



Appeal Decision

Site visit made on 23 September 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Appeal Ref: APP/Z4718/W/25/3361933

21 Northfield Lane, Highburton, Kirklees, Huddersfield HD8 0QT

- 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 T Wetton against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/92324/E.
 - The development proposed was described as '*Use of undercroft within an existing residential annexe building for ancillary residential purposes and the installation of windows*'.
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Decision

1. The appeal is allowed and planning permission is granted for use of undercroft within an existing residential annexe building for ancillary residential purposes and the installation of windows at 21 Northfield Lane, Highburton, Kirklees, Huddersfield HD8 0QT in accordance with the terms of the application, Ref No: 2024/62/92324/E, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: EX0001 Rev B - Location Plan as existing; SK0006 Rev A - As Proposed; EX0006 Rev B - Existing Plans and EX0007 - Existing Elevations.
 - 3) The external materials used in the stonework around the inserted windows shall match that used in the existing building.
 - 4) The undercroft accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Northfield Lane, Highburton, Kirklees, Huddersfield HD8 0QT

Background and Preliminary Matters

2. The appeal building is a detached outbuilding located within the extensive landscaped garden grounds of 21 Northfield Lane. The building provides annexe residential accommodation associated with the main dwelling at No. 21 and has a lengthy planning history, its current chapter extending back to it gaining planning permission in 2017¹.
3. As built, the building has an extensive undercroft / basement area with full height blockwork divisions creating a series of 'rooms'. To varying degrees, the floor to ceiling heights differ as a result of having been back-filled with crushed stone. The Council allege that the building has been built larger than was approved, with particular regard to its height above ground level.

¹ LPA Ref No: 2017/62/90828/E – APP/Z4718/W/17/3177245

4. Although the appellant does not directly challenge this assertion, the extent of the alleged difference in size, with particular regard to the building's height above ground level, does remain a matter of dispute between the main parties. Nevertheless, the application was initially made and described in the terms set out in the banner heading above. The description subsequently given to the proposal by the Council refers to the development as 'formation of basement to increase living accommodation' at the appeal building.
5. The full details of previous proposals and schemes have not been provided to me as part of this appeal, nor have those pertaining to the original grant of planning permission. It is not clear to me therefore, the extent to which the building's dimensions may (or may not) differ from those previously approved, or to what extent the ground levels around the appeal building may (or may not) differ from those previously considered or previously existing. I have therefore determined the appeal on the basis upon which it was made, and for which planning permission was sought.

Main Issues

6. The main issues are therefore:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies and the National Planning Policy Framework; and
 - The character and appearance of the appeal building and the surrounding area.

Reasons

Whether inappropriate

7. Policy LP57 of the Kirklees Local Plan (KLP) sets out the Council's approach to the extension, alteration or replacement of existing buildings in the Green Belt, stating that proposals will normally be acceptable, subject to a range of criteria. With regard to extensions, it states (a) that the original building should remain the dominant element in terms of size and overall appearance, and that proposals to extend buildings which have already been extended should have regard to the scale and character of the original part of the building.
8. The Framework states that great importance is attached to Green Belts by the Government. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
9. Framework paragraph 154 sets out a number of exceptions to the principle that development in the Green Belt is inappropriate unless it is for one of those exceptions. Thus, in relation to the extension or alteration of an existing building, Framework paragraph 154(c) requires that proposals do not result in disproportionate additions over and above the size of the original building. The submissions of both main parties focus on the provisions of paragraph 154(c) in this instance.

10. The appeal building replaced previous structures in much the same location as the current building is positioned. For the purposes of the Green Belt assessment under paragraph 154(c) the original building is considered to be that which existed on 1 July 1948, or the building as built. In this instance, the current building replaced another building and structure. Whilst KLP Policy LP57 refers to replacement buildings not being materially larger than the building that it replaces, it does not seek to provide a different definition to 'original building' that the Framework does. Thus, the building as built is the original building for the purposes of paragraph 154(c).
11. Whilst there is some disagreement as to the extent to which the existing 'as built' building may vary from that which previously gained permission, there is no consensus between the parties as to what extent that may be so. Nor do I have evidence before me, other than the current plans and the observations of the building 'as built', that provides clarity on this matter. Thus, there would be no increase to the existing building's footprint area or to its internal volume, albeit that the usable internal volume and usable floorspace would be increased by way of the removal of the back-filled crushed stone and rubble from the basement area.
12. Thus, from the evidence before me, I am satisfied that the proposed alteration of the appeal building would not amount to a disproportionate addition over and above the size of the original building. The proposal would not therefore amount to inappropriate development within the Green Belt as it would benefit from the exception provided by Framework paragraph 154(c). As a consequence, there would be no Green Belt harm and I am not required to consider whether very special circumstances exist, or to consider the effects of the development upon openness for the purposes of the Framework.
13. KLP Policy LP57 states that in the case of extensions, the original building must remain the dominant element in terms of size and overall appearance. The 'liberated' areas within the basement would house an office, gym, store and w.c. as well as the stairwell from ground floor. The applicant seeks to use these, as with the existing rooms at ground floor level, for purposes of a residential annexe ancillary to the occupation of the main house.
14. Although there would not be any physical extension to the existing building, there would be outwardly visible changes in the form of the insertion of four additional windows on the building's southwest facing elevation. There would not, however, be any further external manifestation of the proposed development. The ground levels would not be altered, the windows would operate solely as windows due to the differences between internal and external ground levels, and there would be no further access from the building to the appeal property's grounds.
15. Indeed, the layout of the building internally and externally essentially limits the outward spread of domestic paraphernalia to that which already exists. The insertion of windows would not alter that, nor would they add volume, floor area, bulk or massing to the building over and above that which exists. There would be no conflict with KLP Policy LP57.

Character and appearance

16. The additional accommodation proposed in this instance would be provided within the basement / undercroft area. A total of four additional windows would be

installed on the lower portion of the southwest facing elevation. They would be well positioned on the lower portion of the wall and align with the windows above.

17. Whilst the insertion of windows would make it clear that the building's basement provided rooms, I am not persuaded that it would so significantly and materially alter its character or its appearance that it would read as a two-storey building. Indeed, the ground levels around the building would remain unaltered, the windows would be clearly only just above external ground level and there would be no direct access via the windows to the outside space.
18. Having concluded that the proposal would not be inappropriate development in the Green Belt by virtue of Framework paragraph 154(c), there is no requirement for me to consider the effect upon Green Belt openness. Nevertheless, the outward spread of domestic paraphernalia from residential buildings and outbuildings can have a visual effect on character of the building, and upon the character of the surrounding area. In this instance, the building already has a patio area with outdoor seating to which access is taken directly from the building at ground level. The appeal proposal would not afford the same provision due to the prevailing ground levels. As such there would not be an adverse impact upon the character or appearance of the appeal building or the surrounding area arising from the proposal and there would be no conflict with KLP Policy 24 which seeks to secure good design as being at the core of all proposals, or with KLP Policy 57 or the Framework.

Conditions

19. The Council has not provided a list of suggested conditions in the event that the appeal should succeed, whilst the appellant has indicated a willingness to accept any reasonably and necessary conditions in such similar circumstances.
20. Having regard to the provisions of the Planning Practice Guidance and the Framework regarding the use of planning conditions, time limit and plans conditions are both reasonable and necessary in the interests of certainty and good planning. A condition to ensure that all stonework involved in the installation of the new windows matches the existing would be in the interests of the good design and the character and appearance of the appeal building. I have imposed a condition to this effect.
21. The original permission for the replacement building – the current appeal building – was subject to a condition to ensure that it was occupied only for purposes ancillary to the residential use of the main dwelling. For the avoidance of doubt in respect of the additional rooms created from the appeal proposal, I have imposed a condition to this effect on the appeal scheme.

Conclusion

22. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR