Planning Inspectorate

Appeal Decision

Site visit made on 22 July 2025

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/Z4718/D/25/3359758
32 Station Road, Shepley, Huddersfield HD8 8DG

- 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 Mrs Shannon Martin against the decision of Kirklees Metropolitan Council.
- The application Ref is 2024/62/93097/E.
- The development is described as 'Proposed outbuilding within grounds of a listed building.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Despite the planning application form describing the outbuilding as proposed, it was clear on my site visit that it was in situ. I have therefore assessed the appeal on a retrospective basis.

3. The decision notice does not reference harm to the Shepley Conservation Area (SCA) as a reason for refusal, despite the Council as decision maker having a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that Conservation Area. This is also referenced in the officer report. This was clarified and the Council confirmed that harm to the SCA forms a reason for refusal. The appellant was invited to make comments on this matter and all relevant representations were considered in the determination of the appeal.

Main Issue

4. The main issues are the effect of the outbuilding on the setting of the Grade II listed building and on the SCA.

Reasons

Special Interest and Significance

5. The outbuilding is located within the setting of the listed building known officially as 'Number 30 (Shepley Hall) and Number 32'[1] and as such I have had regard to section 66(1) of the Act. This states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have

[1] List Entry Number: 1135346

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6. The appeal site is also located within the SCA. I have therefore had further regard to section 72(1) of the Act which states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7. I have given due consideration to the appellant's Design, Access and Heritage Statement[2] (the DAHS). Paragraph 207 of the National Planning Policy Framework (the Framework) advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. I note the DAHS references the same guidance but does not assess the significance of either the listed building and/or the contribution made by its setting, or the SCA.

8. The listing description advises that the building dates from the early 1600s with later alterations. It is now divided into separate properties and is built from coursed rubble with a stone slate roof. From my observations on the site visit, the special interest and significance of the listed building is derived from its historic and architectural interests. Historic interest is drawn from its age while architectural interest is mainly derived from surviving historic features, irregular form and use of traditional materials.

9. In addition, the spaces around the listed building provide a generally open and verdant setting with which the building is visually, physically, historically and functionally associated and within which the building can be experienced and appreciated. It is likely that before the host building and the adjoining were divided, the garden was one large area. In these regards, the listed building's setting positively contributes to its significance and understanding.

10. The SCA is largely set along the A629 road, Marsh Lane, Cliffe Road and Station Road, the latter of which includes the appeal site. From my observations, buildings generally front the roads, sit in generous plots, are largely constructed from stone with pleasing, simple form and have retained much of their traditional materials and features. The character and appearance, and thereby significance, of the SCA is therefore drawn in part from the age and general quality of its buildings, the historic patterns of development, open and verdant spaces and gardens, and general rural character reflective of the village's location.

Impact of the Development

11. The outbuilding is located to the rear of the host building and evidently of some 5.1 metres (m) width, 4.1m depth and 2.8m height. It is clad in timber with a roof covered in a grey membrane, bi-folding doors to the front and PVC pipework.

12. I observed the outbuilding is a large and somewhat stark feature in the garden space of the appeal property. Its scale, design and location has eroded the open nature of the garden area and negatively changed the association that the listed building has with its curtilage, altering how it is experienced, and its significance is appreciated. Moreover, the materials used in its construction are overtly modern, including the bi-folding doors and plastic pipework alongside the timber cladding. I

[2] Dated October 2024

understand that the host building has been extended, with listed building consent[3] granted by the local authority. While the extension includes timber elements such as window and door frames, it is predominantly built of stone. Taken together, the size and use of modern materials jar with the traditional construction and materials of the host building. As a result, the outbuilding diminishes the contribution that the setting of the listed building makes to the significance of the heritage asset, regardless of whether it is used domestically.

13. Given the harm to the setting of the listed building as above, it follows that given the contribution of high-quality buildings, traditional materials and open and verdant spaces, there is further harm to the character and appearance, and therefore significance, of the SCA.

14. The outbuilding may not be readily visible from Station Road. However, listed buildings are safeguarded for their inherent special interest and visibility is but one consideration of the impacts of a development proposal on the significance of a designated heritage asset. A lack of visibility from public vantage points therefore does not equate to an absence of harm.

15. I am informed that a greenhouse and shed were formerly sited in the general area of the outbuilding subject to this appeal. There are also other outbuildings in adjacent gardens. Be that as it may, I have nothing before me to substantiate the assertion that the development is better suited to its location or whether the previous structures were granted or required planning permission. As such this does not alter my assessment of the appeal.

16. The outbuilding is evidently movable, although it is not clear how this would be achieved. From my observations on the site visit, the structure appeared firmly installed in its location and paving had been laid to the front to level off the natural slope of the garden. It is therefore unlikely the building would be practical to move, and I have assessed what is before me based on the plans and situation on the ground.

17. In light of the foregoing, I conclude that the development does not preserve the special interest or setting of the Grade II listed building or the character or appearance of the SCA. As such, it would not meet the requirements of sections 66(1) or 72(1) of the Act.

18. The proposal would also be contrary to policies LP24 and LP35 of the Kirklees Local Plan Strategy and Policies (LP) (adopted February 2019). These seek to ensure that development affecting a designated heritage asset should preserve or enhance the significance of the asset. The proposal would also be contrary to the advice in the Framework which states at paragraph 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Heritage Balance

19. I have found harm to the significance of designated heritage assets. Given the nature and extent of the proposal, this would amount to 'less than substantial' harm to the significance of the designated heritage assets, although this would apply to both assets in turn. This harm collectively is of considerable importance

[3] Application Ref: 2018/62/92170/E

and weight and as per paragraph 215 of the Framework, the harm should be weighed against the public benefits of the development.

20. There are no public benefits of which I have been made aware. This is not surprising given the nature of the outbuilding would inherently bring only private benefits to the appellant. Although I understand these benefits, they do not factor into the balance I must carry out.

Other Matters

21. I am informed that the application was subject to procedural changes with the appellant having initially been informed that listed building consent was required. Be that as it may, it does not change my assessment. If the appellant is aggrieved at the Council's handling of the application, they should pursue this through the relevant channels as perceived poor customer service does not add weight to the planning merits of the appeal and it is not my role to mediate disputes of this type.

Conclusion

22. I have found that the development has failed to preserve the listed building or its setting and harms the character and appearance of the SCA. It is therefore in conflict with the requirements of the Act, Framework and the development plan as a whole. The public benefits are not sufficient to outweigh that conflict as required by the Framework. Accordingly, for the reasons given, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR