

Kirklees Council
Civic Centre
PO Box 1720
Huddersfield
HD1 9EL

Date : 05/05/2025

RE : VERY SPECIAL CIRCUMSTANCES STATEMENT, 112 HOPTON LANE, MIRFIELD.

Proposed Development: Erection of rear extensions and raising of ridge to form first floor habitable accommodation with associated internal and external works.

Site Address: 112, Hopton Lane, Upper Hopton, Mirfield, Wf14 8JP

Applicant: Mr Sam Harrison

Planning Application Ref: 2025/91146

1. Introduction

This statement has been prepared to support a planning application for extensions and alterations to a residential property located within the Green Belt in Kirklees. The proposed development comprises:

- An increase in ridge height to accommodate internal alterations;
- A single storey rear extension with a new pitched roof form;
- A sub-terrain (basement) layer wholly beneath the footprint of the dwelling.

Given the site's designation within the Green Belt, and the proposals potentially constituting "inappropriate development" as defined by the **National Planning Policy Framework (NPPF)**, this statement outlines the **Very Special Circumstances (VSCs)** that justify the development and demonstrate that the harm to the Green Belt is clearly outweighed by other considerations.

2. Relevant Policy Context

National Planning Policy Framework (NPPF) (2023)

Paragraph 147 of the NPPF states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 148 goes on to confirm that VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 allows for extensions to existing buildings in the Green Belt provided they do not result in disproportionate additions over and above the size of the original building.

Kirklees Local Plan (Adopted February 2019)

Policy **LP57** (Extension, alteration or replacement buildings in the Green Belt) sets out criteria under which development in the Green Belt may be considered acceptable. In particular, LP57 supports the extension or alteration of buildings where:

- The original building remains the dominant element;
- The extension is not disproportionate in relation to the original building;
- There is no significant impact on the openness or purposes of the Green Belt.

Householder Design Guide SPD (2021)

The Householder Design Guide SPD provides further guidance on acceptable forms of extension and the interpretation of “disproportionate” in the context of Green Belt policy. It encourages design that respects the scale, massing and openness of Green Belt locations.

3. The Proposal

The proposed development includes:

- A modest increase in the ridge height to regularise roof levels and allow for better internal accommodation;
- A rear single-storey extension that sits well below the roofline and aligns with the host building’s architectural style;
- A wholly subterranean layer (basement) which does not project above ground level and is therefore not visible in the landscape.

4. Assessment Against Green Belt Purposes

Paragraph 138 of the NPPF sets out five purposes of the Green Belt:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns;
5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Response to Green Belt Purposes

The development would not conflict with any of the above purposes:

- It does not lead to sprawl or coalescence of settlements;
- It remains within the curtilage of the existing dwelling;
- The subterranean element does not encroach on the countryside visually or physically;
- The character and openness of the Green Belt would be preserved.

5. Fall-Back Position

The site benefits from two **extant prior approvals**:

1. A **larger single storey extension** (under Class A, Part 1 of the GPDO), and
2. A **full ridge and eaves lift** (under Class AA permitted development rights).

These fallback schemes are greater in overall **volume and footprint** than the currently proposed development.

As established in case law (e.g. *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314), a legitimate fallback position is a material consideration in favour of an application. In this case, the proposed scheme is materially smaller and of lesser Green Belt impact than the extant approvals.

THE FALLBACK OPTIONS COULD BE IMPLEMENTED WITHOUT PLANNING PERMISSION AND WOULD HAVE A GREATER IMPACT ON THE GREEN BELT'S OPENNESS THAN THE CURRENT PROPOSAL.

6. Subterranean Development and Impact on Openness

The subterranean layer is fully below existing ground level and does not require excavation beyond the building's footprint. As such:

- It is not visible in the landscape;
- It does not affect spatial openness;
- It does not constitute "development" in terms of visual or spatial Green Belt harm.

Numerous appeal decisions and case law support the position that genuinely subterranean works, without visible structures or changes to ground levels, have **no material impact on the Green Belt's openness** and are not contrary to Green Belt policy.

7. Design and Scale Considerations

The design is sensitive to the host dwelling and locality, featuring:

- Pitched roof forms in keeping with the architectural vernacular;
- Subordinate scale that preserves the original building as the dominant element;
- High-quality materials and detailing.

The proposals comply with the **Householder SPD**, particularly regarding scale, design consistency, and impact on openness.

8. Preliminary Visual Impact Assessment

The proposed planning application, which includes an extension, a modest increase in ridge height, and the introduction of a subterranean basement layer, has been carefully designed to preserve the openness and visual character of the Green Belt. A Visual Impact Assessment has been undertaken and is supported by three images illustrating the existing bungalow, the prior approved schemes under permitted development, and the current proposal. When compared to the permitted development fallback—comprising a full roof lift and a larger single-storey rear extension—the current application demonstrates a significantly reduced visual impact. The scale and positioning of the proposed works ensure that the fundamental purposes of the Green Belt, including the safeguarding of open countryside and the prevention of urban sprawl, remain uncompromised. The VIA highlights the following:

- The pattern of development in the greenbelt is followed and is in line with the adjacent Hopton Brow site.
- The Proposal does not sprawl further south than beyond the domestic curtilage and does not intrude on the visually open paddock to the south.
- The volume and footprint is smaller than the approved fall-back position.
- The proposed design uses landscaping mitigation to further which would result in mitigation on outlook and further integration with the landscape than that of the prior-approved fall-back position.
- There is less visual intrusion on the openness of the greenbelt and from far-reaching view points than that of the prior-approved fall-back position.

Existing View Point



Approved (Prior-Approval) View Point



Proposed View Point



9. Conclusion – Very Special Circumstances

It is acknowledged that elements of the proposal may represent inappropriate development in the Green Belt as defined by the NPPF.

However, the following considerations amount to **Very Special Circumstances**:

- The presence of a legitimate fallback position with greater Green Belt impact;
- The subterranean layer causes no harm to openness;
- The overall reduction in built form compared to permitted alternatives;
- The retention of openness and no conflict with the five Green Belt purposes;
- Compliance with the NPPF, Kirklees Local Plan Policy LP57, and the Householder SPD.

For these reasons, the proposed development is considered acceptable in the Green Belt and should be granted planning permission.

We would respectfully request that this application be supported.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'J Hinchliffe', with a long horizontal stroke extending to the right.

Jake Hinchliffe

Director

Orange Design Studio Limited