
Appeal Decision

Site visit made on 14 November 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/A4710/W/16/3157396

Littlemoor Equestrian Centre, Great Edge Road, Warley HX2 7SH

- 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 R Pearson against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00271/OUT, dated 23 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is the demolition of existing equestrian buildings to facilitate residential development of 5 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters other than access reserved for future consideration. I have determined the appeal on this basis, treating the plan that shows a potential site layout as illustrative other than in respect of the access. In this regard, notwithstanding the description of development, I note that the appellant has indicated that the final scheme may be for a smaller number of houses.

Main Issues

3. The main issues in the appeal are:
 - whether or not the proposals would be inappropriate development in the Green Belt for the purposes of the development plan policy and the National Planning Policy Framework;
 - the effect of the proposal on the openness;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety;
 - Whether or not the proposal would conflict with policies for residential development which seek to achieve an accessible location pattern of development; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by
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other considerations, so as to amount to the very special circumstances necessary to justify it

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. It consists of two large agricultural type buildings, a manège and outside storage areas. The surrounding land is predominantly open agricultural land, although there are a few houses on the other side of the road.
5. Paragraphs 89 and 90 of the *National Planning Policy Framework* (the Framework) set out the forms of development that are not inappropriate within the Green Belt. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the limited infilling, or the partial or complete redevelopment of previously developed sites. This is provided that it would not have a greater impact on the openness of the Green Belt, and the purposes of including land within it, than the existing development.
6. The definition of previously developed land given in the Framework specifically excludes land that is, or has been occupied, by agricultural or forestry buildings. The appellant has argued that the site has been used as an equestrian centre for over 10 years, and therefore represents previously developed land. In support of this claim two aerial photographs have been provided from 2002 and 2006, and reference is also made to comments made in letters from objectors that indicate that the site has been used for equestrian purposes for over 10 years.
7. Whilst the Council accept that the site is at least in part used for the keeping of horses, as the buildings are clearly agricultural as opposed to purpose built stables, and there has been no application to change their use, or any planning procedure to establish the lawful use of the site and buildings for equestrian purposes, they consider that the site is agricultural. As a result it cannot be regarded as previously developed land.
8. The aerial photographs show that the buildings, which I agree are agricultural in nature, have been on the site for over 10 years, and that by 2006 a manège had been created on the site, but they do not provide any evidence as to how the buildings were actually being used, especially as the manège has an access from the track to the north east of the buildings, and so could be being used separately.
9. Furthermore, the presence of a number of vehicles in the yard, even if it is accepted that one is horse box, which in my view is not possible to tell from the photograph, and the storage of large haylage bales, does not indicate that the buildings are being used for equestrian as opposed to agricultural purposes. Whilst it is also suggested that the 2002 photograph shows jumps in one of the adjacent fields, this again cannot be clearly seen on the image, and even if they could this does not confirm the use of the buildings. In addition, comments from local residents suggest that the buildings have been used for agricultural purposes as well as equestrian uses, and the Council indicates that the Valuation Office website has no results for a business on the site.

10. In the absence of any more substantive evidence, or a certificate of lawful use to show that the equestrian use has been established for at least 10 years, I am not satisfied that the site represents previously developed land. As a result it does not fall within the sixth bullet point exception of paragraph 89.
11. On this basis, I conclude that the proposed development would constitute inappropriate development within the Green Belt. According to paragraph 87 of the Framework this is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances.

Openness

12. Openness is an essential characteristic of the Green Belt. The two existing buildings are of a substantial size, and whilst their agricultural appearance means that they do not detract from the rural character of the area, they do impact on the openness of the Green Belt. The illustrative layout shows that 5 houses could be accommodated within the footprint of the existing buildings. Matters of the scale and appearance of the dwellings are for subsequent determination, and I have not been provided with any figures for the volume of the existing buildings, or the likely volume of 5 houses. Nevertheless, I consider that it would be possible to develop the site for five houses without increasing the volume of the built form on the site, and maybe even with a smaller volume. Therefore, I am satisfied that the development would not have a greater impact on the openness of the Green Belt.

Character and appearance

13. The *Calderdale Unitary Development Plan (adopted August 2006)* (CUDP) designates the countryside in which the appeal property lies as part of the Special Landscape Area (SLA). In such areas Policy NE12 seeks to ensure that development does not have an adverse impact on the landscape quality. Whilst this policy pre-dates the Framework, it broadly accords with the aim of the Framework (paragraph 109) that the planning system should contribute, and enhance, the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
14. Whilst the buildings on the site are in need of some maintenance, and the site cannot be described as attractive, it is typical of a farmstead, and what one might expect to find in open countryside in the Green Belt. As such they do not detract from the rural character of the area, even though they can be seen in longer range views, such as from Newlands Road.
15. Although the layout and appearance of the dwellings are matters reserved for future consideration, it is suggested that the dwellings would be laid out to resemble a farmstead, and would use traditional building materials. Be that as it may, as a matter of general principle, houses are not normally regarded as contributing positively to the visual amenity of the countryside, in the way that many agricultural buildings do. The introduction of garages, gardens and associated domestic paraphernalia around the houses would clearly mark the site out as residential rather than agricultural. As such the scheme would bring about the type of deterioration in the visual quality of this area, that Policy NE12 seeks to avoid. Whilst I accept that there are some houses on the southern side Great Edge, near the site, these are separated from the site not only by the road but also by fields. As such, the development would be distinct from them.

16. As a result the proposal would have an unacceptable impact on the character and appearance of the area. Therefore it would not accord with Policy NE12 or with Policy BE12 of the CUDP which seek to ensure that development contributes to, or at least maintains, the quality of the existing environment.

Highway Safety

17. The development would utilise the existing access for the site. This is onto a rural road that for much of its length is single track, has no lighting, is bordered by stone walls, and has very few passing places. Forward visibility is often limited, including on the stretch between the site and the junction with Winterburn Lane. Although traffic movements on the road are low, the Council have indicated that the attractive views along the road mean that it is a popular recreational route for both riders and pedestrians. As such the Council consider that the road is not suitable for additional traffic. From my own observations, this is a conclusion with which I agree.
18. The appellant has argued that as the existing buildings can provide stabling for up to 40 horses, the traffic movements associated with this would be greater than generated by 5 dwellings. However, this is disputed by the Council, who consider that even if this was an established use, as occupants of the proposed properties are likely to have more than one car, the development would be likely to generate more traffic. Furthermore, both the Council and local residents, indicate that the current use of the site does not attract significant levels of traffic.
19. Overall, as I have concluded that there is no firm evidence to show that the equestrian use has been established on the site, only limited weight can be given to the potential for up to 40 horses to be kept on the site. In the light of the evidence that existing traffic levels are light, I consider that the appeal scheme would represent an increase in traffic movements over the existing or likely continued lawful use. Given the substandard nature of Great Edge, such additional traffic would be detrimental to highway safety.
20. Therefore, I consider that the proposed development would adversely affect highway safety, and so would conflict with Policy BE5 of the CUDP which requires that the design and layout of highways and accesses should ensure the safe, and free flow, of traffic in the interest of highway safety.
21. The appellant has suggested that an alternative access to the site could be provided to Winterburn Lane. However, access is to be determined at this stage, and no plans showing this have been provided, which would, in any case, be a materially different scheme. I have therefore determined the appeal on the basis of the proposed access that is before me.

Accessible Pattern of development

22. In order to promote development in sustainable locations, reduce travel demand, and to protect the countryside, Policy GP2 of the CUDP seeks to direct new development towards the main settlements which have the facilities and services to cater for new residents, and which have access to public transport.
23. A core planning principle of the *National Planning Policy Framework* (the Framework) is to focus significant development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance or

maintain the vitality of rural communities. In general, new residential development is most appropriate in locations where there is access to services, opportunities for employment, and alternative modes of transport other than the private car (paragraphs 30 and 37).

24. Within walking distance of the site there is a public house. Warley, the nearest village, has a primary school, church, public house, and a play area. The nearest bus stop is at the junction of Winterburn Lane and Warley Town Road, and whilst this provides an hourly service 6 days a week, there is no service in the evenings and only 4 buses on a Sunday. Moreover, the roads between the site and these services are quite narrow, have no footpaths, and so do not provide attractive pedestrian routes.
25. The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. The limited services in the area would require future residents to travel to meet the majority of their basic needs, and they would largely be dependent on the private car to do so. In addition, the limited range of local services means that the impact of the proposal on the vibrancy and vitality of the immediate community would be minimal.
26. Reference has been made to the fact that work on the emerging Local Plan indicates that sites within 500m of a built up area are considered to be a sustainable location. However, the limited evidence on this point makes it difficult to give a precise degree of weight to this. In any case, in my opinion, the accessibility of a site is more likely to depend on its particular circumstances, than on a set measure of distance.
27. All in all, I consider that the proposal would not contribute to an accessible pattern of development. Consequently, it would conflict with Policy GP2 of the CUPD and the guidance within paragraphs 30 and 37 of the Framework.

Other Considerations

28. It is highlighted that the Council currently cannot demonstrate a five year housing land supply. In such circumstances the Framework (paragraph 49) indicates housing applications should be considered in the context of the presumption in favour of sustainable development. However, the Planning Practice Guidance states that "unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt."

Conclusion

29. The proposal would be inappropriate development in the Green Belt. According to the Framework (paragraph 88) substantial weight has to be given to any harm to the Green Belt. In addition, the proposal would have an adverse impact on the character and appearance of the area, and on highway safety, and would not represent an accessible pattern of development.
30. Although it may be possible to design the proposal so that it does not have any greater impact on the openness of the Green Belt, no other considerations have been put before me by the appellant, and I consider that this does not outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework

and Policy GNE1 of the CUDP which seeks to restrain development outside the urban areas by protecting the Green Belt. I therefore conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR