
Appeal Decision

Site visit made on 10 April 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 03 May 2017

Appeal Ref: APP/B2355/W/17/3166793

Land at Hall Street, Hallfold, Whitworth

- 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 Jordan Bower against the decision of Rossendale Borough Council.
 - The application Ref: 2016/0489, dated 13 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is the change of use from equestrian use (including demolition of stabling) for the construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policy, with particular consideration as to whether or not the proposal would preserve the openness of the Green Belt;
 - (ii) the effect on the character and appearance of the area; and
 - (iii) would any harm by reason of inappropriateness, and any other harm if found, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development and the effect on openness

3. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
 4. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include "limited infilling or the partial or complete
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redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

5. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. From observations made during the site visit, two buildings and a caravan were located in the south-western corner of the appeal site. The remainder of the site comprises mainly of an open field, low level boundary fencing, a limited amount of vegetation and an escarpment.
6. The buildings are currently being used for the stabling of horses and storage of equestrian related items. Based upon the details before me, including a previous appeal decision¹, there is no evidence to suggest that the horses are, or have ever been, used for agricultural purposes and the majority of the open field is used as a paddock for the horses. Furthermore, there was no evidence of any other current uses on site which relate to agricultural activities. As such, the site falls within the definition of previously developed land.
7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Whilst the concept of openness includes the absence of buildings and development, it is a broader concept than just visibility, and levels of domestic activity can affect openness.
8. The efforts made by the appellant to minimise the scale of the proposal in line with the previous appeal decision are acknowledged, in particular the lowering of the height of the dwelling and the reduced length of the access road.
9. Hall Street is located on the northern, eastern and western sides of the appeal site. Despite this, the site is located outside of the urban boundary of the village of Whitworth, in open countryside. The site is less open than the countryside located to the north, west and south of the site, due to the presence of surrounding buildings. Nonetheless, despite the proposed landscaping, the dwelling would, from a number of vantage points, remain visible from the within the public realm.
10. Although amendments to the scheme have been made, the proposal would introduce a dwelling and access road that would cover a much greater floor area than the buildings to be removed and would be of a significantly increased volume and height.
11. In spreading a relatively substantial domestic building over a greater area of the site, the proposal would conflict with two of the Green Belt’s five purposes. Those being the protection of unrestricted sprawl of large built-up areas and of safeguarding the countryside from encroachment to a greater extent than the existing development on the site.
12. Consequently, the overall openness of the Green Belt would be eroded and the openness of the Green Belt would be significantly harmed. Accordingly, the proposal would not fall within the exceptions set out in paragraph 89 and for the purposes of the Framework, would be inappropriate development.

¹ Appeal reference APP/B2355/W/16/3150669

Character and appearance

13. It is considered that, in isolation, the overall design of dwelling would be appropriate given the variation in architectural styles within the locality and the proposed use of sympathetic materials.
14. Nonetheless, due to the proposed scale, height and overall footprint, an urban form of development would be visible from a number of vantage points within the public realm. The occupiers in surrounding dwellings, users of Hall Street, the bridleway and the public footpath adjacent to the south eastern boundary of the site, would all have relatively unrestricted views of the proposal.
15. It is acknowledged that some landscaping is proposed. However, this is limited in scale and would not adequately soften the appearance of the proposal. In addition, the removal of part of the escarpment and introduction of a driveway and space for car parking would result in a significant amount of hardstanding, which would be an incongruous, urbanising feature in a rural setting.
16. Furthermore, the introduction of a dwelling onto the site would also lead to domestic clutter. Such domestic paraphernalia could include washing lines, garden furniture, play equipment, external refuse bins and additional vehicles. The site would therefore appear overly domestic and out of keeping with the surrounding locality, unlike the relatively low key existing equestrian usage. As such, the proposal would have a significant harmful impact on the character and appearance of the both the site and wider locality.
17. Accordingly, it is considered that the scale and bulk of the dwelling and amount of hardstanding required would detract from the character and appearance of this area of Green Belt.
18. It is accepted that there are a small number of dwellings close to the appeal site. Nevertheless, it is not considered that the existence of dwellings near to the site outweighs the identified harm to the character and appearance of the surrounding area.
19. The proposal would therefore conflict with Policy 23 of the Rossendale Borough Council Core Strategy Development Plan Document – The Way Forward 2011 (CS) which aims to ensure that new development maintains the relationship between urban areas and the countryside. Furthermore, the proposal fails to represent one of the types of developments considered acceptable within the countryside as detailed within Policy 21 of the CS.

Other considerations

20. The surrounding roads are particularly narrow and due to the topography of the area, those with limited mobility or pushing prams may find accessing the site challenging. However, the site is within an acceptable walking distance of services and facilities required to meet daily living needs, including public transport and education facilities. Accordingly, it is considered that the site is located within a relatively accessible location.
21. At the time of the site visit, the level of traffic near the site was minimal. In addition, the Council have confirmed that the local road network would be able to accommodate the increase in traffic movements generated by the proposal. Furthermore, as adequate off-street parking would be provided, the proposal would be acceptable with regard to highway safety.

22. Due to the proposed height, orientation of the main habitable windows and the adequate separation distance between the dwellings, no significant impact on the living conditions of neighbouring occupiers would result.
23. The construction of the proposal would generate some benefit for local construction companies; however this would be limited as the proposal only consists of one dwelling. The appellant draws 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. As such, these factors attract limited weight in favour of the scheme.

Other Matters

24. The appellant has made reference to the consultation on proposed changes to national planning policy published in December 2015. Following this, the Government confirmed that the Framework will be amended to allow more brownfield land to be released for development with a higher proportion of starter homes through a variety of methods.
25. Such methods include allowing development on brownfield land in the Green Belt, but only where it contributes to the delivery of starter homes and there is no substantial harm to the openness of the Green Belt. Changes to the Framework are yet to be implemented and as such, I have considered the appeal before me on its individual planning merits.

Planning Balance and Conclusion

26. 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 identified is clearly outweighed by other considerations. 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. The grounds presented in support of the development have been considered but together they do not outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.
27. 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.
28. For the above reasons, and having regards to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR