
Appeal Decision

Site visit made on 13 November 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 14 November 2017

Appeal Ref: APP/A4710/W/17/3181857

Land north of 4 Lumbrook Close, Shelf, Halifax HX3 7UD

- 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 Neil Sharp against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 17/00545/OUT, dated 25 April 2017, was refused by notice dated 21 July 2017.
 - The development proposed is 3 No detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application is submitted in outline with all detailed matters reserved apart from access.

Main Issues

3. The main issues are:
 - i. Whether or not the proposal is inappropriate development in the Green Belt;
 - ii. the effect upon the openness of the Green Belt and the purposes of including land within it; and
 - iii. if the development is inappropriate, 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 development.

Reasons

Site and proposal

4. The appeal site lies to the north of No 4 Lumbrook Close and is an undeveloped parcel of land containing a significant number of trees. According to the appellant's planning application form, the site is described as "*part residential curtilage and part greenspace*". A small triangular shaped section of land in the south western corner of the site falls within the defined village envelope for Lumbrook as shown on the Replacement Calderdale Unitary Development Plan

2006 (UDP) proposals map. The remainder of the site falls outside of the Lumbrook village envelope and within land designated as Green Belt in the UDP.

5. It is proposed to erect three detached dwellings on the site. A new vehicular access is proposed from Lumbrook Close, as shown on drawing No 1536/SP1, which would serve both No 4 Lumbrook Close and the proposed three detached dwellings.

Whether the proposal would represent inappropriate development

6. Paragraph 89 of the National Planning Policy Framework (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 are *"limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan"*. The appellant accepts that as the whole of the site does not fall within the defined village envelope for Lumbrook the proposal could not accord with the provisions of saved Policy NE7 of the UDP which, subject to meeting other criteria, allows infill development within the *"defined settlement limits of villages in the Green Belt"*. However, the appellant considers that as the Framework does not refer to infill in village envelopes (it refers to limited infilling in villages), it is necessary for the decision maker to consider what reasonably constitutes a village on a case by case basis.
7. I agree with the appellant that it is necessary for me to consider what the village of Lumbrook is. The appeal site provides a well-defined undeveloped and soft green edge to the cul-de-sac of dwellings. Beyond this and to the north of the site the environment immediately alongside Brighthouse and Denholme Gate Road is essentially open and rural in character until one reaches the more built up part of the northern settlement at the junction of Colely Road and the A644.
8. I acknowledge that just beyond the appeal site there is an access road which serves Lumbrook Mills (and what appears to be a relatively new vehicular parking area), but this development does not constitute a building and the prevailing openness of the rural area is retained. I therefore conclude that the village envelope boundary, as shown on the proposals map of the UDP, reasonably depicts the extent of the village of Lumbrook. Therefore, and apart from a very small part in the south western corner of the site, almost all of proposed development would be erected on land which is outside of the village and in Green Belt. I accept that the proposal is in outline and that layout is a reserved matter. However, in the absence of indicative plans I cannot see how it would be possible to erect the three proposed detached dwellings on the relatively small section of land falling within Lumbrook village.
9. Even if I was to conclude that the site was wholly within the village, I do not consider that the proposal would constitute infilling. Infilling is not defined in the Framework and hence it remains a matter for the decision maker. I consider that the Council's definition in Policy NE7 of the UDP is reasonable in so far that it states that *"infill development relates to a small gap in a group of buildings or otherwise continuous built up frontage"*. In this case, the land on the northern boundary of the site includes an access road. Whilst the access road is an engineered form of development, it essentially constitutes open land albeit that vehicles may use it or occasionally park on it. In this sense, there is

no continuous built up frontage to the north of the site and along Brighthouse and Denholme Gate Road. Put another way, there is no gap to fill as the land to the north is open in so far that there is an absence of buildings along the road frontage. Hence, when the proposal is considered as a whole, it would not amount to infilling.

10. The Council has not provided me with comments relating to whether three dwellings would be a "limited" form of development. However, and given my findings above, it has not been necessary for me to pursue this matter any further.
11. For the reasons outlined above, I therefore conclude that the proposal would amount to inappropriate development in 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

12. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Indeed, one of the essential characteristics of Green Belts is their openness.
13. Whilst this is an outline application, there is no doubt that the erection of three detached dwellings would have a significantly harmful impact on the openness of the Green Belt. This weighs against the proposal. I acknowledge that it would be possible to retain existing vegetation fronting the main road. Whilst this may partly screen the proposed development when viewed from the main road, there is nonetheless currently an absence of built development on the site. The proposal would constitute built development and hence there would be some impact upon the openness of the site/Green Belt.

Any other harm

14. As dwellings would be erected on the edge of the village of Lumbrook, and as there is an absence of built development immediately to the north of the site (i.e. immediately alongside Brighthouse and Denholme Gate Road), I consider that the proposal would have some encroaching impact upon the countryside. Such an adverse impact would be from the erection of the dwellings as well as any ancillary development and domestic paraphernalia associated with the erection of three detached dwellings on the site. Such harm would be capable of being mitigated to some extent by way of the retention of boundary landscaping, but the proposed development would be visible from some areas in the winter months when some of the vegetation was without leaf.
15. I accept that this is an outline application and that layout and appearance matters could be controlled to some extent so that harm was minimised. However, given the location of the site, I cannot see how it would be possible to fully and acceptably mitigate the adverse impacts of the proposal from a countryside encroachment point of view.
16. For the reasons outlined above, I find that the proposal would conflict with one of the five purposes of the Green Belt, as defined in paragraph 80 of the Framework, which is to *"assist in safeguarding the countryside from encroachment"*.

Other considerations

17. I acknowledge that the Council cannot demonstrate a deliverable five year supply of housing sites. In this regard, the provision of three additional dwellings would make some, albeit a limited contribution to the supply of dwellings in the area. This is a matter which weighs in favour of the proposal. However, this does have to be considered in the context of the National Planning Practice Guidance which states that unmet housing need is unlikely to outweigh the harm to the Green Belt and any other harm to constitute the very special circumstances justifying inappropriate development in Green Belt.
18. The proposal would create some employment at construction stage, although this would be relatively short lived. I have no doubt that the occupiers of three detached dwellings would help to support local facilities and services, although the economic contribution from the occupiers of three properties would not be very significant.
19. I acknowledge that there are no objections to the proposed access from the Highway Authority and that in land use principle terms there appear to be no other technical barriers to the development of three dwellings on the site. However, these are neutral matters to weigh in the planning balance.

Balancing Exercise

20. I have found that the proposed development would constitute inappropriate development in the Green Belt and that it would have a significantly harmful impact on the openness of the Green Belt and lead to some countryside encroachment. Collectively, these matters carry very significant weight in the overall planning balance. Against this has to be balanced the other considerations as outlined above, including the relatively small contribution that the proposal would make to the supply of houses in the area and in respect of economic matters. However, the substantial weight to be given to Green Belt harm, and the other identified harm, arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. For these reasons, I conclude that the proposal would not accord with the Green Belt aims of the Framework or Policy GNE1 of the UDP.

Conclusion

21. In light of the above reasons, and having regard to all other matters raised, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR