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Planning Policy Group  
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Civic Centre III  
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HD1 2JR

21 January 2016

Dear Sirs,

Site H227 – Land south of Fenay Lane, Fenay Bridge.

I am acting on behalf of The Shepherd Foundation and Mr. A. Shepherd in respect of land in their ownership comprising the above site as shown on the consultation Draft Local Plan.

It is extremely disappointing to note that the site is shown within the Draft Local Plan as lying within the green belt and part of a large area designated as Strategic Green Infrastructure.

The site comprises two distinct elements as shown on the attached plan:

- The land edged blue comprises a plant nursery with retail sales, within the ownership of the Shepherd Foundation.
- The land edged red comprises High Green House and land within its curtilage owned by Mr. Shepherd.

This letter puts forward what are considered to be convincing arguments as to why the land edged blue should be identified for housing when the Plan is moved forward.

1.0 THE SITE.

- 1.1 The land edged blue is currently in use as a plant nursery with retail sales. It is generally set up above Fenay Lane on a plateau which gradually falls towards the east. It is bounded by substantial perimeter hedging to the west and east, mature planting separating it from land within the grounds of High Green House and by Fenay Lane to the north.
- 1.2 At its north-eastern corner vehicular access is gained by a steep, narrow drive which leaves Fenay Lane at the same access point as the drive to High Green House. A planted slope drops down to Fenay Lane on the site's northern side.
- 1.3 Buildings within the site comprise a mixture of permanent single storey cabins, a number of poly-tunnels (some without polythene sheeting), open growing beds and concreted areas (attached is a Google Earth image dating from September 2011 and a photograph from March 2010 taken from Fenay Bridge to the east, showing the clutter of unattractive buildings).

- 1.4 Site history. On 17 December 2015 the Council granted planning permission for change of use of the site to a garden centre including the formation of a new access from Fenay Lane (application reference 2014/93595). The new access, rising at the north-western corner of the site frontage to Fenay Lane has been designed to accommodate not just large service vehicles making deliveries to the garden centre but also cars of visitors and staff.
- 1.5 No works have been undertaken to implement the planning permission.

## 2.0 THE PROPOSALS.

- 2.1 The new, approved access road has been designed to accommodate up to 100 houses.
- 2.2 It is noted in the schedule of housing sites rejected within the Draft Local Plan the total site area (red and blue land) is shown as having a gross area of 1.8 hectares. It is estimated that the blue land, excluding the banking fronting Fenay Lane has a site area of approximately 1 hectare, giving an estimated capacity for 30 houses.
- 2.3 The approved road clearly has the capacity to accommodate the level of traffic that would be generated.
- 2.4 An alternative would be for the site to be developed with a much reduced number of houses, perhaps even served by a private drive rather than an adoptable road.

## 3.0 ISSUES.

- 3.1 There now follows an analysis of Draft Local Plan documents and counter arguments in consideration of designation of the site for housing purposes.

## 4.0 GREEN BELT.

- 4.1 It is acknowledged that the site is designated Green Belt in the adopted development plan – the Kirklees Unitary Development Plan.
- 4.2 Very special circumstances need to be shown why inappropriate development such as this housing development should be permitted (paragraph 87 of the National Planning Policy Framework (NPPF)).
- 4.3 It is noted that the Council in the Draft Local Plan identifies site H1679 for housing. My client's site would form a natural extension to built development from that site, across Fenay Lane and abutting existing housing development at High Green House and Brewery Yard to the east. Beyond, open land could be retained as lying within the green belt.
- 4.4 As noted at paragraph 1.1 above, substantial planting clearly defines the boundaries of the site such that a clear physical and environmental boundary to the west and south will define the new green belt boundary.
- 4.5 If the Council chooses in due course not to identify site H1679 for housing in the Local Plan my client's site should still be identified for housing outside the Green Belt along with existing houses in Brewery Yard as a part of the settlement of Fenay Bridge.
- 4.6 Designation of my client's site for housing will not lead to any conflict with any of the five purposes served by the Green Belt as set out in paragraph 80 of the NPPF. Indeed, it will assist in urban regeneration by more intensively using land and helping to meet a severe need to identify housing land.

## 5.0 BROWNFIELD DEVELOPMENT.

- 5.1 The table of rejected housing sites in the draft documents acknowledges that the site is brownfield rather than greenfield.

5.2 National policy as set out in NPPF promotes development of brownfield land:

- Core planning principles (paragraph 17) includes that planning should, *'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value'*. Photos showing the existing site make it clear that the site is far from having environmental value.
- Paragraph 89 details situations where the construction of new buildings in the green belt is not inappropriate. It includes, *'... complete redevelopment of previously developed sites (brownfield land) whether redundant or in use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*.

5.3 The Government, by a number of initiatives, has recently been re-inforcing its brownfield first agenda:-

- Fixing the Foundations: Creating a More Prosperous Nation includes that the government wants to see an, *'urban planning revolution on brownfield sites'* and will introduce a new zonal system that will effectively give automatic planning permissions on brownfield land. The Government, *'is clear on the need to promote use of brownfield land and will remove all unnecessary obstacles to its redevelopment'*.
- Currently the subject of consultation, the Government is proposing to amend paragraph 89 of the NPPF which prevents brownfield site redevelopment where this has additional impact on green belt openness, to give more flexibility. To qualify proposals would have to contribute to Starter Homes delivery.

5.4 Section 4.1 of the Draft Local Plan – Strategy and Policies includes a number of factors and key principles to form the basis of the spatial development strategy. It includes that identification of land to meet development needs should be in a certain order of priority, circumstances a to d are set out, a being the highest priority. It is considered that my client's site falls within category c – sustainable extensions to settlements where exceptional circumstances can be demonstrated. The site immediately abuts houses in Brewery Yard and High Green House which form part of the settlement of Fenay Bridge. A house abuts the site immediately to the west. This is considered to be reason enough to justify release of my client's site. Further, assuming that Site H1679 is confirmed for housing in the Local Plan, my client's site will be surrounded by residential development on three sides – an even greater justification for release of the site for housing.

## 6.0 TECHNICAL APPRAISAL.

6.1 It is noted at page 30 of the Rejected Site Options Report that the site is described as being detached from an existing settlement. As argued in section 5.4 above that is not accepted – the site adjoins brewery Yard and High Green House which form part of the settlement of Fenay Bridge.

6.2 The traffic light system used to assess technical issues gives a green light in terms of public health, transport, environmental protection, biodiversity and open space. The only concerns are as follows:-

6.3 Education – *'Where an option is of a size that would create a significant impact on the need for school places'*. It is considered that this is not an issue of a scale that should cause concern – as set out at paragraphs 2.2 to 2.4 above, the (reduced) site in question has an estimated capacity for 30 houses (not 53 as shown in the assessment). Further, it is noted that no issue of education provision is raised in respect of various nearby sites in the Almondbury ward

which are proposed for release for housing (H31, H32, H334, H455, H659 and H1679) and all of which are Greenfield sites within the Green Belt.

- 6.4 Flood Drainage – *‘Mitigation required, or drainage options require crossing third party land’*. It is considered that there is no evidence that those issues arise – drainage can be taken direct to Fenay Lane across land in my client’s ownership. Further, a significant part of the site is covered in concrete. Redevelopment for housing using a sustainable drainage system for surface water will considerably reduce the rate of run-off and thus reduce potential flooding problems off-site.
- 6.5 Historic Environment – *‘Serious impact on an historic asset’* – High Green House is Grade II listed. However that part of the overall site for which a housing allocation is sought is set well above the level of High Green House and separated from it by mature tree and shrub planting. It is accepted that as the 2010 photograph shows, housing development will be seen from Station Road in Fenay Bridge as are the unsightly polytunnels and cabins. However, with extensive planting and appropriate sensitive layout and design the new development can have a much reduced detrimental impact on the setting of High Green House than presently exists.
- 6.6 Green Belt – The assessment is part amber and part red. So far as the amber assessment is concerned it is considered that existing buildings and structures within the site mean that there will be no detrimental impact on the five key purposes of including land within the green belt. Existing planting and other physical features are such that the new green belt boundary is defensible. So far as the red assessment is concerned, it is considered that the site is a reasonable extension of the settlement of Fenay Bridge or, assuming that site H1679 is accepted for housing development, a reasonable extension of the new Green Belt boundary from the edge of that site.

## 7.0 SUSTAINABILITY

7.1 It is noted that the Sustainability Appraisal of the site includes the following:-

- A significant positive effect on employment opportunities given the site’s proximity to the nearest employment node.
- A significant positive effect on the availability of educational facilities, being close to primary and secondary schools and a further education institute.
- A minor positive effect on health, being close to a G.P.
- A minor negative effect on local amenity because of construction noise experienced by residents of Brewery Yard.
- A minor positive effect on proximity to local services and facilities.
- A significant positive effect on use of recreational facilities.
- A minor positive effect on meeting housing needs because the site is small.
- A minor positive effect on the efficient use of land, given the brownfield nature of the site.
- A minor positive effect on protecting and enhancing character. Careful design will ensure this.
- Uncertain effect on the historic environment. Careful design will ensure no adverse effects on High Green House.
- Uncertain impact on enhancing biodiversity but clearly habitat connectivity through the provision of green infrastructure as part of an overall layout can enhance biodiversity.
- Negligible effect on air, water and soil pollution.
- Negligible effect on flood risk as the site is outside flood zone 3.
- A minor positive effect on recycling.

- Negligible effect on increased energy and water consumption as all housing sites will have.
  - Significant positive effect on contribution to climate change.
- 7.2 The summary of the sustainability appraisal acknowledges that no significant negative effects were identified in relation to any of the sustainability appraisal objectives. On the other hand many significant positive effects were identified.

## 8.0 SHLAA.

8.1 The overall site is identified as 935 in the SHLAA assessment of 2014.

- It is given an amber rating because of the listed building (High Green House) and TPO trees within the site boundary. However, High Green House and its garden are excluded from the overall site in this bid for a housing allocation and there are no TPO'd trees within the reduced bid site. It is therefore considered that a green rating is appropriate.
- The site is given a green rating in terms of availability.
- The site is given an amber rating on the basis that costs should be offset by market condition. It is not considered that there will be any undue costs in clearing the site. No contamination is expected.

## 9.0 STRATEGIC GREEN INFRASTRUCTURE.

9.1 The site is shown as lying within a large area of strategic green infrastructure in the draft map. Draft Policy DLP 32 includes that within such networks, *'priority will be given to safeguarding and enhancing networks, green infrastructure assets and the range of functions they provide'*. Further, the draft policy includes that, *'Proposals shall design and integrate green infrastructure into the development'*.

9.2 The bid site currently displays few features that contribute to a green infrastructure. Careful design of the new housing layout will ensure that networks will be enhanced.

## 10.0 ASSESSMENT.

10.1 It is considered that if an assessment is made only of the site edged blue on the accompanying map rather than the whole of the site H227 in the Draft Local Plan then a much more positive outcome results to the extent that allocation as a housing site is entirely appropriate.

10.2 In summary the following factors arise:-

- The site is something of an eyesore at present, especially as seen from the higher parts of Fenay Bridge to the east;
- An approved new access is more than adequate to serve a housing development;
- The site can properly be excluded from the Green Belt by its boundary linking to the proposed housing site (H1679) across Fenay Lane to the north or by forming part of an extension to Fenay Bridge via Brewery Yard to the east.
- The site is brownfield so its redevelopment for housing is entirely consistent with both national policy and initiatives and Draft Local Plan policy.
- There are no overriding technical objections.
- From a sustainable point of view there are no negative effects but many positive effects.
- The SHLAA exercise raises no fundamental objections.
- Few if any features within the site contribute to a green infrastructure. Enhancement can easily be achieved by careful design of the housing

layout.

10.3 Section 4 of this letter considers Green Belt issues. It is considered that having regard to all issues addressed very special circumstances are shown to exist to justify the designation of the site for housing.

Yours faithfully,

*Malcolm Sizer*

(Malcolm Sizer)

Kirklees Local Plan Examination Rejected Housing Site H227

Land South of Fenay Lane, Fenay Bridge.  
Statement in Support of Allocation of Part of Site H227 As a Housing Site.

1.0 INTRODUCTION.

- 1.1 On 21 January 2016 a letter (attached) was sent to the Council setting out the case for part of the site (which at the time was in use as a plant nursery with retail sales) to be identified for housing.
- 1.2 That part of the overall site for which housing designation is sought is shown edged blue on the attached plan (the blue land).
- 1.3 On page 296 of the Council's Publication Draft Rejected Site Options Report the analysis identifies the current Green Belt designation as the only red reason for rejection – *'This site is detached from any settlement and could not be released from the green belt in isolation as this would create a small pocket of non-green belt land surrounded by green belt which is contrary to the purposes of including land in the green belt'*.
- 1.4 Such an assessment by the Council took no account of the argument set out at paragraph 66 of the letter that the blue edged part of Site H227 formed a reasonable extension of non-Green Belt land assuming that Site H1679 is accepted for housing.
- 1.5 The Council's assessment of the site being a small pocket of non-green belt land surrounded by Green Belt would only be correct if Site H1679 is not accepted for housing.
- 1.6 On 19 December 2016 a Publication Stage Representation Form attachment (attached) set out further argument why residential designation should be accepted.
- 1.7 On 26 September 2017 a letter dismissing an appeal against refusal of an application for residential development of the blue land was received (Copy attached).

2.0 ASSESSMENT.

- 2.1 Section 10.0 of my letter of 21 January 2016 assesses factors justifying release for housing.
- 2.2 My 19 December 2016 representation identified clear boundaries to the site (last bullet point of paragraph 85 of the NPPF). The Council has put forward no evidence to dispute that the site would have appropriate Green Belt boundaries.
- 2.3 Release of the blue land from the Green Belt will not have any adverse impacts on the purposes as identified in the first four bullet points of paragraph 80 of the NPPF. On the other hand release of the blue land will fully comply with the fifth bullet point as it will, *'assist in urban regeneration by encouraging the recycling of derelict and other land'*.
- 2.4 The 26 September 2017 Inspector's decision letter dismissed the appeal proposal because of the impact on the openness of the Green Belt. No technical objections were identified.
- 2.5 It is noted that the Local Plan Inspector, in her letter to the Council of 25 October 2017, raises strong concerns about deliverability. The blue site is now vacant and is capable of being developed immediately for a considerable number of dwellings by means of the access (which is capable of serving up to 100 dwellings) approved as part of the extant approval of a garden centre. Designation for housing would go a small way to meeting the Inspector's concerns.

2.6 The Council has submitted the document 'Additional evidence relating to distribution of growth between settlements – December 2017' to the Local Plan Inspector. The map at page 6 and text at page 12 re Huddersfield shows considerable green belt release – *'notably to the north and south east of the settlement'*. The sites identified of course include H1679 and others in the Lepton Area. Release of the blue land would be entirely consistent with the Spatial Development Strategy adopted by the Council.

### 3.0 CONCLUSION.

- 3.1 It is considered that the failure of the Council to assess the blue land effectively as an extension across Fenay Lane of Site H1679 has resulted in a failure to identify a site for Green Belt release for housing which in terms of the Council's development strategy, and from a technical point of view, is entirely suitable.
- 3.2 It is hoped that the Inspector will give full and proper attention to the matter and accept the conclusions reached in this Statement.

Malcolm Sizer

Malcolm Sizer Planning Ltd.

January 2018



Site H227 is a rejected housing site as shown in the Rejected Site Options Report which forms part of the Publication Draft Local Plan. It is considered that that rejection is unjustified given the particular circumstances of the case and the site should be identified as a proposed housing site.

I attach a copy of my letter of 21 January 2016 in response to the Council's earlier consultation on the draft Local Plan. The points made therein remain appropriate and should be taken into account.

It will be noted in the assessment on page 296 of the Publication Draft Rejected Site Options Report that:-

Green/Brownfield – the site is identified as part greenfield and part brownfield. This assessment is considered appropriate given that the land within H227 falls into 2No. separate parts as identified on the plan which accompanied my letter of 21 January - on the one hand, land edged blue comprising the plant nursery with retail sales and on the other, land edged red comprising High Green House and its curtilage. The letter made clear, as is still the case, that the case for identification of land for housing relates only to that part of the overall Site H227 edged within the blue boundary.

It is fully accepted that a brownfield designation should not relate to the land edged red. On the other hand it is considered entirely appropriate that the area edged blue is identified as brownfield.

Accordingly it is considered that Site H227 should be assessed for its appropriateness as a residential site only in respect of that part edged blue on the site plan. The only part of Site H227 that might be argued is not brownfield is the banking down to Fenay Lane from the plant nursery site which has a substantial cover of trees and shrubs. It should be noted however that a new access to the site has been approved across the banking to serve the garden centre as referred to at paragraph 1.4 of my letter of 21 January. At paragraph 2.1 of that letter it is noted that the road has been designed to accommodate up to 100 houses, more than sufficient to cater for any residential development of the site.

An access into the site which is acceptable in highway terms can only be taken across this banking as accepted by the Council when granting planning permission for the garden centre.

Green Belt Openness. As set out at paragraph 79 of the NPPF one of the two essential characteristics of Green belt are their openness.

That part of Site H227 edged blue is not open as the Google Earth image shows. It is cluttered with permanent buildings, numerous polytunnels and other structures as well as substantial areas of concrete. The character of the area can be significantly improved by the clearance of the existing clutter within the site and its replacement with residential development sympathetic to its surroundings. As such the site's inclusion within the Green Belt designation is unjustified so long as it can be linked into a wider non-Green Belt area as shown below.

Green Belt boundary. Reference is made at paragraph 4.3 of my letter of 21 January to the Council's proposal at that time to identify site H1679 for housing. That proposal remains in the Publication Draft.

The only 'red light' reason given for rejecting H227 as a housing site in the publication draft is, 'This site is detached from any settlement and could not be released from the green belt in isolation as this would create a small pocket of non-green belt land surrounded by green belt which is contrary to the purposes of including land in the green belt'.

The key issue is that whilst Site H1679 remains and is likely to be confirmed for housing, Site H227 forms a natural extension of non-green belt land across Fenay Lane.

It is fully accepted that Fenay Lane forms a clear southern boundary to H1679 but that is no reason why any potential for an extension across and beyond it should not be considered.

As such H227 would effectively form part of the settlement edge extension along with H1679. It would no longer be detached as assessed in the Rejected Sites analysis.

As seen in the latest Google image attached to my letter of 21 January, the site has:- a clear boundary formed by a stone wall, a 2 metre change in level and boundary planting and a change in level separating it from the field to the south; considerable boundary planting separating it from the drive to the west; and a clear boundary defined, by the extent of the plant nursery business to the east separating it from the planting within the grounds of High Green House. Such a boundary is clearly defined meeting the last bullet point of paragraph 85 of the NPPF.

Spatial and Technical Issues. The identification for housing of that part of Site H227 edged blue on the accompanying plan would be entirely consistent with the Council's approach of concentrating most growth within main areas of Huddersfield and Dewsbury.

There are no technical reasons why the site should not be brought forward for housing early in the plan period.

Conclusion. It is concluded that allocation of Site H227 for housing would be entirely consistent with the sustainable development policies set out in the NPPF, especially in respect of the re-use of brownfield land.



## Appeal Decision

Site visit made on 4 July 2017

**by Graeme Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2017

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**Appeal Ref: APP/Z4718/W/17/3173312**

**F. Lockwood & Son, Fenay Lane Nursery, Fenay Bridge, Almonbury, Huddersfield HD8 0AR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr A Shepherd against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/60/93230/W, dated 25 September 2016, was refused by notice dated 6 January 2017.
  - The development proposed is demolition of existing buildings and outline application (with all matters reserved) for residential development (maximum 5no. dwellings).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is made in outline with all matters reserved for subsequent consideration. An indicative site layout plan has been submitted showing how five dwellings could be accommodated within the site. Reference has also been made to the dwellings being two storeys in height. As all matters are reserved for future consideration, and as I am satisfied that the Council have considered these matters as indicative, I shall do likewise.
3. Although not relied upon in the Council's refusal reason, reference is made to the emerging Local Plan (LP) in the Council's report to the Strategic Planning Committee. I note that the emerging LP was published for consultation in November 2016 but I have not been advised of any further progress regarding the LP or that it has been subject to an Examination in Public. Mindful of paragraph 216 of the National Planning Policy Framework (the Framework), and the Council's acknowledgement that the LP's policies have limited weight, I too afford the provisions of the emerging LP limited weight.

### Main Issues

4. The main issues are:-
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposal on the setting of the grade II listed High Green House; 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 required to justify the proposal.

## Reasons

### *Whether inappropriate development*

5. The site is within the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. It goes on to identify a range of exceptions which includes proposals for the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
6. The appeal site comprises a former plant nursery with an element of retail sales. The site, accessed via a steeply sloping drive, is located on something of a plateau. There are a small number of buildings within the site, clustered towards the north-eastern corner of the site, with the remainder of the site comprised either of areas concrete hardstanding or varying combinations of blockwork dwarf walls, timber and metal poly-tunnel frames and the occasional, covered, poly-tunnel.
7. It remains a matter of dispute between the parties as to whether the site may be considered to be wholly or partially previously developed land. Within the bounds of that dispute, I have noted the Council's efforts to clarify and correct what they describe as an error in the description of the site set out in the Rejected Site Options Report (RSOR) (November 2016) regarding the appeal site. Regardless, it is clear to me that the Council considered the proposal against one of the exceptions set out in paragraph 89 of the Framework; specifically that relating to previously developed sites.
8. It is not disputed that there are two permanent buildings located towards the northeast of the site, or that there are poly-tunnels (and the remains thereof) elsewhere within the site. Nor do the Council dispute the appellant's conclusions regarding the extent of the site's curtilage or its extent as a single planning unit, and I have not been presented with any compelling evidence that would lead me to reach a different conclusion.
9. However, notwithstanding the classification (or otherwise) of the land as previously development land, paragraph 89 also states that development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. The proposal is for the development of a maximum of five dwellings of no more than two storeys. Although all matters are reserved for subsequent consideration, including particularly their scale, layout and appearance, the appellant's contention that the combined internal floor area would amount to no more than 970 square metres has not been challenged. Whilst that figure appears to be drawn from limitations on the sales element of a nursery use previously permitted on the site<sup>1</sup>, I consider it unlikely that dwellings within those broad parameters would not have a

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<sup>1</sup> 2014/93595

- materially greater effect on the openness of the Green Belt than the existing permanent buildings.
10. Although indicative in layout, the quantum of development proposed together with generously sized plots would have a greater, and more permanent impact on openness than the cluster of permanent buildings and the more transient nature of the poly-tunnels. This would be particularly evident within the site where the distinct terraced levels and planting beds give the site a sense of openness that would be lost with the development of dwelling. Whilst the site is not particularly evident from Fenay Lane at present, it is far more evident from elevated positions on the opposite side of the valley. From these aspects, the introduction of dwellings onto the site would in my judgement have a greater visual impact than existing.
  11. As a fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open, I find that the proposal would be incompatible with the Framework in this respect. The coming and going of covers on poly-tunnels tends to be transient and seasonally changing. The presence of dwellings of not more than two storeys would be permanent, and would have a significant and harmful impact on openness of the Green Belt. This would, I find, be particularly evident in the case of the appeal site as it lies in a prominent valley-side location clearly visible from the opposite side of the valley. The permanence of the proposed dwellings, and the residential curtilages and paraphernalia that would inevitably follow, would be a clearly sprawling presence up the valley side and one which would reduce openness between Penistone Road in the valley floor and built development further west along Fenay Lane.
  12. Moreover, the steeply sloping embankment to Fenay Lane presents a significant, but pleasant, verdant side to the site, reflective of the area of woodland on the opposite side of the road. The proposed access would require a significant engineered arrangement involving retaining walls and sweeping road layout to cope with the gradient to access the top of the site. In both visual and objective terms, this would significantly harm the sense of openness (in the Green Belt sense) experienced along this heavily wooded stretch of Fenay Lane. I have noted that the Council previously considered<sup>1</sup> that the extent of engineering operations required to create access to the site from Fenay Lane would have had a significant visual impact on the embankment in the short term. Whilst landscaping may well soften this, as the Council concluded then, in my judgement the substantial and visually incongruous nature of the works required to secure access to the upper levels of the site would harmfully affect openness and would be felt locally from Fenay Lane. Together with the residential development, the proposal as a whole would both materially and harmfully reduce openness and result in additional sprawl up the valley side, when viewed from the opposite side of the valley.
  13. Thus, I conclude that the proposed development would fail to fall within any of the exceptions set out in paragraph 89 of the Framework. The proposal would therefore be inappropriate development in the Green Belt. As this is, by definition, harmful I give this substantial weight.

#### *Setting of Listed Building*

14. High Green House, located to the northeast of the site, is a grade II listed building. I am advised that in rejecting the site as a proposed housing

allocation, the RSOR identified amongst other things, that there would be serious impact on an historic asset. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard shall be had to the desirability of preserved a listed building, its setting or any features of special architectural or historic interest

15. The appeal site is situated at a much higher level than High Green House and due to the extensive vegetation within, and beyond, the appeal site, would be seen in very different contexts. The Council conclude that for these reasons there would be no harm caused to the setting of the listed building. From all that I have seen and read, I can see no reason to reach a different conclusion to that of the Council. Thus, I conclude that the proposal would not cause harm, and thereby preserve, the setting of the grade II listed building.

#### *Other Considerations*

16. The proposed development would add five dwellings to the supply of housing within the Borough at a time when the Council are unable to demonstrate a deliverable five year supply of housing land. Whilst the Council have not challenged this I have not been given any indication of the extent of any shortfall. However, the provision of five additional dwellings would only represent a modest contribution to housing supply and I therefore give this matter moderate weight.
17. The appellant contends that the proposal would provide a boost to housing supply in the context of the Council being unable to demonstrate a five year supply of deliverable housing sites. The Council have not challenged this assertion, but nor have I been presented with any evidence to demonstrate whether this is indeed the case. Nonetheless, an additional five dwellings would provide a modest boost to housing supply. Important though such considerations are however, the benefits arising from this would be significantly outweighed by the harm to the Green Belt and the substantial weight that carries.
18. I note that the Council concluded that the proposal would not cause harm to the living conditions of occupiers of neighbouring properties. I note too that with appropriate conditions the principle of the new vehicular access could be supported in highways terms and matters relating to drainage could be adequately resolved. These though are neutral effects and I ascribe weight accordingly.

#### **Overall balance and Conclusion**

19. I have concluded that the proposal would be inappropriate development within the Green Belt. By definition, this would be harmful to the Green Belt, and the Framework sets out that substantial weight should be given to any harm. The proposal would also have a greater impact on openness than the existing use, with openness recognised by the Framework as being one of the essential characteristics of the Green Belt. Consequently the very special circumstances necessary to justify the development do not exist.
20. For the reasons set about, and having considered all other matters, I conclude that the appeal should be dismissed.

*Graeme Robbie* INSPECTOR