

Appeal Decision

Site visit made on 10 May 2016

by Susan Heywood BSc(Hons) MCD MRTPI

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

Decision date: 8 June 2016

Appeal Ref: APP/X4725/W/16/3145363

Land at Croft Head Lane, Warmfield, Wakefield WF1 5TN

- 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 H Stringer against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 15/02129/FUL, dated 4 September 2015, was refused by notice dated 12 November 2015.
 - The development proposed is "application for 1no block of 2no apartments (resubmission of application no 15/00367/FUL)".
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within the Green Belt. The main issues in this case are therefore as follows:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the advice in the National Planning Policy Framework (the Framework) and relevant Development Plan policies;
 - ii) the effect of the development on highway safety, in particular having regard to the sight-lines at the junction between Croft Head Lane and Warmfield Lane;
 - iii) if the proposal is inappropriate development, whether the harm to the Green Belt 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

3. The Development Plan includes the Local Development Framework Core Strategy and the Development Policies Document, both adopted in 2009. These plans were adopted prior to the introduction of the Framework in 2012. In such circumstances due weight is to be given to relevant policies according to their degree of consistency with the Framework.¹ The Development Plan also includes the Site Specific Policies Local Plan, adopted in 2012.

¹ Framework paragraph 215

Green Belt

4. Both policy CS1 and policy CS3 of the Council's Core Strategy state that, in the Green Belt, development should conform to national Green Belt policy. Policy CS3 also states that housing development should be of a very limited scale in the Green Belt. National Green Belt policy is contained in the Framework. This states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 advises that the construction of new buildings is inappropriate in the Green Belt except in certain circumstances. One of the exceptions relates to limited infilling in villages.
5. There is no dispute that the appeal site lies within the Warmfield Infill Settlement as identified within the Council's Site Specific Policies Local Plan. Policy D1 of the Council's Development Policies Document states that "*within the infill boundary of Green Belt settlements... housing proposals shall be limited to meet identified local needs comprising of (a) closing a small gap in an otherwise built-up frontage to an existing road...*". I note that the justification to the policy does not refer to this wording, but that does not mean that the policy wording should be ignored.
6. The policy gives a more detailed interpretation of 'infill' than is contained in the Framework. However, interpretation of what constitutes "*limited infilling in villages*", as referred to in the Framework, requires the exercise of judgement. The policy wording: "*closing a small gap in an otherwise built-up frontage*" to my mind constitutes a reasonable interpretation of what can comprise infill development. In this respect the policy does not conflict with the Framework.
7. The development would front onto Croft Head Lane. A small number of dwellings and domestic garages lie to the north and north west of the site and buildings forming part of the public house are sited to its north east. Whilst there are commercial developments on land to the south east of the site, the built development on these sites is set well back from Croft Head Lane and the land immediately adjoining the appeal site is used for the open storage of vehicles. There are no structures or buildings on this immediately adjacent land to the south east. This is the case for the majority of the plots which adjoin Croft Head Lane in this direction. The only building which lies close to Croft Head Lane is a domestic outbuilding located some distance to the south east of the site. Thus, I acknowledge that the character of the area is such that buildings are set back from Warmfield Lane, but, other than the domestic garages to the north, these buildings do not extend as far west as Croft Head Lane. For these reasons, I am not satisfied that the development of the site could reasonably be described as closing a small gap in an otherwise built-up frontage. As such, I do not consider the proposal to constitute limited infilling in villages having regard to the Framework and policy D1 of the Development Policies Document.
8. The Framework indicates that openness is one of the essential characteristics of the Green Belt. Openness can be considered to mean the absence of buildings or development. Although the site forms part of the car park to the public house, it is currently open in the sense that it does not have buildings upon it. The development would involve the erection of a two storey building which

would result in a loss of openness, although the harm would be relatively limited.²

9. The appellant points out that the appeal site is brownfield land. There is no suggestion that the development therefore falls to be considered under the exception set out at paragraph 89 of the Framework which sets out that the redevelopment of brownfield land should be regarded as not inappropriate. I have nevertheless considered this possibility. However, according to the final bullet point of paragraph 89, in order to fall into this category, the development should not have a greater impact on the openness of the Green Belt than the existing development. As set out above, the proposal would lead to a loss of openness. Consequently, the proposal would not fall to be considered under this exception.
10. For the above reasons, I conclude that the proposal would constitute inappropriate development which is, by definition, harmful to the Green Belt. In line with the Framework substantial weight is given to the harm by reason of inappropriateness together with the harm to openness.

Highway impact

11. Croft Head Lane is a narrow, single track road with no footpaths. At its junction with Warmfield Lane, the appellant claims that sight lines of 2m x 21.17m can be achieved to the east and 2m x 29.13 to the west. The speed limit at the junction is 30mph, having changed from 40mph a short distance to the west. The appellant's speed survey indicates that, during the survey, the 85th percentile wet-weather speed was around 20mph in both directions. This accords with my observations at my site visit when I noted that traffic travelling towards the site from the east is slowed by the slope upwards and the bend in the road. In such circumstances Manual for Streets (MfS) would suggest that sight lines of 25m should be provided. MfS states that an X distance³ of 2.4m should normally be used in most built-up situations. A minimum distance of 2m can be considered in some very lightly-trafficked and slow-speed situations. However, this will mean that the front of some vehicles would protrude slightly into the carriageway of the main road.
12. It is clear that the sight-lines would fall short of the standards in MfS whichever X distance is used. However, given the relatively slow speeds of traffic on Warmfield Lane and the limited traffic generation likely from the proposed development, the risk to highway safety as a result of the sub-standard sight-lines would not be great. I note that the existing junction is currently used by vehicles for the dwellings to the north of the site. I also saw the situation having regard to the access from Pineapple Farm to the west, which appears to have poorer visibility than at Croft Head Lane. I note the evidence that there have been no accidents at either location in recent years.
13. Croft Head Lane has no footpaths and the verges in the vicinity of the site are too narrow and overgrown to allow pedestrians to easily use these should they come across an approaching car. But, the amount of traffic on Croft Head Lane appears to be very limited indeed. The appellant's traffic survey noted only 2

² The Council's reason for refusal on this matter refers to policy D9 of the Development Policies Document. This policy refers to a number of criteria which seek to ensure good design in new development. The Council have not raised any specific issues regarding the design of the development and I therefore do not consider this policy to be directly relevant to the main issues in this case.

³ The distance back along the minor arm from which visibility is measured.

vehicles (a return journey) during a three hour period and this accords with my observations at the site visit. The proposed development would not significantly increase the level of vehicle movements along the lane. Moreover, the limited width of the lane is likely to restrict the speed of any vehicles using it. Consequently, the lack of a footpath would be unlikely to result in any significant harm to the safety of pedestrians using the lane.

14. I note that the nearest bus stop on Warmfield Lane is within reasonable walking distance of the site. Whilst those on Wakefield Road are located more than 400m away, they are not significantly further than that and I do not consider that they would be so far away as to preclude residents of the site from using them. Whilst there is not a continuous footpath to the bus stops on the site side of the road, by crossing the road pedestrians can walk along footpaths to all of the bus stops.
15. Whilst I acknowledge that residents of the development would be primarily dependent on the private car to access the majority of their day to day needs, it would be possible for them to use alternative modes of transport for some journeys. This is no different to the situation in many rural areas and the Framework does not rule out housing in rural areas, recognising that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This matter does not therefore weigh against the proposal. Although there would be some conflict with policies CS4 and CS14 of the Core Strategy, these policies do not recognise the differences between accessibility in urban and rural areas, unlike the Framework. I therefore give more weight to the Framework in this appeal.
16. In conclusion therefore, the existing highway conditions in the vicinity of the site are below the recommended standards. However, this would be unlikely to result in significant harm to highway safety given the relatively low speed and volumes of traffic involved. There would therefore be no conflict with policy D14 of the Development Policies Document. Neither would there be conflict with the Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This matter does not therefore weigh against the appeal.

Other considerations

17. The appellant states that the development would provide starter homes which would allow village residents to remain in the village. This provides some weight in favour of the development. However, there is no evidence regarding local need or any mechanism to restrict the proposal to a local occupancy and this therefore limits the weight to be given to this matter.
18. According to the appellant an insufficient number of dwellings are being constructed to meet the Council's annual targets, particularly in rural areas, and this is not disputed by the Council. The development would help to boost the number of dwellings being built within the District and this weighs in its favour. However, Planning Practice Guidance states that unmet housing need is unlikely to outweigh the harm to the Green Belt to constitute the very special circumstances to justify inappropriate development. This limits the weight to be given to this matter.

19. The development would constitute the redevelopment of brownfield land. The effective use of such land is one of the core planning principles set out in the Framework. However, the Framework also has the protection of the Green Belt as one of its core planning principles. As set out above, for development to be considered as not inappropriate by virtue of it being brownfield land there should be no greater impact on openness. That would not be the case here. Consequently, this matter only provides a limited amount of weight in favour of the proposal.
20. I note that the applicant is a local builder who employs a local workforce. In this respect there would be an economic benefit from the proposed development and this would weigh in its favour. The extent of this would, however, be limited given the small scale of the proposal.
21. There is support for the proposal from local residents and the Parish Council but this does not add weight to a proposal which would otherwise be contrary to local and national policies aimed at protecting the Green Belt.
22. The Council have not raised any concerns regarding the design of the proposal. The proposal would not conflict with policies CS10 of the Core Strategy relating to design, or policies D12, D15 or D27 of the Development Policies Document relating to landscaping, security and the use of renewable energy. Furthermore, I acknowledge that the proposal would not harm the living conditions of any nearby occupiers. But, these matters do not constitute benefits of the scheme, they merely cause no harm. They are neutral in the overall balance of considerations.

Whether very special circumstances exist

23. I have found that the proposal would constitute inappropriate development in the Green Belt and that it would result in harm to the Green Belt's openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The development would also conflict with policies CS1 and CS3 of the Core Strategy and policy D1 of the Development Policies Document. Although I have found no harm in terms of highway safety, and no conflict with the relevant Development Plan policies in this regard, this is a neutral factor in the overall balance of considerations. On the other hand, I have set out above a number of factors which provide a limited amount of weight in favour of the appeal.
24. In terms of sustainable development, the proposal would have benefits in terms of the economic and social roles of sustainability. These have been identified and given appropriate weight above. However, paragraph 6 of the Framework states that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means. Green Belt policy is incorporated within these paragraphs. The conflict with Green Belt policy leads me to conclude that the proposal would not be sustainable development.
25. Overall, having considered all matters raised, I conclude that the harm to the Green Belt is not clearly outweighed by other considerations, either individually or cumulatively. Consequently the very special circumstances necessary to justify the development do not exist. Having regard to the relevant policies drawn to my attention, on balance I conclude that the proposal would fail to

comply with the Development Plan and the Framework. The appeal therefore fails.

Susan Heywood

INSPECTOR