
Appeal Decision

Site visit made on 21 February 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/A4710/W/16/3160972

Land at former Beechwood Allotments, Sowerby New Road, Sowerby Bridge, HX6 1GZ

- 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 Paul Lunn against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 15/01623/FUL, dated 11 December 2015, was refused by notice dated 14 April 2016.
 - The development proposed is described as "resubmission of application 14/00770 proposed agricultural building".
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Decision

1. The appeal is allowed and planning permission is granted for an agricultural building at Land at former Beechwood Allotments, Sowerby New Road, Sowerby Bridge, HX6 1GZ in accordance with the terms of the application, Ref 15/01623/FUL, dated 11 December 2015, and the plans submitted with it, 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: Location Plan 1:2500; W14004-02; W14004-04 Rev A; W14004-05; W14004-06.

Procedural Matter

2. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal is a resubmission of a previous scheme, and as such it does not describe acts of development.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the character and appearance of the countryside; and
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- (c) Whether the development would result in the loss, or prejudice the retention of, trees of visual amenity value.

Reasons

Green Belt

4. The development would be located in the Green Belt on land that currently does not contain any buildings. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is buildings for agriculture or forestry.
5. The Council state that there is insufficient evidence to demonstrate that the appeal site is currently used as part of an agricultural business. Whilst a CPH number and a table of itemised receipts have been submitted, it is argued that these do not conclusively establish that a business operates from the site. In this regard, it was unclear during my site visit whether the land was being used for agriculture.
6. However, there is no evidence before me that the building is intended to be used for a non-agricultural purpose. In this regard, the design and layout of the building are agricultural in nature. The CPH number and the submitted receipts also provide some evidence of an agricultural use. In these circumstances I must determine the proposal as it is applied for, which in this case is for an agricultural building.
7. During my site visit, it became apparent that a number of the 'existing' buildings identified on drawing No W14004-05 were absent. However, this has no bearing on the appropriateness of constructing new agricultural buildings in the Green Belt.
8. For the above reasons, I conclude that the development would not be inappropriate development in the Green Belt. It would therefore be in accordance with Policies GNE1 and E 16 of the Replacement Calderdale Unitary Development Plan (UDP) (2006), and guidance in the Framework relating to development in the Green Belt.

Character and appearance

9. The development would be largely screened from view from Sowerby New Road. However, it would be visible in longer views from across the valley, over mostly open land.
10. The proposed building would have a typical agricultural design. Whilst it would be visible in more distant views, it would be seen in the context of the surrounding farmland and the trees to the side and rear. It would not appear out of place in this context. The surrounding trees would also provide screening to the proposed decking area and stairs. Accordingly, I do not consider that it would be unduly harmful in this regard.
11. I conclude that the development would not significantly harm the character and appearance of the countryside. It would therefore be in accordance with Policies BE 1 and E 16 of the Replacement Calderdale Unitary Development Plan (2006). These policies seek to ensure, amongst other things, that new buildings are of good design.

Trees

12. The appeal site is steeply banked and contains a number of trees. It is adjacent to an area of trees that are subject to a group Tree Preservation Order (TPO).
13. The development would be located outside of the group TPO. Whilst there are a number of poorer quality trees within the site, the extended platform, decking, and staircase would avoid these. However, the proposed building would be located towards the foot of the slope, and would require excavation works to be undertaken. This would involve cutting into the bank which is likely to affect the root systems of some nearby trees.
14. The Council's Tree Officer states that they "*can only assume that the trees in this area were not considered to be of a condition worthy of retention when the TPO was made in 2012*", and that "*the loss of a small number of poor trees would not have a detrimental impact*". In my view, the trees that would be affected by the development are of limited amenity value. Whilst the development may prejudice the retention of a small number of these trees, their loss would not be unacceptably harmful in this case.
15. I conclude that the development would not result in the loss, or prejudice the retention of, trees of visual amenity value. It would therefore accord with Policy NE 20 of the Replacement Calderdale UDP (2006). Whilst the development would not strictly accord with Policy NE 21, as no tree survey has been provided, no significant harm would arise from this conflict. This outweighs the failure to comply with the development plan in this case.

Other Matter

16. The development would have an appropriate access and would include facilities for parking and turning. It would not therefore prejudice highway safety. In this regard, I note that the Highways Authority did not object to the development on these grounds.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development.
18. The Council also suggested a condition that would have required the submission and approval of details of the proposed drainage arrangements. However, the development is relatively small and is surrounded by undeveloped land. There is also no evidence before me of drainage or flood risk issues in the immediate area. In this case, and notwithstanding Policy EP22 of the UDP, a condition of this nature is not proportionate or necessary.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR