



Appeal Statement
Land Off New Hey Road
Outlane
Scammonden
HD3 3FW

Introduction

This statement has been prepared by AKPlanning in support of a planning appeal against the refusal of an outline planning application for a single dwelling at land off New Hey Road, Outlane.

The application was refused on the 8th 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 development would fail to respect the character of the locality through the introduction of further urbanising features within a countryside setting and within a prominent location contrary to policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.

This statement will address these reasons.

We will be specific to the matters raised in the refusal so we would ask that the Inspector reads the supporting information provided with the application for all other matters.

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 refers solely to a single element of Green Belt Planning Policy, namely paragraph 155 (a) which states: -

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;

It is also clear from the reason that the LPA considers that the proposal only conflict with a single purpose of the Green Bely, namely paragraph 143 (c) which states: -

143. Green Belt serves five 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 have accepted that the proposal complies with 4 out of the 5 purposes of the Green Belt, but have concluded that a new dwelling would encroach and therefore should be refused.

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 case that such a small site located adjacent to an existing dwelling cannot fundamentally undermine the purposes taken together when the only issue is minor encroachment.

In support of this position, we cite three appeal examples on much bigger greenfield sites that encroach but do not fundamentally undermine.

1. Appeal Ref: APP/P1805/W/24/3356219 Land at south side of Houndsfield Lane, Hollywood B47 5QY (Appendix A) 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 B) 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 C) 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 development would fail to respect the character of the locality through the introduction of further urbanising features within a countryside setting and within a prominent location contrary to policy LP24 of the Kirklees Local Plan, Principle 2 of the Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.*

Policy LP24 is a general policy that promoted good design. There are no named parameters just general advice, as such it is open to interpretation. The reason cites urbanising features in a prominent countryside setting.

The site is immediately next to a major A road and adjacent to another dwelling. It is in fact just another dwelling along this road, there are several sporadically located buildings along the road including a new dwelling adjacent.

We do not consider that the introduction of a new dwelling will be out of character with this pattern or particularly prominent in the countryside.

Conclusion

The proposal complies with Green Belt Policy and will not be a prominent urbanising feature in the countryside. It is our opinion that this appeal should be allowed.

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