
Appeal Decision

Site visit made on 16 March 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 05 April 2017

Appeal Ref: APP/A4710/W/16/3165169

Briarfield, Leeds Road, Stump Cross, Halifax HX3 7AG

- 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 Mr D K Heap against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00176/OUT, dated 10 February 2016, was refused by notice dated 7 July 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal was submitted in outline with access and layout to be determined at this stage. I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness and purposes of the Green Belt;
 - 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

4. The appeal site is located to the south west of the A58 Leeds Road approximately 2km from Halifax town centre. The site comprises a residential property known as Briarfield, which has an existing detached split level garage to the north west of the plot. This appears single storey when viewed from Leeds Road but due to the topography of the land is two storey to the rear. It is proposed to demolish this garage and construct a new detached dwelling. The site is located within the Green Belt.
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Inappropriate development

5. Paragraph 89 of the Framework regards the construction of new buildings in the Green Belt as inappropriate development. The Framework outlines a number of exceptions to this. The two most relevant in this case are firstly the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces and secondly limited infilling in villages. I shall consider each in turn.
6. The detached dwelling proposed, whilst it replaces the existing garage on the site, does not form a building in the same use. In addition I am advised by the Council that the proposal would result in an increase in footprint of the existing building by around 59% so that the proposed dwelling would be materially larger than the building it replaces. The proposal would therefore not form a replacement building in compliance with the corresponding exception of paragraph 89 of the Framework.
7. Saved Policy GNE1 of the Replacement Calderdale Unitary Development Plan (RCUDP) 2006 aims to contain the urban area and states that a Green Belt will be maintained around the main built up areas. Saved Policy NE7 of the RCUDP considers development within named village envelopes in the Green Belt. Both parties agree that the site is not located within a designated village envelope and therefore the provisions of Saved Policy NE7 do not apply in this case. However the appellant argues that irrespective of the defined boundary, the site can be considered to be part of the village of Stump Cross as there is almost uninterrupted development along Leeds Road to the traffic light junction in the central area of the village. Accordingly the proposal can be viewed as an infill development.
8. On my site visit I observed that the appeal site lies in a small cluster of large detached houses with good sized gardens. Opposite lie open fields with a strong tree line along the road frontage. Heading along Leeds Road towards Stump Cross there is a distinct gap in built development until one reaches the distinctive line of terraced houses set at a higher level on the north eastern side of the road. It therefore appears to me that the appeal site is not within the village and the proposed dwelling cannot be considered to form limited infilling.
9. The development would not therefore comply with any of the exceptions in paragraph 89 of the Framework and would conflict with saved Policy GNE1 of the RCUDP which aims to contain the urban area. Consequently the proposal would form inappropriate development in the Green Belt.

Openness and Green Belt purposes

10. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open; the essential characteristic of Green Belts is their openness and permanence. The existing garage has a footprint of around 27 square metres whilst the proposed dwelling would have a footprint of approximately 43 square metres, approximately a 59% increase. The scheme would therefore result in a larger development than the current small scale domestic garage on the site. Despite the context of the site, within a group of other dwellings, I consider that the proposal would cause harm to the openness of the Green Belt. Furthermore it would undermine the Green Belt purpose of safeguarding the countryside from encroachment.

Other considerations

11. The appellant argues that as the proposal is not inappropriate development in the Green Belt it is not necessary to consider other considerations which may outweigh the harm to the Green Belt.
12. However the appellant does bring my attention to the contribution of the scheme towards housing supply. The proposal is for a single dwelling which would make a very small contribution in this regard. This factor attracts limited weight in favour of the scheme.

Other matters

13. Tudor House which lies to the south east of the appeal site forms a Grade II listed building. There is a legal duty set down in section 66 (1) of the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building and its setting or any features of special architectural or historic significance. The Council has taken the view that the appeal proposal would not cause harm to the setting of Tudor House having regard to the distance between the two developments and the presence of the intervening existing property, Briarfield. I have no reason to disagree with this assessment. The proposal would therefore accord with saved Policy BE15 of the RCUDP and Section 12 of the Framework.

Conclusion and Planning Balance

14. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except, in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I consider that the harm by reason of inappropriateness and the adverse effect on the openness of the Green Belt are clearly not outweighed by the other considerations outlined above. Very special circumstances necessary to justify the development do not therefore exist.
15. It is agreed between the parties that the Council is currently unable to demonstrate a five year supply of housing land. In accordance with paragraph 49 of the Framework relevant policies for the supply of housing should not be considered to be up to date. Paragraph 14 of the Framework is therefore engaged which advocates the presumption in favour of sustainable development. However, paragraph 14 footnote 9 of the Framework states that development restrictions relating to the Green Belt still remain in effect. The presumption in favour of sustainable development does not therefore apply in this case.
16. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR