
Appeal Decision

Site visit made on 11 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 04 August 2017

Appeal Ref: APP/X4725/W/17/3173464

Flockton Water Tower, Bar Lane, Wakefield WFU 4AU

- 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 Chris Hudson against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 16/01858/FUL, dated 28 July 2016, was refused by notice dated 16 March 2017.
 - The development proposed is the change of use from a water tower to a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a water tower to a dwelling in accordance with the terms of the application, Ref 16/01858/FUL, dated 28 July 2016, subject to the conditions in the schedule to this decision below.

Main Issues

2. The appeal site is within the Green Belt. Consequently, I consider the main issues in this case to be firstly, whether the proposed development would constitute inappropriate development for the purposes of national and local policy; and secondly, its effects on the character and appearance of its surroundings.

Reasons

Site, surroundings and proposed development

3. Located in Wakefield's Green Belt, in surroundings of a strongly rural character beyond the straggled and sporadic line of houses and farm buildings that address the A673 towards Flockton, the appeal site comprises a water tower and its associated access and modest grounds, bounded by a concrete post and wire fence. The water tower of columnar form, concrete construction and topped by a broadly cylindrical drum-like tank, is a visually striking feature at the roadside, and is of a functional and engineered character. To the rear large open agricultural fields separate the appeal site from HMP New Hall, and further open fields stretch out in the opposite direction across the A673. Dispersed agricultural buildings, lines and clumps of trees punctuate the open and undulating wider surroundings.
4. The proposed development seeks to establish a residential use of the site. To facilitate this, windows would be inserted in the upper tank element of the

tower; and an extension, glazed around its circumference would be suspended from the underside of that upper element of the building. A porch would be added at the base of the tower, with bin storage to the rear. A single-storey outbuilding adjacent to the tower would be removed to facilitate parking for three vehicles.

Inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that the Government attaches great importance to Green Belts; and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. For the purposes of Green Belt policy the concept of openness has both visual and spatial dimensions, and means in essence that land within Green Belt should remain, on the whole, free from development.
6. With limited exceptions the Framework states that the construction of new buildings is inappropriate in Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt. The exceptions to this generally restrictive approach are set out within paragraphs 89 to 90 of the Framework.
7. My attention has been drawn, in particular, to paragraph 90, bullet 4 of the Framework, which states that development would not be inappropriate provided that it would re-use buildings of permanent and substantial construction, preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt. I have also been referred to paragraph 89, bullet 3 of the Framework, which states that the extension or alteration of a building would not be inappropriate in the Green Belt, provided that it did not result in disproportionate additions over and above the original building.
8. I am aware that the Council considers that the appeal scheme cannot be considered against two separate classes of not inappropriate development given within paragraphs 89 and 90 of the Framework. However, to my mind an assessment of a proposed development's effects on openness under paragraph 90, bullet 4 could quite clearly involve consideration of whether any additions to the building would be disproportionate under the terms of paragraph 89, bullet 3.
9. The proposed development would re-use an existing concrete building of substantial construction, and of a form that is not uncommon in rural areas. The residential grounds would be limited and contained within the established boundaries and hard-standing at the site. Moreover, a single-storey building on the site would be removed. Due to these factors the addition of the porch, and the insertion of windows into the tank would be extremely limited interventions and thus proportionate additions to the tower.
10. The suspended floor would increase the overall volume of the tower. However, due to its extensive employment of glazing, and its consequent lightweight appearance in contrast to the more solid walling of the upper tank, the extension would not read as a bulky or disproportionate addition that would dominate the form of the original building. In these respects, I am also mindful of the appellant's calculation of the increase in volume of buildings on the site, at around 49.5%, which is unchallenged in the Officer Report, and is

within the 50% threshold that the Council commented is its “general guide” in assessing whether extensions to existing buildings would be disproportionate¹.

11. Although the details of boundary treatments are yet to be arranged, I consider that these somewhat minor matters could be progressed in a manner that would neither materially reduce the openness of the site and its surroundings, nor lead to a major increase in the developed proportion of the site. Moreover, given the limited extent of the grounds associated with the tower, I consider that any limited domestication of these arising from bin storage or from parking cars thereon would not reduce the openness of the site to any material degree. Neither, given the contained nature of the proposed development, would it result in a harmful encroachment into the countryside.
12. Consequently, I can find no conflict with the purposes of including land in the Green Belt; and moreover, as I consider that the proposed extension would not be a disproportionate addition, and that the proposed use would not lead to a harmful domestication of the site, I conclude that the appeal scheme would not reduce the openness of the site or its surroundings. Furthermore, as the proposed development would result in the re-use of a building of permanent and substantial construction, I conclude that it would be not inappropriate for the purposes of the Framework.
13. Whilst mindful of the Council’s comments that the proposed development could create a new planning unit, the Framework makes it clear in its glossary that the term ‘original building’ means a “building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally”. Consequently, I consider that the currently extant form of the water tower would be the ‘original building’ for the purposes of paragraph 89, bullet 3, and thus a starting point for the assessment of the proportionality of any future proposals for extension.
14. I have concluded that the proposed development would not be inappropriate for the purposes of the Framework, and that the appeal scheme would result in the change of use of a rural building for residential use without disproportionate extension or a major increase in the developed proportion of the site. Moreover, I have been supplied with no substantive evidence to suggest that the appeal scheme would not meet local needs. Consequently, I conclude that the proposed development would meet the requirements of Policies CS1, D1 and D23 the Wakefield Local Development Framework: Development Policies (adopted April 2009) (the Development Policies), insofar as they are relevant to the appeal scheme and seek to safeguard the openness and permanence of the Green Belt.

Character and appearance

15. The appeal site, whilst having an engineered and functional character is nevertheless an example of a building not uncommon within rural areas. The tower itself is a striking feature within its open surroundings and in its current form offers a marked, but not unpleasant, contrast to its wider setting. The proposed development, whilst introducing extensions and fenestration to the appeal building would not do so in a way that utterly obscured the original form or character of the building, and would use a palette of materials sensitive to those existing.

¹ In an e-mail to the appellant dated 16 September 2016

16. Moreover, due to the extensive glazing employed, the suspended floor would have a lightweight appearance and would thus not impart a dominant or bulky character to the appeal building in the context of its open environs. I note that the glazing may allow some views of domestic paraphernalia within; however, given the relatively close range within which such views could be glimpsed, I consider that this matter does not weigh heavily against the proposed development.
17. Consequently, due to these matters, taken together with the materials, form and siting of the existing building, the proposed development would not read as an incongruous feature in the landscape, and would consequently avoid causing significant harm to the character and appearance of its surroundings. As a result, the proposed development would not conflict with Policies D8 and D9 of the Development Policies insofar as they seek, amongst other things, to ensure that development within the countryside contributes towards the protection, maintenance and enhancement of the character of the district's landscape.

Other Matters

18. The proposed development relates to an existing access. Although I readily accept that it would result in a number of vehicle movements over and above that of its current use, this would still be relatively limited given the modest scale of the resulting residential accommodation.
19. I saw that the curve and dip of the road to either side of the appeal site's access limits inter-visibility between vehicles exiting it and those travelling along the A673, particularly if vehicles were required to exit the appeal site in reverse gear. However, I have been supplied with a tracking diagram² which demonstrates the ability of cars to turn on the appeal site as proposed and thus exit in a forward gear.
20. I note concerns about delivery to and servicing of the site, and the potential for obstructions to be caused by kerbside parking of vehicles involved in these activities, which could result in risky over-taking manoeuvres. However, in this regard, I am mindful of the appellant's Highway Statement³, which notes the deep setback of the front gates of the appeal site from the kerb line and I saw the extensive dropped kerb adjacent to this which could facilitate short stay waiting and manoeuvring area for delivery and servicing vehicles. Moreover, due to the limited scale of the proposed development it would be unlikely to give rise to excessive amounts of delivery and service visits, and it is likely that instances of very large vehicles that would block the adjacent side of the carriageway visiting the site would be rare. Consequently, I consider the servicing and delivery arrangements of the site would not result in significantly harmful highway safety impacts.
21. Moreover, whilst I note comments that the proposed development would loom larger in the view than the existing building at the site, I consider, due to its setback from the road frontage that it would not impair emerging visibility from New Hall Lane onto the A673, or distract drivers to such a degree that they would be unaware of larger vehicles stopped at the side of the road to service the proposed development. Although I am mindful of comments from Sitlington Parish Council regarding accidents on the A673 I have been supplied

² On PROPOSED SITE PLAN 2437-05A

³ Prepared by Paragon Highways October 2016

with no substantive evidence in this regard, or details of whether the incidents referenced were within the environs of the appeal site.

22. Consequently, these matters taken together lead me to the view that the appeal scheme would not result in material harm to highway safety within its vicinity. In arriving at this view, I am also mindful that the local highway authority made no objections to the scheme as presented for appeal, subject to conditions regarding the detailing of the access.
23. As a consequence, these other matters do not weigh against the proposed development in the overall planning balance to any material degree, and do not alter my conclusions on the main issues given above.

Conditions

24. I have assessed the list of conditions supplied to me by the Council against the tests given in paragraph 206 of the Framework. This states that conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. In some cases I have amended the wording of the conditions I have attached in the interests of precision and clarity.
25. In the interests of certainty I have attached a condition which specifies the approved plans. However, as the 'Site Plan & Sections as Existing & Proposed' plan⁴ shows a different proposal to the other submitted material I have not included this. In not specifying this plan in the condition I am mindful that the site layout as depicted thereon is also shown on the 'Proposed Site Plan'⁵, which I have referred to in the condition.
26. In order that the proposed development is sensitive to the character and appearance of its host building and those of its wider surroundings, I have attached a condition requiring the submission of details to the Council for its approval of materials used in the building and its boundary treatments and access arrangements. This is of necessity a pre-commencement condition to ensure that development is carried out in line with the approved details.
27. I note from the Officer Report on the scheme that the appeal site is within a known radon gas area. Accordingly, I have attached a pre-commencement condition requiring a risk assessment and details of potential mitigation to be submitted to and approved by the Council. This is again, of necessity, a pre-commencement condition to ensure that any risks in these regards are adequately mitigated in the interests of the living conditions of the future occupants of the proposed development.
28. In the interests of highway safety in the vicinity of the appeal site I have attached conditions regarding the proposed access arrangements. The one relating to the Council's approval of details of the proposed turning area requires pre-commencement compliance to ensure that development progresses in line with the approved details, and that significant adverse highway safety effects could thus be avoided.

⁴ Drawing no. 2437-06

⁵ Drawing no. 2437-05A

Conclusion

29. The appeal scheme would not conflict with the policies of the development plan insofar as they have been drawn to my attention. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of 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 Drawing no. 2437-01; PROPOSED GROUP PLANS, ELEVATION & SECTION Drawing No. 2437-04E; PROPOSED SITE PLAN Drawing No. 2437-05A.
- 3) Development shall not commence until the following details have been submitted to and approved in writing by the local planning authority: (i) the colour, type, and texture of all external building materials, including windows, doors and rainwater goods; (ii) the height, location, design materials and finish of all screening, retaining and boundary treatments; and (iii) the external appearance, colour, type, texture and composition of materials used in constructing the access. Development shall be carried out in accordance with the approved details, which shall thereafter be maintained for the lifetime of the development.
- 4) Development shall not commence until a risk assessment which includes details of the monitoring at the site which has been undertaken to determine the presence of radon gas, has been submitted to and approved in writing by the local planning authority. In the event that the results of the monitoring indicate the presence of radon gas above 200 Bq/m³, development shall not commence until (i) a scheme detailing radon gas protection measures to be installed has been submitted to and approved in writing by the local planning authority and (ii) the approved scheme of protection has been installed in accordance with the approved details, which shall thereafter be retained and maintained.
- 5) Notwithstanding condition (2) no development shall take place until a scheme detailing arrangements and specification for an enlarged vehicle turning area has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.
- 6) The gradient of the drive shown on the approved plans shall not exceed 1:12. The drive shall thereafter be retained as such throughout the lifetime of the development.
- 7) The development shall not be brought into use until sightlines 2.4m x 120m from the proposed access onto Bar Lane as indicated on the approved plan have been completed. There should be no obstruction to visibility from a point 2.4m back along the centre line of the proposed site access from the channel line exceeding 1.05m in height above the adjacent carriageway channel line. Such sightlines shall thereafter be retained for the lifetime of the development.