



Appeal Decision

Site visit made on 3 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/Z4718/D/19/3231787

Eastwood House, 14 Green Cliff, Honley, Holmfirth HD9 6JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Bedford against the decision of Kirklees Council.
 - The application Ref 2018/62/93717/W, dated 6 November 2018, was refused by notice dated 7 June 2019.
 - The development proposed is extension and alterations to existing dwelling and new detached double garage and related landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works at Eastwood House, 14 Green Cliff, Honley, Holmfirth HD9 6JN in accordance with the terms of the application, Ref 2018/62/93717/W, dated 6 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18075D-06-P02 and 18075D-04-P09.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement carried out by AWA Tree Consultants ref AWA2641.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no door, windows or any other openings (other than those expressly authorised by this permission) shall be constructed on any elevation of the garage.

Procedural Matter

2. The description of development used by the Council and on the appeal form more accurately describes the development proposed and I have therefore used it in my formal decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area, with due regard to the location of the site in the Honley Conservation Area (CA) and protected trees.

Reasons

4. The appeal property is a large, detached, two storey dwelling located within a generous garden containing several mature trees. The site lies within the CA and the trees within the site are covered by a Tree Preservation Order (TPO).
5. The CA comprises the historic core of Honley Village along with later development in the surrounding area. It also includes a large open field and parts of the River Holme and Mag Brook. The core of the CA is characterised by narrow streets and a generally tight-knit pattern of development of stone built terraced properties focused around St Mary's Church. This is in contrast to the outer parts of the CA which is characterised by a generally looser pattern of development of more recent detached houses sited in large mature gardens. Both aspects combine to give the CA considerable significance as a designated heritage asset.
6. The appeal property and site form part of the more recent development outside of the historic core. The building dates from the early 1990s and is constructed of natural coursed stone with concrete tiles to the roof. Although modern, the building's form, design and materials are respectful of its context, and so, it makes a neutral contribution to the character and appearance of the CA. The large, spacious garden to the property reflects the spatial layout and pattern of development in this part of the CA and, combined with the well-established mature trees along the boundaries and within the site, cause it to make a positive contribution to the character and appearance of the CA.
7. The Council has raised no concerns regarding the proposed extensions and alterations to the dwelling. Given their subservient scale, satisfactory separation distances from adjacent properties, complementary form and design and matching materials, I have no reason to disagree.
8. The proposed development would introduce a detached, two storey, double garage with an office/store above near to the southern corner of the site. It would be partially built into the existing steeply banked slope. The existing driveway would be extended into part of the garden area to provide access and a turning circle. Although it would be a substantial structure, the height, scale and massing of the garage would clearly be subservient to the main building. Furthermore, a sizeable area of the existing garden would be retained which would maintain the spacious nature of the site. On this basis, I consider that it would not amount to a harmful intrusion into the setting of the main building.
9. Its corner location and siting within the bank would mean that the garage would not be unduly prominent when viewed from Green Cliff. Although, this would cause it to be visible in longer range views from the adjacent open field. However, its form, design and matching materials would cause it to be seen as a complementary addition to the main dwelling and enable it to sit comfortably within the site.
10. The mature trees within the site contribute to the verdant and soft landscaped setting of the dwelling and the surrounding area. They are protected by a TPO

and by virtue of their location within the CA. The proposed development would not require the loss of any trees within the site and would be positioned outside the root protection area of the trees that are considered to be most important. Furthermore, it is the opinion of the Council's Tree Officer that, subject to a condition, the required levels could be achieved without harming the long term viability of the retained trees and I have no substantive evidence to disagree. This, taken together with the additional tree planting, would mean that the proposed development would not have a detrimental impact on the well-established tree cover and verdant nature of the site.

11. Accordingly, and having given considerable importance and weight to the preservation of the CA, I conclude that the proposed development would not harm the character and appearance of the site or that of the surrounding area, and thus it would preserve the character and appearance of the Honley Conservation Area. It would also not harm the protected trees on the site. As such, it would not conflict with Policy LP24 (a) and (c) of the Kirklees Local Plan (2019) which promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, and that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details. It would also be consistent with the objectives of Paragraph 127 of the National Planning Policy Framework, which requires development to be sympathetic to local character.

Other Matters

12. I have had regard to representations made by neighbours. I acknowledge their concerns regarding the effect of the garage in relation to outlook, light and privacy. I viewed on site that the garage would be visible from some of the properties on St Mary's Mews. However, taking into account the approximate 15.5m separation distance between the side elevation of the garage and the rear elevation of the nearest property on St Mary's Mews, the form and design of the garage and the existing and newly planted screening, I consider that it would not be unduly overbearing and cause an unacceptable level of harm to outlook or overshadowing and loss of light. In addition, due to the lack of openings on the side elevation of the garage, I consider that there would be no overlooking and harm to the privacy of these neighbours and this could be protected in the future by a condition.
13. I note their concerns in relation to noise due to increased traffic to this part of the site and from the use of the upper floor of the garage. However, I consider that any noise would be no more than that normally associated with a domestic property.
14. Finally, I note the issue raised regarding a decrease in the value of neighbouring properties. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.
15. All of the matters above, individually or collectively, do not provide justification to withhold consent for the appeal proposal and therefore do not alter my conclusion.

Conditions

16. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings as this provides certainty. To ensure that the external appearance of the development is compatible with its context, a condition is attached relating to matching materials. To safeguard the viability of protected trees on the site a condition is imposed to ensure that the development is carried out in accordance with the approved Arboricultural Method Statement. In the interests of the living conditions of existing and future occupants of neighbouring properties, exceptionally, it is necessary to attach a condition to remove permitted development rights relating to the insertion of openings in the elevations of the garage. I have not imposed a condition suggested by the Council relating to the use of the garage as, should the garage be used for anything other than uses incidental to the dwellinghouse, the Council could take enforcement action.

Conclusion

17. For the reasons given above and subject to conditions, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR



Appeal Decision

Site visit made on 23 September 2019

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

Appeal Ref: APP/Z4718/D/19/3232787

Hogley Farm, Hogley Lane, Holmfirth HD9 2QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs A and R Hogley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/90030/W, dated 8 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is replacement of existing stable block with proposed single storey detached games room.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement of existing stable block with proposed single storey detached games room at Hogley Farm, Hogley Lane, Holmfirth HD9 2QA in accordance with the terms of application reference 2019/62/90030/W, dated 8 January 2019 subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this Decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following plan: 18117D-01-P04.
 - (3) The development shall not be occupied until all the roof-light windows in the building hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.
 - (4) The development hereby approved shall be used solely as ancillary accommodation incidental to the enjoyment of the property known as Hogley Farm, Hogley Lane, Holmfirth HD9 2QA.

Application for costs

2. An application for costs was made by Mr and Mrs A and R Hogley against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- The effect of the development on openness.
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site accommodates a detached single storey timber stable block that sits on a concrete base to the front of the residential dwelling known as Hogley Farm. To the side and front of the structure is a drystone wall with a retaining wall to the rear which separates the lower ground of the appeal site from the higher ground of the garden associated with the neighbouring dwelling, Highlands. The stables are currently used for the storage of domestic household items.
5. The appeal site is located in the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy LP57 of the Kirklees Local Plan 2019 (Local Plan) amongst other things says replacement buildings in the Green Belt are normally acceptable provided the new building is in the same use and not materially larger than the building it is replacing. The development amongst other things must also not result in a greater impact on openness. Policy LP59 of the Local Plan amongst other things says that the redevelopment of brownfield sites is normally acceptable provided in the case of redevelopment, the extent of the existing footprint is not exceeded.
7. The NPPF defines previously developed land as land which is or was occupied by a permanent structure. The Council say the existing building is temporary and therefore that the land is greenfield rather than previously developed land. Both main parties refer to caselaw which establishes 3 tests for considering whether something is a permanent structure. Whilst neighbouring representors state that the stables were originally built as a temporary structure to stable horses, aerial photography indicates that the stables date from sometime before 2009. Whilst they may not form part of the original dwelling, the Council acknowledge that they have been in place for more than 15 years. This along with the fact that the structure is bolted down to a brick and concrete base suggests it has not been moved. Even if assembled in a single day, and capable

of being dismantled in a similar timeframe, on site assembly would have been required on site given that it is not unsubstantial in size. It is also served by water and electricity.

8. On the basis of the evidence before me, along with my observations on site, I am of the view that the stables can be reasonably considered to be a permanent structure. The land is therefore previously developed land and as such whether the proposal would be inappropriate development is dependent upon whether there would be a greater impact on openness.

Openness

9. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'. The footprint of the existing building is some 46 sqm which would increase to some 53 sqm post development. The proposal would be of a similar height to the existing stables. The proposal would not therefore be materially greater in size than the existing stables. The additional footprint would be accommodated in the gap between the existing structure and the retaining wall behind.
10. There would be very little difference in the overall size of the built form on the site as a result of the proposal. The scheme would not cause material harm to the openness of the Green Belt or impact on one of the purposes of Green Belt in terms of safeguarding the countryside from encroachment.
11. The development would not be inappropriate development and would not harm openness. Very special circumstances are not therefore necessary to justify the development.

Other Matters

12. There is debate between the parties as to whether the piece of land which the development would sit on forms part of the residential curtilage of Hogley Farm and whether the existing building should be treated as an outbuilding of the residential property. However, I would come to the same view whether the site was part of the curtilage or not.
13. The architectural appearance of the proposal would be very similar to the existing stables, timber clad with a sedum roof replacing the existing moss covered roof. The small increase in the footprint of the development would not generate an overly dominant development, despite its location to the front of the property. There would consequently be no harm to the character and appearance of the area.
14. Concern has been raised that the building could be converted to another use in the future. However, any material change of use would require planning permission. To ensure compliance an appropriately worded planning condition restricting use can be imposed.
15. Whilst highway safety concerns have been raised, there has been no objections raised by the Highways Authority and in the absence of any substantial evidence to the contrary I have no reason to disagree. Similarly, given the location of the proposal I have no reason to believe that there would be a harmful impact on existing car parking provision serving Hogley Farm or that the development would generate a need for additional car parking spaces.

There is also little to suggest that the Public Right of Way would be harmed by the scheme.

Conditions

16. In attaching conditions I am mindful of paragraph 55 of the NPPF, which states that they should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis.
17. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring obscure glazing is necessary to protect the living conditions of the residents of neighbouring properties. A condition restricting use to that which is ancillary to Hogley Farm is necessary to prevent the development from being used as an independent dwelling.

Conclusion

18. For the reasons identified and having regard to all other matters, I conclude that the appeal is allowed.

K Ford

INSPECTOR



Appeal Decision

Site visit made on 3 September 2019

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **1st October 2019**

Appeal Ref: APP/Z4718/W/19/3231485

Land adjacent to The Edge Accommodation, Longwood Edge Road, Longwood, Huddersfield HD3 4XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Whitworth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/91573/W, dated 11 May 2018, was refused by notice dated 19 March 2019.
 - The development proposed is conversion of former livestock building to create single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the proposed development would provide a suitable location for a dwelling having regard to open space, 2) the effect of the development on the character and appearance of the area and 3) the living conditions of future occupants.

Reasons

Location/Open Space

3. The appeal site is an area of open space and includes a single storey timber building formerly used for storing livestock. It is located to the south-east of The Edge Accommodation which is a Guesthouse. The appeal site is opposite school playing fields and sits on the top of a disused quarry face. This elevated position gives the site commanding views across a wide area. The site is accessed from Longwood Edge Road which is a loose surface public byway.
4. The proposal is for the conversion and enlargement of the existing timber building to form a single dwelling. It would also include the change of use of land to form part of the resulting residential unit.
5. The appeal site is allocated in the Kirklees Local Plan (2019) as Urban Green Space and also within the Kirklees Wildlife Habitat Network. The proposed development comprising the enlargement of the building and the change of use of the site would result in the loss of open space. At present the site is part of an area of open grassland. This open aspect of the site contributes to facilitate

views over a wide area from Longwood Road that are particularly appreciable and a positive feature of the area.

6. The change of use of the land to residential would result in a harmful change in the nature of the use and the appearance of the land, severing its continuous open, grassland aspect. The land would lose its visual amenity significance with it clearly appearing to form part of a dwelling that would ultimately include parked cars, bins and bin storage, domestic outdoor paraphernalia, planting containers and a garden landscape.
7. The proposed development does not involve the replacement of open space or constitute an alternative open space, sport or recreation use.
8. The development would therefore be contrary to Policy LP61 of the Kirklees Local Plan (2019) which outlines that the loss of urban green space will only be permitted when, amongst other things, it does not make an important contribution in terms of visual amenity, or where replacement open space is provided, or where the proposal is for an alternative open space, sport or recreation use. The development would also not constitute one of the exceptions for building on open space as outlined in Paragraph 97 of the National Planning Policy Framework (the Framework).

Character and appearance

9. The proposed development involving the conversion of the existing building to form a dwelling includes its enlargement by removing the entire timber façade facing Longwood Road and replacing it with natural coursed stone and a new opening to form a front door. The remainder of the building would be formed from the existing timber which would be insulated internally. Externally, boundary treatments are proposed and a parking space, although no details on these elements have been submitted. Access to the site would require the removal of a section of the existing dry-stone wall that forms part of the boundary with Longwood Road, although again, no details of this aspect are submitted.
10. The area around the appeal site has a semi-rural, agricultural character, into which the existing building and its former use, are not out of character. The proposal in terms of the alterations to the building and the change of use of the site to residential, would appear out of character with the area. As outlined above, the domestication of the site would significantly alter the character and appearance of the site. The main elevation of the building to which the natural coursed stone is proposed would be in such a sharp contrast to the remainder of the building that it would cause harm to its overall appearance particularly when viewed on approaches to the site taking in either side elevation. It would appear to impose itself onto the building and dominate its overall appearance when viewed directly from the front elevation.
11. The development would be harmful to the character and appearance of the area and would therefore be contrary to Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things that all development respects and enhances the character of the townscape and landscape. The development would also be contrary to guidance contained in the Chapter 12 of the Framework which outlines, amongst other things, that developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and landscape settings with permission being refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

12. The development would create a one-bedroom unit with separate bathroom, and kitchen/living/dining area. Each room would have reasonable levels of daylight, sunlight, outlook and privacy, including benefiting of the wide-ranging views.
13. The Council consider that the development would fail to provide adequate internal living space for future occupiers to promote a healthy environment. The Council have referred to the proposal being contrary to the nationally described space standard with reference to the headroom for part of the building and the width of the double bedroom.
14. Whilst some elements of the development would not meet the space standards, I find the conflict to be only slight and not to be so severe that the development would result in unacceptable living conditions as a whole.
15. The development would therefore comply with Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that development minimises the impact on residential amenity of future occupiers.

Other Matters

16. The appellant considers that the biodiversity enhancements that are proposed do not result in the loss of the appeal sites important biodiversity role within a Wildlife Habitat Network. I do not find this matter to be one of the main issues in the appeal and it would not override my findings on the main issues.
17. The appellant considers that the proposal would represent an enhanced alternative open space (by way of the biodiversity enhancements) and thus would comply with Policy LP61(c) of the Local Plan. I do not agree. The change of use that would occur to the site would have the effect that it would no longer be classed as open space¹. It would therefore not be alternative open space for the purposes of Policy LP61(c) of the Local Plan.
18. There is dispute in relation to the planning history of the site and whether the original building was a chicken coup, or a livestock shed. This matter is not pertinent to the main issues identified in the appeal. It does not alter my findings on the main issues.
19. The appellant refers to discussions held with the Council during the application process leading them to believe a favourable decision would be made by the Council, and the timescale of the application in the context of the Local Plan adoption. These matters are not however relevant to the planning merits of the appeal and it is not my place to comment on the conduct of the Council.

Conclusion

20. On the matter of the location of the development, with regard to open space, I find that the proposal would result in the loss of open space of important visual amenity value. On the matter of character and appearance, I have found that the proposed development would cause unacceptable harm to the character

¹ S.336 of the Town and Country Planning Act 1990

and appearance of the area. On the matter of living conditions, I have found that the development would provide adequate living conditions for any future occupants.

21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR



Appeal Decision

Site visit made on 10 September 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2019

Appeal Ref: APP/Z4718/W/19/3232546

**Plot 3, Land off Old Lane / Taylor Lane, Scapegoat Hill, Huddersfield
HD7 4PQ.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bradley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93573/W, dated 12 September 2019, was refused by notice dated 8 April 2019.
 - The development proposed is the erection of a garage and storage supplementary to plot 3 of previously approved scheme on appeal reference APP/Z4718/W/3180494.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the development on the character and appearance of the locality.

Reasons

3. The site is set on a steep south-facing slope within the village setting of mainly stone-built housing. The older hilltop development to the north is of close terraces and traditional detached buildings. More recent development has intertwined with the original settlement pattern and extended along ribbons on the lower slopes following the rural lane network and private lanes facilitating intermediate plots. The later development is generally within larger plots and shows more diversity in its architectural styling, including varying design responses to accommodate the steeper land profiles.
4. Due to the nature of the historic development of the village, the older properties show a higher density with few outbuildings other than small sheds apparent within the more limited plots. Later development generally provides for the accommodation of vehicles through integral facilities or modest detached garages and outbuildings subordinate in scale to the host building.
5. The proposed garage would appear subordinate to the dwelling it is intended to serve and retain a ratio of development to plot size similar to other examples in the locality. However, the building's footprint, possibly exceeding 50% of that of the approved dwelling, and the large outward facing roofscape would present as a significant scale of development. This scale is more comparable to a

- primary form of accommodation in the locality than that of an ancillary outbuilding.
6. Notwithstanding the proposed inseting of the building to the local topography, the scale of the approved dwelling and use of materials to match it, the size of the garage/store would fail to reflect the substantially more modest relationships between residential accommodation and their ancillary buildings prevalent in the area. This would appear at significant odds with the local grain of development and fail to reflect the established local character of the townscape.
 7. Although no demonstration of need for the building is required, the appellant suggests that the garage/store would provide additional parking facilities to meet the needs of occupiers alongside any visitor demand and necessary storage. Due to the scarcity of suitable on-street parking in the immediate vicinity, I have some sympathy with that stance. However, given the level of parking previously secured and the potential to provide additional building/s on the site, this would not attract sufficient weight to outweigh the identified harm.
 8. I note an earlier appeal scheme on the site (ref: 3180494) and have taken it into account. However, I do not consider that it provides justification for overcoming the harm I have identified here; a proposal which I have considered on its own planning merits.
 9. The proposed development would therefore fail to reflect the character of the existing local townscape. As such it would be contrary to Policy LP24 of the Kirklees Local Plan (Feb 2019) which, amongst other aims, seeks to ensure that the form, scale, layout and details of developments should respect and enhance the character of the townscape.
 10. The proposed development would be contrary to the adopted development plan, and there are no material considerations indicating a decision otherwise than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

R Hitchcock

Inspector