



Appeal Statement
Land Adjacent 2, Dam Head,
Holmbridge, Holmfirth,
HD9 2PB

Introduction

This appeal is submitted by AKPlanning on behalf of Mr G Howarth Against the decision of Kirklees MBC to refuse outline planning permission for the erection of a single dwelling at, land adjacent to 2 Dam Head, Holmfirth.

The application was refused on the 4th of August 2025 for the following reasons: -

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive area of the Green Belt and would undermine the Green Belt's function in this location. The proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.

2. The proposed development of the site would result in significant harm to the visual amenity and character of the locality due to the requirement for the appearance and / or layout of the resultant dwelling to accommodate requisite parking either within integral garaging within the dwelling or to its frontage. To approve the development would cause harm to visual amenity and the character and appearance of the area, contrary to Policies LP1, LP2 and LP24a of the Kirklees Local Plan, Principles 2, 6 and 12 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

This statement will specifically deal with these reasons for refusal; we would ask that the inspector reads the supporting planning statement that was submitted with the planning application prior to reading the statements as this provides the historical background and a description of the site.

The Appellant's Case

Reason Number 1

1. The proposed development constitutes inappropriate development in the Green Belt, as it does not fall within any of the exceptions set out in Paragraph 154 and 155 of the National Planning Policy Framework (2024). The proposal would erode a sensitive area of the Green Belt and would undermine the Green Belt's function in this location. The proposal would fundamentally undermine the purposes of the remaining Green Belt across the area of the plan in this case due to resultant encroachment into open countryside, thereby undermining the purpose of including land within the Green Belt to assist in safeguarding the countryside from encroachment set out in Paragraph 143(c). No very special circumstances have been demonstrated that would clearly outweigh the harm to the Green Belt and any other harm, and the development is therefore contrary to policies contained within Chapter 13 of the National Planning Policy Framework.

This reason concerns itself with Greenbelt, more specifically with the application of grey belt policy.

The reason concerns itself with one purpose of the green belt namely encroachment as set out in paragraph 143(c).

It is our case that the consideration of grey belt policy has been applied incorrectly and has been skewed towards justifying a reason for refusal.

Agreed Matters

The NPPF states the following: -

143. Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The LPA in their reason cite only part (c) as a reason for refusal; thus it is assumed that the proposal does not conflict with parts (a),(b), (d) or (e).

This is confirmed in the planning officer report on the application which states: -

Planning Practice Guidance (PPG) published 27 February pertaining to Green Belt, sets out the considerations which inform the judgements on what level of contribution the site/land makes to the Green Belt purposes. In considering the contribution the land makes to the relevant Green Belt purposes the PPG sets out that for Paragraph 143:

- *Purpose (a) - This purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas.*
- *Purpose (b) - This purpose relates to the merging of towns, not villages.*
- *Purpose (d) - This purpose relates to historic towns, not villages.*

In the assessment of the previous application / subsequent appeal, the site has been concluded as being within a village setting. Therefore, it is considered the development would not make a strong contribution in relation to purposes a & b of paragraph 143 of the NPPF.

Therefore, it remains to be considered as to whether the proposal would make a strong contribution in relation to purpose (d) of paragraph 143 of the NPPF. In this case the site is immediately adjacent to the Conservation Area, the boundary of which runs to the north and west of the site and further beyond around buildings to the east.

However, whilst the site is in close proximity to the Conservation Area, purpose (d) of paragraph 143 sets out that one of the purposes of the Green Belt is to preserve the setting and special character of historic towns. In this case the proposal relates to a village setting.

It is therefore considered that the land does not strongly contribute to any of the purposes in Paragraph 143 (a), (b) or (d) of the NPPF, nor do any exclusions under footnote 7 apply.

The only green belt purpose which is at issue is encroachment paragraph 143 part (c).

The officer report with regard to consideration of part (c) states the following: -

The application site lies beyond the built extent of an existing village. The open land creates a visual break within a Conservation Area setting and leads to two clearly defined 'clusters' of development to the west and east of the site.

The site has a visual contribution to the locality with the site contributing to an absence of development that would create a continuous ribbon development along the highway.

The proposal would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment. The development would diminish the visual openness that defines this locality and lead to an increased urbanising impact as a result.

The officer report has already recognised that the site lies within the village but in this section contradicts this by stating that the site lies beyond the built extent of the village.

In the previous appeal decision (App A) on the site the Inspector noted: -

6. The Framework does not define a ‘village’, and nor have I been provided with a definition from the development plan. The appeal site is located along Spring Lane/Dam Head which has a number of dwellings in the vicinity of the site. Although the site forms part of a field that extends to the south, in views along Spring Lane/Dam Head, it is seen amidst the linear form of development that extends towards Hinchcliffe Mill. Whilst recognising that development can become more dispersed towards the edge of settlements, in this instance, due to the relationship of the site with built form either side, I consider the appeal site to be within the village.

It is concluded and clearly stated that the site is within the village; the appeal inspector notes that the edge of the village becomes more dispersed there is no conclusion that it is “beyond the existing built form”, the reason for this conclusion is that the site is not beyond the existing built form which extends to the east.

The officer then goes on to say that: -

The proposal would clearly undermine purpose (c) of the Green Belt set out in Paragraph 143 which seeks to assist in safeguarding the countryside from encroachment..

To some extent we agree that there would be encroachment. There always will be encroachment on any greenfield site that is approved under grey belt.

The policy test to be applied to any decision is not whether there is encroachment or not.

The policy test is this: -

155. *The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed [56](#);

c. The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework] [57](#);

It is agreed that parts B and C are complied with, part a states: -

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan

It is also agreed that the site is grey belt as the definition of grey belt requires compliance with Green Belt purposes (a),(b) and (d). Thus the test that remains to be considered is that does this proposal encroach into the Green Belt so much so as to **fundamentally undermine the purposes taken together of the remaining green belt across the plan.**

It is our submission that, the approval of a single dwelling within an existing village, which may have minor conflict with a single purpose of the Green Belt, cannot fundamentally undermine the whole of the Green Belt across the rest of the plan.

To support this submission we refer to three relevant appeals that consider this matter.

They are: -

1. Appeal Ref: APP/P1805/W/24/3356219 Land at south side of Houndsfield Lane, Hollywood B47 5QY (Appendix B) 50 dwellings, green field site
2. Appeal Ref: APP/M1520/W/24/3351658 Land adjoining 451-469 Daws Heath Road, Hadleigh, Essex SS7 2UG (Appendix C) 173 dwellings, green field site
3. Appeal Ref: APP/K3605/W/24/3352866 Former Weylands Treatment Works, Lyon Road, Walton-on-Thames, Surrey KT12 3PB (Appendix D) mixed development on part previously developed site.

These are 3 appeals for major developments that significantly encroach into the green belt but that do not fundamentally undermine the purposes when taken as a whole. The Inspectors conclusions on the relevant matter are below (numbered as above): -

1. *The erection of dwellings and a community building may have some impact on the purposes of the Green Belt, including the encroachment of development into the countryside. However, given the small scale of the appeal site and proposed development in relation to the Green Belt as a whole, it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt within the plan area. The proposal therefore complies with requirement (a) of Framework Paragraph 155.*

2. *It is common ground between the main parties that the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal relates to a small section of the much larger Green Belt.*
3. *The Green Belt comprises approximately 57% of Elmbridge Borough Council. The development of the part of the Green Belt land that comprises the appeal site would not affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. I concur with EBC that the proposed development would have a moderate impact on Green Belt purpose c) regarding assisting in safeguarding the countryside from encroachment, and that no harm would arise to purpose e) regarding regeneration. I find that the proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*

The appeal Inspector has, in each of these cases, considered that much larger sites than this appeal,, that are on the edge of settlements do not, because of their scale, undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

It is therefore our conclusion that the site constitutes grey belt and complies with paragraph 143 and is therefore appropriate development and this appeal, on this ground, should be allowed.

Reason Number 2

2. The proposed development of the site would result in significant harm to the visual amenity and character of the locality due to the requirement for the appearance and / or layout of the resultant dwelling to accommodate requisite parking either within integral garaging within the dwelling or to its frontage. To approve the development would cause harm to visual amenity and the character and appearance of the area, contrary to Policies LP1, LP2 and LP24a of the Kirklees Local Plan, Principles 2, 6 and 12 of the Housebuilders Design Guide SPD, Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan and Policies within Chapter 12 of the National Planning Policy Framework.

The reason concerns itself with possible future impact of the design of car parking, even though the application is in outline and includes no details. The layout submitted with the application was for indicative purposes only.

In the previous appeal the Inspector stated: -

11. The layout of the proposal would see the proposed dwelling set back significantly from the highway behind a parking area. This would not reflect the predominant built form where buildings are sited close to the highway, and the layout would therefore detract from the character of the area.

The proposal is now to have the built form next to the highway and parking would be either an internal garage or parking to the side (or both). The applicant owns the full width of the site (red and blue line). The size of the dwelling remains as a reserved matter and could be adjusted to accommodate parking to the side. It could also accommodate a drive with parking to the rear.

In the officer report it is stated: -

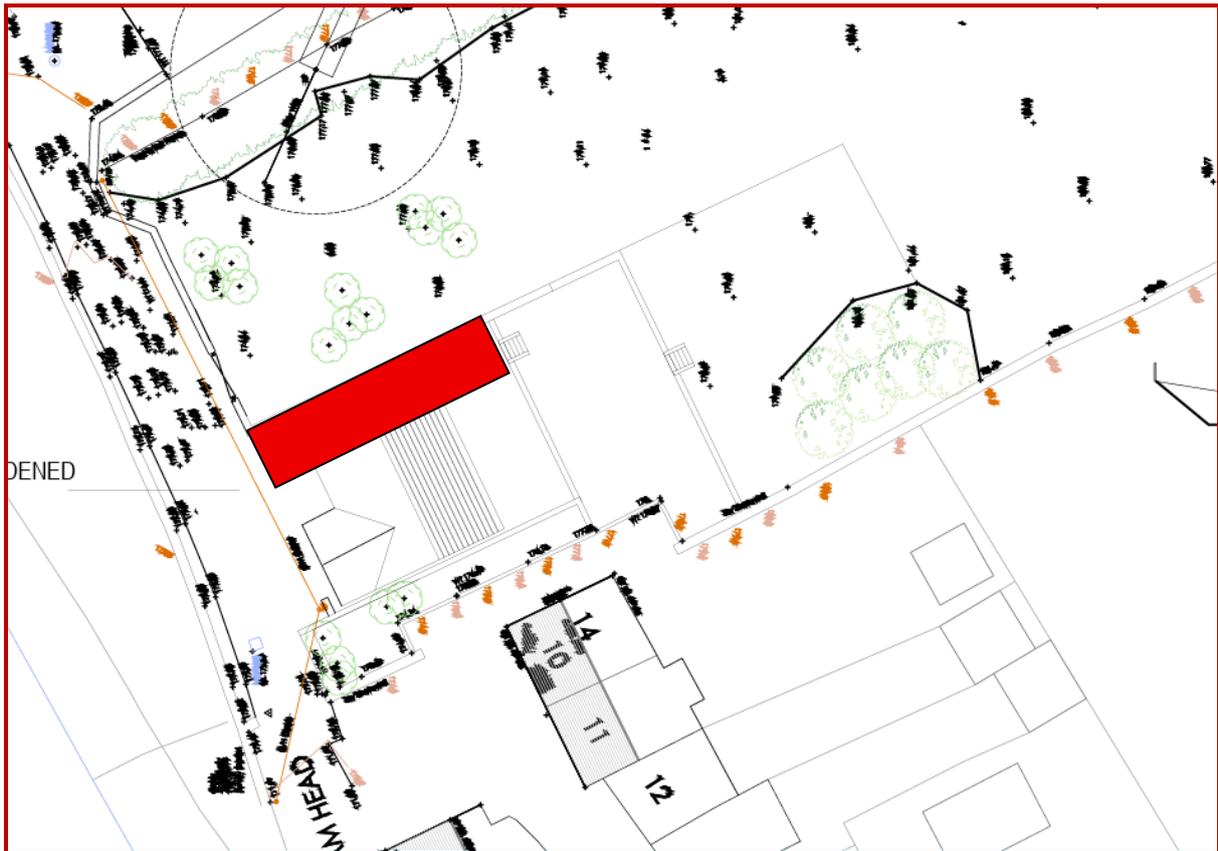
Residential development on such a site with associated hard surfacing, likely retaining walls and domestic paraphernalia would urbanise this open and green site, thereby altering its rural characteristics and it was previously considered that this would cause significant harm to the character and appearance of the area and visual amenities of the locality. Residential development on the site was therefore considered to be contrary to Policy LP24 of the Kirklees Local Plan, Policy 2 of the HVNDP and Chapter 12 of the NPPF.

This is incorrect, the Inspectors conclusion was that a building set back behind a parking area would not reflect the predominant built form. There was issue with the layout and not altering rural characteristics etc.

The officer report goes on to state: -

As such the realistic design of a dwelling would need to either incorporate a tandem length garage of a usable size, or a double width garage with a roller shutter garage door close to the highway edge.

This is incorrect. The red block below shows two parking spaces at the side of a detached house. This can be done, or part of the site edged blue can be incorporated to provide width for parking.



The LPA also assert that parking like this is uncharacteristic of the area. Again this is not true as shown by the examples adjacent and over.

The Site

Parking

Garage



Parking

The Site

It is our conclusion, as indicated in the previous appeal decision, that a suitable layout can be designed with a dwelling at the front of the site.

Conclusions

The proposal complies with all Green Belt policy and can be designed with an appropriate layout and car parking so last satisfied all the previous concerns and it is our conclusion that this appeal can be allowed.

The appellant has asked that the Inspector visits the site and surrounding area (AKPlanning has assured him that this always happens at appeal even if the visit is unaccompanied).

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