



Appeal Decision

Site visit made on 18 April 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/A4710/W/17/3167315

Land to the south of 69 Clifton Common, Clifton Common, Clifton, Brighouse, Calderdale

- 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 Tina Townsend-Greaves against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00932/OUT, dated 8 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the appeal site address from the planning application form as this more accurately describes the location of the site.
3. The application is made in outline with access, layout and scale details. All other detailed matters are reserved.

Main Issue

4. The main issue is whether or not the proposal would result in an unacceptable loss of employment land in the context that the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Reasons

5. The appeal site comprises an undeveloped piece of land which includes vegetation which mainly fronts the road and stone boundary walls. It is adjacent to the junction of Clifton Common and America Lane. To the west there are two storey stone built terraced houses and on the other side of Clifton Common are detached two storey dwellings including No 69 Clifton Common. It is proposed to erect a detached dwelling with three floors (accommodation would be provided in the roofspace) and with a driveway (including a turning area) directly off Clifton Common.
 6. The site forms part of a site which is allocated for employment use by virtue of saved Policy E3 of the adopted Replacement Calderdale Unitary Development Plan 2006 (as amended August 2009) (UDP). This employment site is referred
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to as EM42 (Wakefield Road, Clifton) and the policy states that *"use of site EM42 (Wakefield Road, Clifton) will be restricted to office/business park development within use Class B1 (a) offices and B1 (b) research and development of products and processes"*. The policy also states that *"proposals for employment uses not within use classes B1 to B8 will only be supported in exceptional circumstances where the proposal is justified and complimentary (in terms of size and function) to use classes B1 and B8. Proposals for other non-employment uses will be resisted"*. The proposal would neither be an employment use and nor would it be a complimentary employment use. Therefore, I conclude that the proposal would not accord with the employment aims of saved Policy E3 of the UDP.

7. The appellant has commented that the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Council has confirmed that this is the case. Policy E3 of the UDP has the effect of constraining the supply of housing and therefore it has relevance in terms of the consideration of paragraph 49 of the National Planning Policy Framework (the Framework) which states that *"relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*. In this regard, I consider that Policy E3 of the UDP is not up-to-date. Therefore, Policy E3 of the UDP does not have full weight in decision making terms.
8. Notwithstanding the above, the appeal site now forms part of a wider area of land which was designated by the Secretary of State in 2015 as the "Leeds City Region M62 Corridor Enterprise Zone" (EZ). This is a weighty material planning consideration and it is clear that the appeal site (along with the wider area of EZ land) continues to be an important focus from an employment and economic development point of view.
9. I note the comments made by the Council's Principal Site Unlocking Officer who states that the site *"offers the potential for resolving the issue of access onto part, or all of the Enterprise Zone"*. I accept that there are some trees on the site, but this would not necessarily preclude the provision of either an access or some employment development on the site. Therefore, whilst Policy E3 of the UDP is out of date, I nonetheless continue to afford such a policy considerable weight. The EZ designation has elevated the importance of this site for employment use, and I have no reason to doubt the comment made by the Council's Principal Site Unlocking Officer who states that *"the demand for this site as employment land had already been identified by outreach work undertaken (by the Business and Economy Team) before the Boxing day floods and this subsequent unfortunate event has made demand for Clifton as employment land even more pressing"*.
10. Whilst the appeal site is a relatively small proportion of the wider allocated employment site, I have not been provided with any evidence to suggest that there is an oversupply of employment land in Calderdale. On the evidence that is before me, I consider that the loss of the appeal site for employment purposes would significantly conflict with the economic aims of Policy E3 of the UDP as well as the EZ designation. In this regard, the proposal would be at odds with Chapter 1 of Framework which seeks to support *"sustainable economic growth"*.

11. Based on the information that is before me, I am satisfied that a dwelling could be erected on the site without it causing harm to the character and appearance of the area. The proposed layout, scale and access details would be acceptable and I note that the Highway Authority raise no objection to the proposal.
12. In addition to the above, I have no reason to doubt the appellant's claim that the site is close to good public transport provision and day to day facilities and services. In this regard, the site is positioned in a sustainable location. Furthermore, the erection of a dwelling on the site would help to boost the supply of houses in the area when the Council cannot demonstrate a five year supply of deliverable housing sites. However, the social contribution from one dwelling would be limited.
13. Whilst the erection of one dwelling would lead to some employment at construction stage, this would be relatively short lived. The occupiers of the proposed dwelling would no doubt spend some money in the local area, but I consider that it is reasonable to conclude that any economic benefits arising out of the construction of one dwelling on the site would unlikely to be as great as from the erection of an employment building on the site, or from a new/improved access which might facilitate employment development on part or all of the wider allocated employment site. Therefore, I afford greater weight to the economic benefits that would arise out of use of the appeal site for employment purposes.

Planning Balance

14. I am satisfied that the proposed dwelling would not look out of place in the area and that it would be sited in an accessible/sustainable location. Furthermore, it would deliver some, albeit limited, economic and social benefits. Whilst Policy E3 of the UDP is out of date, I continue to afford such a policy considerable weight. This is in the context of the recent EZ designation for the appeal site/wider area which is a very weighty material planning consideration. Such a designation places significant focus/effort on developing the site/wider area for employment purposes. Whilst the appellant has indicated that the site/wider area has not yet been developed for employment uses, I have no reason to doubt that the EZ designation will be successful in realising local and regional employment objectives for both the appeal site and the wider area.
15. The proposal would not accord with Policy E3 of the UDP and the development of the site for residential purposes would be in direct conflict with the employment aims of the policy. Furthermore, the site is now designated as part of a wider EZ and this is a very weighty material planning consideration. These are matters which are of overriding importance and significantly and demonstrably outweigh the benefits associated with the erection of a dwelling on the site. I reach this conclusion in the knowledge that the Local Planning Authority cannot demonstrate a deliverable five year supply of housing sites. I therefore conclude that the proposal would lead to an unacceptable loss of employment land and that it would not accord with the economic aims of the Framework and Policy E3 of the UDP.

Other Matters

16. I have taken into account comments made by other interested parties.
17. I note the comments made about traffic generation and on-site turning facilities. However, I have no reason to disagree with the conclusions reached by the Highway Authority in respect of the acceptability of these matters. I acknowledge that the proposal would have an impact on existing open views from properties on Clifton Common. However, the Courts have held that the right to a view is not a material planning consideration. Given the separation distances from existing properties, I do not consider that the proposed dwelling would have an adverse impact upon levels of outlook from these properties.
18. The appellant has commented that the Council has not approached them about the potential for developing the appeal site for employment purposes. I do not know if the Council has tried to contact the appellant, but in any event this is not a matter which outweighs the current importance of the site for employment purposes.
19. Comments have been made that the land is Green Belt and that it should not be developed. The site is not Green Belt and is in fact allocated for employment uses. There is no objective evidence before me to indicate that the dwelling would lead to flooding problems in the area.
20. None of the other matters raised outweigh my overall conclusion on the main issue.

Conclusion

21. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR