



Appeal Decision

Site visit made on 17 September 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/Z4718/W/24/3342024

2 Dam Head, Holmbridge, Holmfirth, Kirklees HD9 2PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs G Howarth against the decision of Kirklees Council.
 - The application Ref is 2023/60/93784/W.
 - The development proposed is for the erection of 1 no. proposed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is for outline planning permission with appearance, landscaping and scale reserved for later consideration. I have considered the appeal accordingly.

Main Issues

3. I consider the main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - whether the development would preserve or enhance the setting of Hinchcliffe Mill Conservation Area (Conservation Area) and the setting of listed buildings; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
5. The National Planning Policy Framework (the Framework) at paragraph 154 states that, other than in connection with a small number of exceptions, the

construction of new buildings should be regarded as inappropriate in the Green Belt. The appellant has set out that the development can be considered under the exception at paragraph 154 e) relating to limited infilling in villages.

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 Mill¹. 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.
7. The Framework also does not provide a definition of 'limited infilling', and although reference has been made to a definition in Policy LP59 of the Kirklees Local Plan Strategy and Policies (Local Plan), this relates to existing brownfield sites which the main parties agree that the site is not. Whether or not a proposed development constitutes limited infilling is a matter of planning judgement.
8. The appellant considers a site that is large enough for one or two dwellings to constitute infilling. It is however acknowledged that the site could accommodate three small terraces. Despite the presence of the larger property at No. 2 Dam Head, given the relatively wide width of the appeal site, and that it doesn't cover the entire gap between the neighbouring terrace and the dwelling at No. 2 Dam Head, I do not consider the site would comprise of the infilling of a small gap.
9. I therefore conclude that the proposal would be inappropriate development as it would not represent limited infilling in a village. It would therefore conflict with Paragraph 152 of the Framework and Policy 6 of the Holme Valley Neighbourhood Development Plan (NDP), which set out, amongst other matters, that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Although Local Plan Policy LP59 is referenced in the refusal notice, this is not directly relevant to this appeal proposal for the reason set out.

Character and appearance

10. The appeal site is situated in a rural village where narrow lanes, the siting of properties to the edge of the highway, or a short distance back from it, as well as the traditional stone-built form of properties all contribute positively to the area's character.
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.
12. I conclude that the development would have an unacceptable harmful impact on the character and appearance of the area. As such, it would be contrary to Local Plan Policies LP1, LP2 and LP24, NDP Policies 1 and 2, the Housebuilders Design Guide Supplementary Planning Document and Section 12 of the

¹ Also referred to as 'Hinchcliffe Mill' in the evidence before me

Framework, which seek, amongst other matters, development that is sympathetic to local character.

Heritage assets

13. The appeal site would be close to a number of listed buildings, including No. 1 Dam Head and No. 5 Dam Head. These buildings have historic significance, dating from the early to mid 19th Century. The appeal site is also situated just outside the Conservation Area whose significance is derived from its historic development and growth as a mill village, and its generally traditional built form. Views across the rural surroundings provide a spacious and verdant setting to the Conservation Area.
14. Both listed buildings at No.'s 1 and 5 would be separated from the appeal site by other intervening properties and would not be directly in the line of sight of the proposal. The proposed development would therefore have no detrimental effect on these heritage assets which would continue to be appreciated in their rural setting.
15. The proposal would introduce additional built development at the edge of the Conservation Area, and although the proposed dwelling's setback positioning would be uncharacteristic of the area, the rising topography of the appeal site and the area beyond to it to the rear, would still provide views of surrounding open areas of land. I do not therefore consider that it would be unduly harmful to the rural setting of the Conservation Area.
16. Consequently, I conclude that the proposal would not unacceptably harm the setting of the Conservation Area nor the setting of listed buildings. As such, it would comply with Local Plan Policies LP24 and LP35, NDP Policy 2 and Section 16 of the Framework, which seek, amongst other matters, to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other considerations

17. The proposed dwelling would contribute to the housing supply in Kirklees and the scheme would also deliver ecological enhancements. Given the proposal is for one net additional dwelling, such benefits would attract limited positive weight. The road widening by the site to provide an improved passing place weighs in favour of the proposal, but as this benefit could be achieved without the development proposal, I attach very limited weight to this.

Conclusion

18. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
19. I have attached limited weight in favour of the scheme to the provision of an additional dwelling on this site and to the ecological enhancements proposed. In relation to the provision of a passing place, this attracts very limited weight for the reason set out. The lack of harm in relation to heritage assets is a neutral consideration.

20. With this in mind, the substantial weight I have given to the Green Belt harm, and the harm to the character and appearance of the area is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
21. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR