drive, manoeuvring areas, as well as hard-surfaced amenity areas, raised rooflights and mounted solar panels. These features, alongside the common or garden activities and paraphernalia which accompany domestic occupation, would lead to a moderate degree of harm

to openness. The Framework makes clear that substantial weight is given to any harm to the Green Belt, including harm to its openness.

The effect of the proposal on protected species

16. The Council advises that the appeal site lies within an identified bat alert area. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitats Regulations”), I have a statutory duty to consider whether European Protected Species (EPS) would be affected by the proposal. All bat species are afforded EPS status and are protected under these Regulations.
17. The appellant submitted a preliminary ecological appraisal (PEA), informed by a desk-based assessment and an initial field survey. The field survey assessed the site’s potential to support species of ecological interest, including bats. While parts of the quarry face were found to be damp and wet, reducing suitability for roosting, the survey identified gaps and crevices along the full length of the quarry face. As a result, the quarry was assessed as having moderate potential to support roosting bats. Furthermore, given the site’s connectivity to the adjacent ancient woodland and other suitable habitats in the wider landscape, the PEA concluded that the site also has moderate suitability for foraging and commuting bats.
18. In light of these findings, the PEA recommends a programme of further surveys, including two dusk emergence surveys to establish the presence or absence of roosting bats, a winter hibernation survey involving a detailed inspection of the quarry face, seasonal night-time walkover surveys, and the deployment of static bat detectors between April and October to record foraging and commuting activity.
19. These recommendations align with Government guidance¹ on bats and planning, which sets out circumstances in which further surveys are required. This includes where development sites are in proximity to trees, rock formations or quarries that provide roosting, foraging or commuting opportunities for bats. The guidance makes clear that surveys should be undertaken in the most recent appropriate season and should identify bat species present, population levels, the type and status of any roosts, as well as flight routes and foraging areas. On the evidence before me, there is more than a reasonable likelihood that bats are present on, or make use of the site, and that they could be affected by the proposed development.

¹ gov.uk Guidance, Bats: advice for making planning decisions, April 2025

20. The appellant suggests that the outstanding ecological surveys could be secured by planning condition. However, Government guidance² is unequivocal that the presence or absence of protected species, and the extent to which they may be affected by a proposal, should be established prior to the grant of planning permission. Failing to do so risks granting permission without all relevant material considerations having been properly addressed, contrary to the precautionary principle that underpins the Habitats Regulations.
21. The appellant also argues that a previously permitted landfill development with restoration to agricultural land would have been more intrusive than the appeal proposal. However, no details of that permission have been provided. I am therefore unable to make a meaningful comparison between that scheme and the proposal before me, in respect of any impacts on bats. Moreover, despite a protracted planning history culminating in permission in 2017, the appellant confirms that the site has not been infilled. There is no substantive evidence to indicate that there is more than a theoretical prospect of the fallback scheme being taken forward should this appeal fail. However, even if it were, that scheme would return the site to agricultural land. The fallback therefore carries limited weight. It does not amount to the exceptional circumstances necessary to justify a departure from the precautionary approach.
22. In the absence of the further ecological surveys recommended in the PEA, the potential impacts of the development on bats have not been adequately assessed. The proposal would therefore conflict with Local Plan³ (LP) policies 24(h) and 30, and Neighbourhood Plan⁴ (NP) policy 13 which seek to protect and enhance biodiversity and require that development results in no significant loss or harm through avoidance, mitigation or, as a last resort, compensation. It would also conflict with paragraph 193(a) of the Framework, which states that where significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

Whether suitable for housing

23. The Council identifies the appeal site as a former quarry and landfill site and considers it highly likely to be contaminated. This is supported by the planning application form, which states that the land is known to be contaminated. Given the

² Circular 6/2005: Biodiversity and geological conservation – statutory obligations and their impact within the planning system, 2005

³ Kirklees Local Plan Strategy & Policies 2019

⁴ Holme Valley Neighbourhood Development Plan 2021-2031

nature of the site's former uses, and in the absence of any substantive evidence from the appellant regarding its condition, historical activities, or any remediation undertaken, I cannot be satisfied that the land would be suitable for residential occupation.

24. In circumstances where there is such a high degree of uncertainty regarding the potential for contamination and having regard to the sensitivity of the proposed residential use, it would not be appropriate to rely on planning conditions to address these concerns. Planning Practice Guidance makes clear that decision-makers should be satisfied that a proposed development will be suitable for its location and will not give rise to unacceptable risks to health or the environment. On the evidence before me, that test has not been met.
25. In the absence of any contamination assessment submitted by the appellant, I therefore conclude that the proposal conflicts with LP policy LP53, which requires an appropriate assessment where development is proposed on land suspected of contamination as a result of its previous use. The proposal would also conflict with the Framework, which states at paragraph 196(a) that decisions should ensure a site is suitable for its proposed use, taking account of ground conditions and any risks arising from contamination, including those stemming from former activities and any proposals for mitigation or remediation.

The effect on protected trees and ancient woodland

26. Beyond the appeal site lies an area of ancient woodland containing protected trees. The proposed dwelling would be located largely within the confines of the previously excavated quarry floor, at some distance from the woodland edge, which the appellant estimates to be approximately 15–20 metres.
27. No Arboricultural Impact Assessment or tree survey has been submitted in support of the proposal. Nonetheless, given the separation distance and the location of the development within the already disturbed quarry area, it would be possible, through the use of appropriately worded planning conditions, to protect the adjacent woodland from both construction-related impacts and from future encroachment arising from domestic use.
28. Subject to the imposition of such conditions, the proposal would not conflict with LP policies 24, 30 and 33, nor with NP policy 13, which seek to safeguard biodiversity and protect trees and woodland of significant amenity value from direct or indirect harm. Likewise, the scheme would not conflict with paragraph 193(c) of the

Framework, which states that development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, should be refused.

Whether the design of the proposed development is of exceptional quality, and meets the location circumstances necessary for approval

29. I have concluded above that future occupiers would depend largely on the private car to reach the services and facilities they need to meet their daily needs. The proposed development would not be in a sustainable location. The appellant describes the area as rural in character with only a few, isolated homes, the closest being around 250m distant. It would be very much an isolated home in the countryside, which the Framework says in paragraph 84 should be avoided unless one of five circumstances apply, the most relevant being criterion (e); that the design is of exceptional quality, in that it:

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

30. The Council described the design of the proposal as satisfactory. It found no conflict with LP policy LP24 which seeks good design, nor with NP policies 1 and 2 which protect landscape and built character. Nonetheless, it considered that the proposal did not meet the very high bar for a design of exceptional quality as set out in paragraph 84(e) which is one of the circumstances that may justify an isolated home in the countryside.

31. The plan form of the proposed house, and its siting within the site, have limited interest. The internal layout comprises little more than a series of rectangular rooms arranged within a larger rectangle. Much of the accommodation would depend on rooflights for daylight, with many rooms having little or no visual connection to the surrounding landscape.

32. The dwelling would sit as a single-storey structure within excavated ground at the base of the quarry, with its rear elevation positioned close to the quarry face and the roof largely covered in soil and grass, leaving only one exposed elevation. This approach misses any meaningful response to the dramatic changes in level across the site and does not exploit the potential for a sectionally expressive design. The proposal fails to capitalise on the site's topography, which presents clear opportunities to inform and inspire a more distinctive and responsive design.

33. The appellant characterises the proposal as a modern building that takes advantage of an existing man-made landscape. However, the house would be buried in front of the quarry face, which is one of the site's most striking and defining geological features. There is no interplay between the building and the rock face, no sectional or spatial dialogue with its dramatic backdrop, and no reference to the site's quarrying history. The design gives no sense of inhabiting a place defined by a powerful geological setting; instead, the quarry is effectively sidelined rather than recognised.
34. The detailing of the proposal does little to elevate the design. The form and arrangement of openings and rooflights are ordinary and commonplace, showing no particular refinement or innovation. The immediate setting of the house, including the turning area, manoeuvring space, drive, and access to an array of industrial-scaled openings, would appear incongruous and strikingly mundane when set against the wider, scenic, and bucolic landscape.
35. There is no design and access statement providing a clear explanation of how the proposal has responded to the site's highly distinctive geological and landscape context, or to any wider defining characteristics of the area. Neither is there any evidence of design evolution nor iterative process exploring alternative approaches, or fully examining the exceptional design opportunities presented by this site.
36. Taken as a whole, the design cannot be described as truly outstanding, nor does it reach the highest standards in architecture. It would not act as a catalyst for raising the quality of design in rural locations, as envisaged by national policy.
37. The appellant claims that the dwelling would be a low-impact, earth-sheltered house of innovative design, restoring the natural landform and minimising visual impact. I find little justification for the restoration of the landform in this instance. On the contrary, the existing quarry presents rare and compelling design opportunities that the proposal does not exploit. While I acknowledge elements such as passive solar principles, potential renewable energy generation, and the use of lower-impact materials, these attributes are now commonplace and do not, individually, or collectively, make the design of exceptional quality. None amount to the high threshold required by paragraph 84(e) of the Framework.
38. The appeal site comprises an abandoned quarry that has been partially reclaimed by natural processes. Its landform, geological features, and evolving vegetation positively contribute to its immediate surroundings. The strategy of interring the

house would, at best, have a neutral effect on this setting. By contrast, the domestic landscape proposed in front of the building would introduce banal, urbanising elements into a rural environment characterised by seclusion, dramatic landform, and an evident sense of natural regeneration. The proposal would not significantly enhance its immediate setting, nor be sensitive to the defining characteristics of the local area.

39. For these reasons, the proposal fails to meet the requirements of paragraph 84 of the Framework, which says that isolated homes in the countryside should be avoided unless they meet one or more of five circumstances, including having a design of exceptional quality.

The Green Belt Balance

40. I have found, subject to conditions, no risk of harm from the development to the adjacent, ancient woodland. This is a neutral factor in the balance.
41. Notwithstanding this, the proposal constitutes inappropriate development in the Green Belt and is therefore, by definition, harmful. I have also found that it would result in a moderate degree of harm to the openness of the Green Belt. In accordance with the Framework, these harms attract substantial weight in the planning balance. In addition, I have identified further harm arising from the effects on protected species, a high degree of uncertainty in relation to land contamination, and the proposal fails to meet the tests for an isolated dwelling in the countryside.
42. The Framework recognises that small sites capable of being delivered quickly can make a modest contribution to housing supply. Although the proposal is for a single dwelling, it would nonetheless add to that supply and would generate some social benefits. There would also be limited economic benefits associated with construction activity and from future occupiers' expenditure within the local economy. However, given the very small scale of the scheme, I afford these benefits only moderate weight.
43. I have found that the design of the dwelling is not of exceptional quality and therefore carries no weight in favour of the proposal. The Council's own assessment was that the design was no more than satisfactory. In addition, pioneer vegetation has begun to colonise much of the site, softening the visual impact of the quarry excavations and contributing to a process of naturalisation within the landscape. As such, even if the site were to remain undeveloped, the

- proposal would bring limited visual or environmental benefit over the present condition of the site, further restricting the weight that can be attributed to it.
44. I have been provided with no substantive details of the extant planning permission for landfill and restoration to agricultural use. As set out earlier, there is no evidence to suggest that this fallback has more than a theoretical prospect of being pursued in the event that this appeal is dismissed. However, even if I were to accept the fallback, while such development could result in frequent lorry movements, noise and disturbance, a quarry void can be filled but once, whereas a house, and the harm from its location here, is a more permanent form of development, that may remain for centuries. This limits the weight I afford the fallback.
45. Moreover, any impacts arising from landfill operations would be time-limited and likely to affect a relatively few people. The land would also be restored to agricultural use upon completion of the works. For these reasons, and even on the assumption that the fallback scheme were a realistic prospect, I attach only limited weight in favour of it.
46. When weighed in the balance, none of the identified benefits, either individually or cumulatively, clearly outweigh the substantial weight that must be given to the harm to the Green Belt, and the weight of the other harms that I have identified. Very special circumstances necessary to justify inappropriate development in the Green Belt do not therefore exist. The proposal conflicts with the development plan policies identified above, as well as the Framework.

Conclusion

47. For the reasons set out above the appeal is dismissed.

Mr Patrick Whelan
INSPECTOR