



Appeal Decision

Site visit made on 1 August 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 16 August 2017

Appeal Ref: APP/Z4718/W/17/3174505

Site at rear of 95 Shillbank Lane, Mirfield WF14 0QP

- 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 A Cliffe against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/60/90154/E, dated 9 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is described as the demolition of garage and sheds and the construction of a detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters apart from access and layout reserved for future determination. Plans submitted with the application show an indicative height of the proposed bungalow. I have had regard to these in the determination of this appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness 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

Inappropriate development

4. The appeal site is located within the Green Belt and comprises a rectangular area of land that is located to the north of properties on Shillbank Lane with access proposed off Eastfield Road. Undeveloped and generally open land in the form of an area of scrub woodland is located to the north east. The site is

currently used as part of the garden serving No 95 Shillbank Lane and is partly occupied by a garage and sheds. The proposed development would involve the removal of the garage and sheds and the construction of a chalet style bungalow.

5. Eastfield Road is an unmade road that has properties in the form of ribbon development on its western side with the area of open land on the eastern side. Shillbank Lane in the vicinity of the appeal site has ribbon development along the road with the area of open land to the north. The appeal site forms part of this area of open land and contributes to its open character and generally undeveloped appearance leading into the scrub woodland.
6. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
7. Although the Council has not referred to a conflict with any policies contained within a relevant development plan in the reason for the refusal of planning permission, the Officer's report identifies that Saved Policy D3 of the Kirklees Unitary Development Plan (2007) (UDP) allows for infill development within small settlements where the site is surrounded by development or in an otherwise built-up frontage. The supporting text defines infill as development of vacant plots in an otherwise built up area or frontage.
8. The appeal proposal would constitute a form of backland tandem development. Its location with largely open and undeveloped land to the north east cannot be considered to comprise part of a built up area or frontage. The proposal would represent an encroachment of development into this open area. Although the appellant has described the proposed development to comprise the rounding off of an existing settlement, given these locational factors I am not persuaded that this can be construed as representing infilling within the context of the guidance provided in the Framework or Saved Policy D3 of the UDP.
9. Consequently, the proposal would not represent limited infilling in a village and in not comprising any of the listed categories of development that may be considered not inappropriate I therefore find that the proposed dwelling would amount to inappropriate development within the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

10. A fundamental characteristic of Green Belts, as set out in paragraph 79 of the Framework, is their openness and their permanence. The construction of a dwelling on this site would result in the provision of a substantial built development that considerably exceeds the scale and mass of the garage and sheds. The effect of the appeal scheme would be to introduce built development on land abutting the eastern side of Eastfield Road where there is currently none.
11. Although forming part of a garden, the sheds and garage are relatively small low height structures and it is clear that the character of the site, leading into

the area of open land, has a more open appearance that is visibly different to that of the built development on Shillbank Lane and Eastfield Road. As such, the appeal site makes a contribution to the generally open character of this part of the Green Belt.

12. The proposal would have a more profound urbanising impact on the site currently than exists with the sheds and garage. A greater area of the garden would be occupied by built development than is currently the case. Due to the scale, mass and height of the proposed dwelling it would inevitably and significantly reduce the openness of this part of the Green Belt
13. I conclude that the development would lead to a significant loss of openness and would lead to the sprawl of built up area of this part of Mirfield into open area. It would therefore be contrary to the guidance provided in paragraphs 79 and 80 of the Framework.

Other considerations

14. The appellant's case is founded mainly on the assertion that the proposed development constitutes the rounding off of an existing settlement. For the reasons outlined above, I am not persuaded that this is the case and I attach little weight to this matter. No other considerations have been cited to suggest that there are any very special circumstances that would outweigh the substantial weight to be given to Green Belt harm as identified in the Framework.

Conclusion

15. The proposed dwelling would be inappropriate development, which the Framework states is harmful to the Green Belt and should not be approved except in very special circumstances. It would also cause harm to the openness of the Green Belt. The Framework indicates that substantial weight should be given to harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. As explained, I have given only limited weight to the material consideration cited in support of the proposal and conclude that this does not outweigh the substantial weight to be given to Green Belt harm sufficient to demonstrate very special circumstances.
17. For the reasons given above and taking all matters into account, I conclude that the development would not accord with the Green Belt protection aims of the Framework. There are no material considerations of such weight as to warrant a decision other than in accordance with the aforementioned Framework. Consequently, the appeal should be dismissed.

Stephen Normington

INSPECTOR