

Kirklees Council
Planning Services

Town and Country Planning Act 1990
Section 78

Appeal by Marcus Hall, Construction Industry
Against the decision of Kirklees Council as Local Planning Authority,
for an Outline application for erection of residential
development (one dwelling) with all matters reserved
Written Representation Planning Statement
November 2025

Local Planning Authority Reference: 2025/91236
Planning Inspectorate Ref: APP/Z4718/W/25/3372174

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1.0 Introduction

- 1.1 This statement sets out the Council's case in respect of appeal reference APP/Z4718/W/25/3372174 for an "Outline application for erection of residential development (one dwelling) with all matters reserved" at Land Off Stocks Moor Road Stocks Moor Huddersfield West Yorkshire HD4 6XQ. The application was validated on 6th May 2025 under the Local Planning Authority reference number 2025/91236. The statutory determination period expired on 1st July 2025.
- 1.2 The proposal was advertised by site notice and was also advertised upon the Council's website.
- 1.3 One general comment and fifty-nine objections to the proposed development were received. Consultation comments from the Council's Highways Development Management Team and Ecology Team were received, the contents of which are detailed in the Case Officer report previously sent to the Inspector.
- 1.4 The application was determined on 1st July 2025 and, having regard to all comments received and relevant policy criteria, it was concluded to refuse the application 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 rural edge, lacking containment, and would undermine the Green Belt's function in this location. The siting of 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, by reason of the siting and the introduction of built form into an undeveloped and prominent parcel of land, would result in undue harm to the open and rural character of the area. The proposal would fail to conserve and enhance the visual amenity and landscape character of the area, contrary to Policy LP24 and Chapter 12 of the National Planning Policy Framework 2024.

2.0 The Case of the Council

- 2.1 The appellant places significant weight on Paragraph 155(a), which allows certain development on land considered “Grey Belt”. The Council acknowledges that the site does not make a strong contribution to Green Belt purposes (a), (b) and (d), and may therefore fall within the definition of “Grey Belt”.
- 2.2 However, Paragraph 155(a) applies where 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.
- 2.3 In applying Paragraph 155(a), the Council has had regard to Paragraph 008 of the Planning Practice Guidance (PPG), which confirms that the “taken together” test relates to the ability of the Green Belt to continue performing its functions in a meaningful way across the plan area, rather than requiring harm to all Green Belt purposes. The PPG makes clear that the assessment is whether the development would fundamentally undermine the role the Green Belt performs in this location within the wider Green Belt context.

- 2.4 In this case, the appeal site makes a clear and legible contribution to Purpose (c) - to assist in safeguarding the countryside from encroachment, by maintain the transition between the built form of Stocksmoor and the open countryside. The proposed development would project development significantly beyond the established settlement edge, resulting in encroachment and the weakening of the transitional function. This represents a fundamental undermining of Purpose (c) and therefore fails the 'taken together' test set out in Paragraph 155(a) of the National Planning Policy Framework 2024.
- 2.5 As the development would not satisfy the criteria set out in Paragraph 155, the Council considers that the proposal remains inappropriate development in the Green Belt. Under Paragraph 153, inappropriate development is harmful by definition and may only be permitted where Very Special Circumstances exist. No Very Special Circumstances have been demonstrated by the appellant.
- 2.6 The Council considers that the appellant's cited appeal decisions concern materially different spatial contexts and should not be treated as direct comparators. The Council therefore considers that limited weight should be attributed to them in the determination of this appeal.
- 2.7 The appellant's assertion that the site is not prominent overlooks the fact that the site is open and visually exposed in views from Stocks Moor Road and the surrounding public vantage points. While the Council accepts that in the general sense greenfield land is undeveloped prior to development, the Council considers that the rural and unbuilt character of this particular parcel of land are the qualities that define the transition between the settlement and the wider countryside in this location.
- 2.8 Due to the elevated nature of the site and absence of established vegetation, the development would appear visually prominent when viewed from Stocks Moor Road and surrounding countryside vantage points. The introduction of residential built form and associated works would disrupt this

transition, resulting in a visually discordant extension of the settlement into an otherwise open countryside. Although dwellings exist nearby, they are contained within the established settlement edge and controlled clusters. The proposal would project development beyond that edge and outside an established cluster, altering the perceived limits of Stocksmoor and eroding local landscape character. As such, the Council considers that the development would fail to conserve or enhance visual amenity, contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.

2.9 For completeness, the Council refers the Inspector to the full reasoning contained within the Officer Report submitted as part of the appeal documentation, which remains the Council's position and is relied upon in full in support of the refusal decision.

2.10 For the reasons set out above, and as established in the Council's original decision and Officer Report, the proposal results in inappropriate development in the Green Belt and would fail to conserve and enhance the visual amenity and landscape character of the area.

2.11 The Council respectfully request that the appeal is dismissed.

3.0 Suggested Conditions

3.1 The Council confirms that a list of suggested conditions was provided to the Planning Inspectorate on 15th October 2025. Should the Inspector be minded to allow the appeal, the Council respectfully requests that those conditions are imposed.