
Appeal Decision

Site visit made on 18 January 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 01 February 2016

Appeal Ref: APP/Z4718/W/15/3139295

Land between 5 and 37 Hall Bower Lane, Huddersfield HD4 6RP

- 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 Ivan Conroy Homes against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/60/92129/W, dated 7 July 2015, was refused by notice dated 2 September 2015.
 - The development proposed is described as "outline application for residential development".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis, treating the plan which shows the site layout as indicative.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
 - The effect of the proposal on the openness of the Green Belt; 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 necessary to justify it.

Reasons

Whether inappropriate development

4. Paragraphs 89 and 90 of the *National Planning Policy Framework* (the Framework) set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. The proposed development is for residential development. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things they represent "limited infilling in villages".
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5. Policy D13 of the *Kirklees Unitary Development Plan (adopted March 1999 and revised September 2007)* (UDP) states that in existing settlements situated within the Green Belt infill development will normally be permitted subject to certain criteria. As such, despite its age, this policy is broadly consistent with the Framework.
6. The Framework does not provide a definition either of what constitutes a “village” or “limited infilling”. Whilst the UDP does not provide a definition of a village/settlement, the criteria set out in Policy D13 can be used to assess whether a proposal is an infill site. These include consideration of the size of the site, the nature of frontage, surrounding land uses, as well as whether the development would cause detriment to adjoining occupiers or the character of the area.
7. In my opinion, where the Framework is silent it is appropriate for a local plan to provide guidance on how it should be applied in the local area. As such, in determining whether the proposal would be limited infilling in a village, I consider it appropriate to utilise these criteria to assess whether the appeal scheme represents infilling, although, as the application was made in outline, with all matters reserved, the impact of the development on adjoining occupiers, and the character of the area, are matters that can only be considered at a later stage. However, in the absence of any formal definition of a village, this is a matter of judgement for the decision maker.
8. Hall Bower consists of a group of around 35-40 mainly older dwellings located in an irregular pattern around the road called Hall Bower and then a linear development of approximately 50 more modern, mainly semi-detached houses along Hall Bower Lane, that links Hall Bower to Newsome. The appellant has highlighted that both postally, and on maps, the area of Hall Bower is recognised as a separate entity from Newsome. Be that as it may, this does not mean that it is a village.
9. Apart from an “athletics club” which I understand is a private members club akin to a working men’s club, Hall Bower has no other services or facilities. Whilst there is a cricket club, this is in a more isolated location away from the majority of the houses, close to Newsome.
10. In my view, whilst I accept that Hall Bower is separate to Newsome, the limited number of houses and the lack of services and facilities that are normally associated with a village, indicates that this is a hamlet rather than a village.
11. The appeal site is currently open grazing land located at the junction of Hall Bower Lane and Hall Bower. Whilst the indicative site layout plan shows two houses on the site, the site could easily accommodate a greater number of houses, particularly if the scale and mass of the houses built on the site reflected the prevailing character of houses in the vicinity. As such, I agree with the Council, that the site is not a small site.
12. Whilst there are a large number of dwellings on the other side of Hall Bower Lane, on the side of the appeal site, development is more limited. To one side of the site, on the other side of the junction with Hall Bower, there is a short row of houses, but to the other side lies a field. Although there are three houses situated beyond this field, they are situated some distance from the site and would still be separated from the site by a field. The site also has a frontage to Hall Bower. Whilst there is a dwelling adjacent to the site to the

north west, to the other side of the site, an open field lies on the other side of Hall Bower Lane. As such the site does not form part of a continuous built up frontage on either Hall Bower Lane or Hall Bower.

13. Moreover, whilst there are houses located to the both the north west and north east of the site, to both the south east and south west of the site lie fields. Thus, the site is not surrounded by development.
14. In the light of this, I consider that the site cannot be considered to be small as it is capable of accommodating a considerable number of dwellings, does not form part of an otherwise continuously built up frontage, and is not largely surrounded by developed land. Consequently, it does not represent an infill site. Therefore, even if Hall Bower is considered to be a village, the development of the site would not represent limited infilling within it. Therefore it would represent inappropriate development, as set out in the Framework. According to paragraph 87 of the Framework, inappropriate development is, by definition, harmful to the Green Belt.
15. In support of the appeal my attention has been drawn to a recent planning permission elsewhere in Kirklees, where a smaller number of houses was considered to be a village. However, I do not have the full details of this case and so cannot be sure that the circumstances represent a direct parallel to this case, both in terms of the nature of the settlement and whether the site is an infill site. I have, in any case, come to my own conclusions in the light of the circumstances of this particular case.

Openness

16. Openness is an essential characteristic of the Green Belt. It can be considered as meaning the absence of built, or otherwise urbanising, development. The appeal site is an open field that is free from any built development. The proposed development of the site for residential purposes, where no buildings exist at present, would inevitably deplete the openness of the Green Belt. Consequently there would be a degree of harm arising from the loss of openness, and I afford significant weight to the harm that would be caused by this.

Other Considerations

17. The historic maps indicate that three dwellings fronting Hall Bower Lane previously occupied part of the site. However there is no longer any evidence of these dwellings on the site. Local residents have indicated that these were demolished over 50 years ago, and the land has been used for agricultural purposes since then. This, together with the fact that in 1965 an electricity sub-station was proposed, but not built, on part of the site, does not, in my view, provide any justification for the current proposal.

Conclusion

18. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 88) substantial weight has to be given to any harm to the Green Belt. Added to this is the harm caused by the loss of openness. I conclude that, taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist. As a result, I consider that the proposal would be contrary to both the Framework and Policy

D13 of the UDP. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

Richborough Estates