



Appeal Decision

Site visit made on 30 April 2018

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2018

Appeal Ref: APP/Z4718/D/18/3194579

33 Grange Road, Staincliffe, Batley, WF17 7AT

- 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 Mrs Sajeda Hafejee against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93968/E, dated 13 November 2017, was refused by notice dated 15 January 2018.
 - The development proposed is described as 'I have purchased a cabin with measurements of 28ft by 8ft 2 inch and 10ft 2 inch height, which I would like to place in the rear garden. The cabin includes an open space with a kitchen area and a small washroom.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a semi-detached house fronting Grange Road with a rear garden which also has a frontage to Thorncliffe Estate. It is separated from the back edge of the pavement there by a stone wall. The cabin would provide annex accommodation associated with the host property and would be located at the end of the rear garden adjacent to Thorncliffe Estate. It would be a single storey building with a flat roof and would be 3.2 metres wide and 8.6 metres long, with a height of 2.5 metres.
4. It would cover much of the appeal property's rear garden where it would be appreciated as a large and bulky feature. Its functional flat roof design along with the inherently temporary character of the pre-fabricated structure's construction would appear directly at odds with the residential use of the host property and its garden. Whilst I appreciate that the appellant intends to refurbish the cabin for leisure use, I cannot see that this would alter its external appearance as an essentially industrial cabin to any great extent.
5. The proposal would be highly visible from Thorncliffe Estate and would be prominent in street scene there. Although there is a variety of housing styles nearby and a number of large outbuildings and garages (including at neighbouring No 35) these are generally domestic in nature and traditional in

design and appear very much to be ancillary to the residential use of the respective host properties. In contrast, the appeal proposal would stand out as an unsympathetic and incongruous feature that would detract from the domestic appearance and residential character of the host property and the surrounding area.

6. I have had regard to the expressions of support for the proposal made by some local residents and also appreciate that the cabin would provide additional accommodation for the appellant. However, this benefit of the scheme is insufficient to outweigh the harm I have identified.
7. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the host property and the surrounding area. This would be contrary to Policy D2 of the Kirklees Unitary Development Plan (UDP) which is permissive of development provided that it does not prejudice (amongst other things) visual amenity (vi) and the character of the surroundings (vii). It would conflict with UDP Policy BE1 which requires all development to be of good quality design such that it contributes to a built environment which (amongst other things) creates or retains a sense of local identity (i) and is visually attractive (ii). It would also be at odds with the core planning principle of the National Planning Policy Framework to seek to secure high quality design.
8. Although Policy PLP24 of the Kirklees Publication Draft Local Plan concerning design is referred to on the decision notice, since that plan remains subject to examination and has not yet been adopted (and because I am unaware of existence or extent of any unresolved objections to that policy) the weight I afford to it is limited.

Conclusion

9. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR

Appeal Decision

Site visit made on 13 March 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2018

Appeal Ref: APP/Z4718/D/17/3191961

16 Hall Lane, Highburton, Huddersfield, W. Yorks HD8 0QW

- 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 Richard Gill against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/92537/E, dated 19 July 2017, was refused by notice dated 27 October 2017.
 - The development proposed is a single storey side extension to replace existing store.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension to replace existing store at 16 Hall Lane, Highburton, Huddersfield, W. Yorks HD8 0QW in accordance with the terms of the application, Ref 2017/62/92537/E, dated 19 July 2017, subject to the conditions set out in the attached schedule.

Procedural matter

2. Although the development is described as a single storey extension, I note from the submitted drawings that there would be a small increase in floorspace at first floor level within its roof. However, given the incidental and integral nature and limited scale of these works, I do not consider that this requires any amendment to the description of the development in this instance.

Main Issue

3. The main issue is the effect on the living conditions of the occupants of 8 Hall Lane with regard to outlook and daylight.

Reasons

Living conditions

4. The appeal property is located at the end of a terrace of cottages which is part of a small close-knit residential courtyard off Hall Lane. The property at the end of the neighbouring terrace, 8 Hall Lane, faces the side of the appeal site.
5. The appeal property has an attached outbuilding to the side, which the proposed extension would replace. The side wall of this existing structure sits on the boundary with No. 8 and varies in height along this boundary, with a maximum height of around 4.1m at the front and lower eaves to the rear, as confirmed in the appellant's submission and referred to in the Council's report.

6. No. 8 is accessed from a narrow path which separates its main entrance door from the existing outbuilding only a short distance away. The elevation of No. 8 facing the appeal site also contains a secondary window in the rear corner of the ground floor lounge and, on the first floor, two landing windows in the original building, and bathroom windows in a later extension.
7. The development would replace the existing side wall with a new wall of consistent height, set in slightly from the boundary. Although this new wall would be slightly higher than the rear corner of the existing outbuilding, its front section would be considerably lower than the equivalent section of the outbuilding's existing side wall. Overall I therefore consider that the immediate effect of the proposed side wall in terms of its massing and presence would be reduced compared to the existing boundary wall, particularly when viewed from the ground floor entrance door, window, and path alongside the building.
8. I note that at its tallest point the extension would be higher than the existing outbuilding. However as the roof of the extension would rise away from the boundary with No. 8, this taller section would be set further from the boundary than the closest, tallest section of the existing outbuilding, which is on the boundary itself. The taller roof beyond, and any additional massing arising from this, would also be viewed against the backdrop of the higher 2 storey gable of the existing house, thereby diminishing its effect on the outlook from No. 8.
9. The roof of the proposed extension would be visible from the first floor landing windows in the original building at No. 8, which I observed at my visit to be the only source of light to this area. However, the removal of the highest part of the existing outbuilding, to the right when viewed from these windows, would open up the outlook and allow greater potential for light penetration from that direction. This would offset the effects of the additional height of the extension, which would be further away from these windows. Therefore, I also do not consider that the proposed extension would have a significantly greater overall effect on the outlook from, or light levels to, this landing area compared to the existing outbuilding.
10. Although the extension to No. 8 has two first floor windows facing the appeal site, most of this extension sits forward of the front elevation of the appeal property, and these windows mainly look out along the appeal site's drive at present. The front part of the proposed extension, closest to these windows, would be lower than the existing boundary wall at this point, and the roof of this front section would be similar to that of the appeal property's existing front extension, slightly further away. I therefore do not consider that the outlook from, or light levels to these windows would be significantly or detrimentally affected by the proposals.
11. The rear wall of the extension would be visible in oblique views from the secondary ground floor lounge window at No. 8. However, in view of its separation from, and orientation in relation to this window, I do not consider that in overall terms it would seem so high or dominant that it would appear more oppressive than the existing structure to be replaced, or that it would significantly reduce light levels to this area. The lounge's primary light source, to the opposite side of the property, would be unaffected by the proposals.
12. I note that a previous appeal for a two storey extension in this position was dismissed. However, the previous appeal related to a larger two storey extension whose side wall adjacent to No. 8 would have been taller than any

part of the existing outbuilding which it would replace. In contrast, the current proposal relates to a single storey extension whose side wall along the boundary with No. 8 would be somewhat lower than that of the previous proposal, and which would give less of an impression of overall massing than the previous proposal when viewed from facing windows in this neighbouring property. Having had due regard to the previous appeal decision, I am therefore satisfied that the current proposal is materially different for these reasons.

13. For the reasons set out above, I consider that the extension would not appear significantly more dominant, overbearing or oppressive than the existing outbuilding or have a significantly greater effect on the levels of daylight reaching No. 8. I therefore consider that the extension would not conflict with Policy D2 of the Kirklees Unitary Development Plan Saved 2007, or with paragraph 17 of the National Planning Policy Framework, which seek to protect the living conditions of existing and future residents.

Other matters

14. This courtyard of terraced cottages forms a positive and characteristic component of this part of Highburton Conservation Area. There is some variety in their design and materials, and a number have been sympathetically extended. Although the existing outbuilding appears to be an original feature of the courtyard, I do not consider the building itself to have any particular merits warranting its retention. The extension would be built in stone and slate to match the existing property, and would remain subservient to it in scale, even when taken together with the existing front extension. I therefore consider that the development would preserve the character and appearance of the Conservation Area.
15. The proposed extension would be set slightly in from the boundary with No. 8 and would have guttering along its side elevation, which is not present to the side of the existing outbuilding. Overall I do not consider that the proposals would have significant implications in terms of additional snow and ice falling onto the adjacent path. Possible damage to property during construction and the potential need for agreement under the Party Wall Act are potential aspects of all development proposals and would be private matters between the parties involved.
16. References have been made to inaccuracies and omissions in the appeal documents in relation to various aspects of the appeal site and No. 8. I have visited the site and viewed it from internal and external areas of No. 8, and am satisfied that I have seen all I need to in order to make a full and proper assessment of the proposal, and that the relevant details of the proposal before me remain correct.
17. Reference has been made to guidance for single storey extensions, however this appears to relate to the parameters for 'permitted development'. Notwithstanding any such general references, the appellant has sought permission for the specific development as proposed and I have determined this appeal on its planning merits, as an extension associated with the use of the property as a dwellinghouse, and with regard to adopted policies and other relevant guidance as indicated. I also have no reason to attach any material weight to any personal circumstances of the appellant.

Conditions

18. I have attached a condition specifying the approved plans, in the interests of certainty, and a condition requiring matching materials, to preserve the character and appearance of the Conservation Area.
19. In view of the extension's very close proximity to No. 8 and the potentially significant increase in overlooking which could arise from any future further windows or other openings being inserted in its side elevation or roof, I consider it necessary to restrict the insertion of any such new openings in this instance. I have therefore attached a condition to this effect. As the rear elevation does not directly face any gardens or neighbouring windows in close proximity, I do not consider it necessary to extend this restriction to the rear elevation as has been suggested by the Council.
20. Following concerns from the occupier of No. 8 regarding the potential installation of ventilation equipment in the extension, further comment has been sought from the Council and the appellant on this matter. Given its proximity to No. 8, I consider that the installation of mechanical ventilation equipment in the side or rear elevation or roof of the extension has the potential to create noise and disturbance for residents of this neighbouring property. I therefore consider it necessary to restrict the installation of any such equipment in both of these elevations and its roof, and have included a condition to this effect.
21. I have little direct evidence of any bat presence, and I note that the building is considered by the Council to have low bat roost potential, and that this has not been cited as a reason for objection by the authority. Nevertheless, given the status of bats as a protected species, I consider to be it a necessary and prudent precaution to ensure that any potential effect on bats and their roosts is assessed before any development proceeds, that any necessary protection and mitigation measures are put in place as part of the development, and that all such matters are fully addressed prior to the commencement of development. I have therefore attached a condition to this effect.

Conclusion

22. For the reasons above and taking into account all other matters raised, I conclude that the appeal should be allowed subject to the conditions as attached.

Jillian Rann

INSPECTOR

Schedule of 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: 'Plans as Existing' drawing revised Aug 2017; 'Proposed Extension' drawing revised Aug 2017.
- 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) 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):
 - i) no windows or other openings shall be installed in either the side wall of the extension facing 8 Hall Lane or its roof
 - ii) no outlets for ventilation or extraction shall be installed in either the rear elevation of the extension or in either the side wall of the extension facing 8 Hall Lane or its roof
- 5) No development, including demolition, shall take place until a method statement for the protection of bats and their roosts during the demolition and construction period has been submitted to and approved in writing by the local planning authority. The statement shall include a survey to ascertain any presence of bats, and details of any necessary mitigation measures. The development shall be carried out in accordance with the approved method statement.

Appeal Decision

Site visit made on 13 March 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 16 April 2018

Appeal Ref: APP/Z4718/D/17/3192365

**The Mansion, Storthes Hall, Storthes Hall Lane, Kirkburton, Huddersfield
HD8 0PR**

- 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 Chris Edwards against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/94215/E, dated 15 December 2016, was refused by notice dated 4 October 2017.
 - The development proposed is described as the erection of single storey recreational tree house and decks.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt.
 - The effect on the character and appearance of the area and on the setting of The Mansion, a Grade II Listed Building.
 - 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 necessary to justify the development.

Reasons

Whether or not inappropriate development

3. The appeal site is located on the periphery of a woodland area, adjacent to the substantial garden of The Mansion, which is a Grade II Listed Building, and lies within the Green Belt. The proposed development would involve the construction of a recreational treehouse with a raised walkway and decking areas.
4. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate

in the Green Belt, subject to certain conditions. It states that new buildings should be regarded as inappropriate in the Green Belt, save for a limited number of exceptions. The term 'building' refers to any structure or erection and it therefore includes the proposed tree house. Paragraph 90 identifies other forms of development that are not inappropriate.

5. National planning policy affords stringent control of development within the Green Belt and the first stage in assessing a proposal is to determine whether it represents an 'inappropriate' form of development; in other words, one that does not fall within the list of exceptions identified at paragraphs 89 and 90 of the Framework. Any development falling outside those exceptions is 'inappropriate' and deemed harmful to the Green Belt by definition.
6. None of the exceptions listed at paragraph 90 are relevant to the appeal proposal. Paragraph 89 does not make any specific exception for domestic outbuildings or other garden structures, although the extension and alteration of a building, including a dwelling, is not considered as 'inappropriate' providing that any additions are not disproportionate to the size of the original building.
7. The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts', for example, the construction of a garage in close proximity to a dwelling. However, I am not satisfied that the current structure should be considered on that basis. It is essentially a substantial ornamental garden structure located some distance from the main dwelling. It is not an extension to accommodation that would normally be found within the dwelling itself.
8. The appellant suggests that the proposed tree house would constitute the provision of an appropriate facility for outdoor recreation, which is one of the exceptions listed in paragraph 89. However, I do not consider that the use of the proposed tree house for private domestic recreation should be considered on that basis.
9. As such, the proposed development does not meet any of the exceptions listed at paragraphs 89 and 90 of the Framework and I find that it would amount to inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect on Openness

10. A fundamental characteristic of Green Belts, as set out in paragraph 79 of the Framework, is their openness and their permanence. The concept of openness has a physical and visual dimension. In a physical sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. That is the case in this instance. Although the proposal would have a largely open framework at lower level, the main structure would be elevated and represent a relatively bulky building within the context of its setting.
11. I note the careful consideration given to the design in order to integrate the treehouse with the character and appearance of the appeal site. However, the proposal would still result in the provision of a substantial built structure set on a timber framework. It would result in significant built development where there is presently none. Although it would be located on the edge of the

woodland, the bulk of the proposed tree house would inevitably significantly reduce the openness of this part of the Green Belt to a moderate degree.

Character and appearance of the area and the setting of The Mansion

12. Owing to the presence of the extensive woodland area to the north and the elevated position of The Mansion and its extensive grounds above Storthes Hall Lane, the appeal site cannot be readily seen in public views. In my view, the tree house would be of a design that would be appropriate to its edge of woodland location.
13. Although development would reduce the openness of the Green Belt to a moderate degree, the visual impact is relatively localised due to the concealed position of the site, away from public vantage points. Owing to the relatively modest size of the proposed tree house, its design and the degree of visual containment, I do not consider that the proposal would cause any significant harm to the character and appearance of the surrounding area nor would it appear as being an incongruous structure. Whilst glimpses of the roof may be attainable during the winter months, when the trees have shed their leaves, I do not consider that this, in itself, would cause any visual harm.
14. Although the Council has raised no concerns regarding the impact of the proposed development on the setting of the Grade II Listed Building, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such asset. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the setting of the designated heritage asset.
15. I note that the Council's Conservation and Design Officer raised no objections to the proposed development. Owing to the distance of the appeal site from The Mansion and the position of the proposed tree house on the edge of the woodland, views of the Listed Building and its setting would be maintained. Consequently, I am satisfied that the proposal would preserve the setting of the designated heritage asset.
16. Taking into the above factors, the proposed development would not cause harm to the character and appearance of the area and it would preserve the setting of the Listed Building. As such, there would be no conflict with Saved Policy BE2 (i) of the Kirklees Unitary Development Plan 2007 (UDP). This policy, amongst other things, requires that development should be in keeping with that of the surrounding area.
17. The Council has also suggested that there would be a conflict with Saved Policy BE11 (i) of the UDP which requires new development to be constructed of stone in areas within which stone has been the predominant material of construction. However, in my view, it would be entirely expected that a proposed tree house would be mainly constructed of timber. Moreover, the use of stone as the predominant building material in such form of development would be visually prominent and inappropriate within the woodland setting. Consequently I have attached little weight any perceived conflict with the provisions of this policy.

Other considerations

18. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 continues by stating that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. The development in this case amounts to inappropriate development and the Framework requires that substantial weight is attached to the harm in that regard. It would also cause a moderate loss of openness within the Green Belt. It would be well designed and I am satisfied that it would not cause harm to the character and appearance of the area, or the setting of The Mansion. Nonetheless, good design is an expected part of the planning process and there is a statutory duty to give special regard to the need to preserve the setting of listed buildings. As such, the lack of harm in those respects does not amount to a positive material consideration in favour of the development.
20. I have taken into account the fact that the development proposes the removal of an existing brick built outbuilding which the appellant suggests has a larger cubic volume than the proposed tree house. The existing building has a flat roof and is used for storage. It is a relatively inconspicuous building that is located some metres away from the proposed footprint of the tree house. However, taking into account the intervening distance between the proposed tree house and the existing building, the difference in form of the development proposed and the difference in height of the two structures, the weight that can be attached to the fourth bullet point of paragraph 89 of the Framework would be limited and not of an extent that would clearly outweigh the harm that I have identified by reason of inappropriate development.
21. I also note the contention that the proposal would involve the partial use of previously developed land. Whilst this may be the case in terms of the removal of the outbuilding which is clearly located within the garden, the proposed tree house would be located within the woodland. Even if I were to be persuaded that the site of the proposed tree house itself would be located on previously development land, this moderate benefit would not clearly outweigh the harm that I have identified above by reason of inappropriate development.
22. The appellant has drawn my attention to other planning decisions and an appeal for development involving the construction of tree houses within the Green Belt. However, I do not have full details of the nature of the proposals or the circumstances and material considerations that were relevant to their determination. Moreover, I note that the main issue of the appeal decision did not consider in any detail whether or not the proposal would be inappropriate development within the Green Belt. Consequently, I cannot be sure that these are wholly representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.

Conclusion

23. The proposal would be inappropriate development, which the Framework states is harmful to the Green Belt and should not be approved except in very special circumstances. It would also cause harm to the openness of the Green Belt.

24. For the reasons explained above, the material considerations cited in support of the proposal would not outweigh the substantial weight to be given to Green Belt harm sufficient to demonstrate very special circumstances. Taking all matters into account, I conclude that the development would not accord with the Green Belt protection aims of the Framework. There are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Framework. Consequently, the appeal should be dismissed.

Stephen Normington

INSPECTOR

Appeal Decision

Site visit made on 24 April 2018

by Michael Moffoot DipTP MRTPI DipMgt

an Inspector appointed by the Secretary of State

Decision date: 30 April 2018

Appeal Ref: APP/Z4718/W/18/3195278

77 Leeds Road, Littletown, Liversedge WF15 6JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr D Sugden against Kirklees Council.
 - The application Ref: 2017/92498 is dated 12 July 2017.
 - The development proposed is two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline form with all matters other than access reserved for future approval. The proposal includes a site layout plan and elevations/floor plans of the two dwellings. The drawings are not marked nor has the appellant referred to them as being for 'for illustrative/indicative purposes only'. I shall therefore treat them as part of the appeal proposal.
3. The Council has not provided a statement of case or otherwise indicated what its decision would have been had it been in a position to determine the application before the appeal was lodged. However, reference is made to a similar proposal for residential development on an adjoining site using the same access route as the appeal proposal. That application¹ was refused in March 2018 on highway and pedestrian safety grounds. I shall therefore confine my detailed considerations to these matters in determining the appeal.

Main Issue

4. The main issue in this case is the effect of the proposed development on highway and pedestrian safety.

Reasons

5. The appeal site comprises a sizeable parcel of land to the rear of No 77: a detached, two-storey dwelling at the head a private/unadopted cul-de-sac of housing off the A62 Leeds Road. The scheme includes a pair of detached, two-storey dwellings with integral garaging, a shared access drive with a turning head and a garage for No 77.

¹ Ref: 2017/60/92641/E

6. At the time of my mid-morning site visit the A62 Leeds Road was heavily trafficked consistent with its role as a major distributor route. The cul-de-sac presently serves 10 properties. Applying the visibility and SSD standards in *Manual for Streets*, the junction should have a visibility splay of 2.4m x 59m to enable emerging vehicles to safely exit the cul-de-sac. No scaled drawing has been provided to demonstrate that this standard can be achieved at the access. The appellant acknowledges that the visibility at the junction is restricted, and from my observations I do not consider that the required visibility could be achieved. This is particularly critical with vehicles approaching the junction from the south. The proposed development would increase the number of vehicles using this sub-standard junction on to a busy major route to the detriment of highway safety.
7. For much of its length the cul-de-sac has a footway and is of sufficient width to accommodate the two-way flow of traffic associated with the existing and proposed housing. However, beyond No 81 the carriageway narrows significantly and does not have a footway. Vehicles associated with No 77 and the proposed development would come into conflict using this stretch of the road. This would result in reversing manoeuvres to the detriment of highway and pedestrian safety, and particularly the safety of pedestrians using the public footpath that runs along the cul-de-sac.
8. For these reasons, I conclude that the proposed development would materially harm highway and pedestrian safety. As such, it would conflict with those parts of Policies D2, BE1, BE2 and T10 of the *Kirklees Unitary Development Plan* (2007) which allow development provided it does not prejudice highway safety or materially add to safety problems and achieves satisfactory access to existing highways.

Other Matters

9. In coming to these findings, I acknowledge that the site is within the built-up limits of Littletown/Liversedge and is therefore in an accessible location such that housing on the land would broadly accord with the principles of sustainable development set out in the Framework. I also note that the Council cannot demonstrate a 5 year supply of housing as required by the Framework and the proposal would make a modest contribution to this shortfall. However, the harm to highway and pedestrian safety outweighs these benefits.
10. Concerns regarding the provision of turning heads within the site and bin storage and collection facilities could be resolved at the approval of reserved matters stage if the appeal were to succeed.
11. Representations made by an interested party refer to the Council's ownership of land adjacent to the junction of the cul-de-sac with the A62. However, this is a matter between the relevant landowners and has no bearing on the planning merits of the proposal before me.

Conclusion

12. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector