



Appeal Decision

Site visit made on 2 March 2026

by **E Fawcett BA (Jt Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Appeal Ref: 6002507

210 Whitehall Road East, Birkenshaw, Bradford BD11 2LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Halloran against the decision of Kirklees Council.
 - The application reference is 2025/62/92279/E.
 - The development proposed is demolition of existing dwelling and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the application form but removed reference to Kirklees for clarity as this refers to the administrative borough.
3. The appeal property is located within the Green Belt. The effect of the development on the Green Belt is not a matter under dispute and therefore does not form a main issue under consideration as part of this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - protected species, with particular regard to bats.

Reasons

Character and Appearance

5. The appeal property relates to a detached 2-storey dwelling constructed of natural stone under a dual pitched roof. It sits beside the A58 road, located in a countryside location between 2 clearly separate built-up areas. The dwelling's elevated position makes it a prominent feature in the landscape, particularly when approaching from the west. The immediate surroundings consist mainly of open fields, stone boundary walls, trees and hedgerows, with few other dwellings along this stretch of road outside the settlements.
6. The proposed replacement dwelling would sit parallel to the highway and closer to it than the existing dwelling. Whilst it would be further from the western boundary, its significantly greater depth would create a much bulkier and more dominant building when viewed from the west. The traditional materials, pitched roof and simple rectangular form allow the existing dwelling to sit comfortably in the

landscape, particularly when seen against the backdrop of traditional stone buildings to the east. In contrast, the proposed dwelling's increased massing, footprint and flat-roofed contemporary design would appear incongruous and visually intrusive. Whilst there are limited buildings in the vicinity of the site, outside the built-up areas, there is clearly a strong tradition of stone buildings with pitched roofs within the landscape, including those to the east and at Hill Top Farm to the north.

7. The use of off-white render at the upper floor level and the extensive glazing, especially on the western elevation, would make the building even more conspicuous. The design would also create an unusual top-heavy appearance. Although the flat roof would reduce the overall height compared with a pitched roof, the building would still be substantial in scale and would not respond positively to its surroundings or integrate well into the landscape. The proposed garage, although smaller, would also appear dominant and intrusive due to its elevated position above the highway and its location close to the northern boundary.
8. The existing dwelling may previously have been screened by roadside planting, but this is no longer the case. New landscaping could be introduced, however this would take a long time to mature, and no substantive evidence has been provided to show that effective screening could be achieved. Despite being next to a wide and busy road, the appeal site and its surroundings are clearly distinct from the nearby built-up areas. I accept that some properties, including the appeal site, have boundary fencing, but this does not diminish the character of the surrounding landscape or justify the visual harm the proposal would cause.
9. In respect of nearby development, the appellant has referred to a group of large modern industrial buildings at Hill Top Farm. However, this is similar in appearance to a large farm complex, particularly in views close to the appeal site, and is therefore not unusual in this landscape setting. Whilst there is a contemporary flat roofed dwelling located to the west of the appeal property, this sits lower than the highway, is not prominent in the street scene, and is viewed mainly in the context of the settlement. A second referenced dwelling, located close to the roundabout to the east of the appeal site, includes contemporary features but is not comparable in scale or design and is well screened by planting. A further example of contemporary rural design has been provided, the location given is Scapegoat Hill. However, this is not close to the appeal property, and the limited detail means that it is not possible to make any meaningful comparison to the appeal proposal. These examples are not directly comparable and do not provide justification for the proposed development and its resulting harm.
10. The Council's Housebuilders Design Guide SPD (June 2021) sets out principles to ensure that the district's housing development is of high-quality design to help deliver quality places. Whilst the Council has approved development of a contemporary design elsewhere, the acceptability of such proposals will depend on their context. As set out above, the proposal would conflict with several of these principles as it does not positively respond to and contribute to the local context, including the landscape character.
11. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and would therefore conflict with Policy LP24 of the Kirklees Local Plan (2019) (the Local Plan). Amongst other

things, this policy seeks to achieve good design by ensuring that the form, scale, layout and details of development respects and enhances the character of the landscape.

Protected Species

12. The proposal includes the demolition of the existing dwelling and outbuildings. Given its age and construction, in addition to the proximity to groups of trees, the dwelling has potential to be used by roosting bats. Older buildings often have cracks, crevices and small openings that can provide access to enclosed spaces suitable for roosting. No survey evidence has been provided to confirm the presence or otherwise of bats in respect of the dwelling. Although the main house is more likely to offer suitable habitat than the more modern outbuildings, the absence of evidence means that the presence of bats cannot be ruled out.
13. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) requires a competent authority to have regard to the requirements of the associated Directive so far as it may be affected by the exercise of its functions. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of European Protected Species (EPS) under Article 12(1). This includes bats and the places that they roost, and I have therefore had regard to this in my decision.
14. Given the absence of survey evidence confirming the presence or otherwise of bats in relation to the buildings to be demolished, I cannot be certain that the proposed development would not cause harm to an EPS, or whether such harm could be appropriately mitigated. The appellant has suggested that this matter could be dealt with by a condition. However, such an approach would fail to ensure that all relevant material considerations are addressed in making a decision, as the presence of bats could impact on the ability to undertake the proposed development.
15. I therefore conclude that, in the absence of substantive evidence to demonstrate otherwise, the proposed development would have a harmful effect on protected species, with particular regard to bats. The proposal therefore conflicts with Local Plan Policy LP30 which, amongst other things, seeks to ensure that proposals result in no significant loss or harm to biodiversity.

Other Matters

16. The proposed building has been designed to take advantage of passive solar gain, and the flat roof would provide a larger area for potential solar panels. Whilst the scheme may offer energy efficiency improvements compared with the existing dwelling, no substantive evidence has been provided to demonstrate this, nor to assess the environmental implications of demolishing and replacing the current building. I therefore give these potential benefits limited weight.

Planning Balance

17. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Paragraph 11 d) of the National Planning Policy Framework (the Framework) explains that in these circumstances the policies which are most important for determining the application are out of date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Whilst the appeal property is located within the Green Belt, this does not provide a strong reason for refusing the appeal in this case.

18. As the proposal relates to a replacement dwelling, it would not make a positive contribution to the Council's housing supply. In addition to potential benefits in respect of energy efficiency, the development would also provide some minor economic gains during construction, although these would be limited given the small scale of the development. I therefore give these benefits limited weight. The proposal would cause harm to the character and appearance of the area and protected species and, as such, would conflict with policies of the Framework. I afford these harms significant weight. Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

19. The proposal would conflict with the development plan as a whole, and there are no material considerations, including the provisions of the Framework, that would outweigh this conflict. Therefore, for the reasons given, the appeal is dismissed.

E Fawcett

INSPECTOR