
Appeal Decision

Site visit made on 24 October 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 12 February 2018

Appeal Ref: APP/X4725/W/17/3179876

Mayfield Farm, Doncaster Road, East Hardwick, Pontefract WF8 3EQ

- 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 Fourbs Farming Limited against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 17/01174/FUL, dated 4 May 2017, was refused by notice dated 22 June 2017.
 - The development proposed is the extension of the existing caravan storage facility and associated landscaping.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 November 2017.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
 - whether the proposal would represent an acceptable form of development having regard to the risk of flooding;
 - the effect of the proposal on the supply of agricultural land in the District; and,

- if the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development?

4. The appeal site lies within the Green Belt. Paragraph 89 of the Framework states that, other than in the case of a number of specified exceptions, the construction of new buildings within the Green Belt is inappropriate development. The appellant does not dispute that the site is within the Green Belt or that the proposal would constitute inappropriate development. There is no evidence before me that the proposal would meet any of the exceptions under paragraphs 89 or 90 of the Framework and, as such, I see no reason to disagree with the position of the main parties.
5. I conclude, therefore, that the proposal would be inappropriate development in the Green Belt, in conflict with the Framework. Policy D23 of the Wakefield Local Development Framework Development Policies DPD 2009 (DPDPD) relates to existing uses within the Green Belt. It specifically refers to industrial, educational and community uses, and thus is not relevant here.
6. The appellant argues that the Framework dictates that significant harm is associated with inappropriate development and that significance itself is not defined or prescribed weight. However, paragraph 88 of the Framework is clear that substantial weight is to be given to any harm to the Green Belt. As inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances, I attach substantial weight to the harm to the Green Belt arising due to the inappropriate nature of the development.

Openness, Character and Appearance

7. Paragraph 79 of the Framework notes that the Government attaches great importance to Green Belts and that a 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.
8. The appeal site comprises part of a grassed paddock bound by low fencing and hedging adjacent to an existing caravan storage facility. Whilst it has development close by on three sides, it nevertheless lies within a wider landscape which is characterised by an open expanse of gently undulating agricultural fields. Panoramic views of the countryside from the appeal site are far reaching and it is evident that surrounding fields are largely free from any significant development.
9. I saw from my site visit that the appeal site contains trailers and associated paraphernalia, however, it is otherwise free from built form. The wider paddock, due its low level boundaries, flat topography and undeveloped nature is clearly open in character and plays a positive role in the wider landscape.
10. It is proposed to extend the existing caravan storage facility into the appeal site. The extension to the facility would measure around 0.8ha in size and would store around 154 additional caravans, giving a total of around 308

across the whole site. The proposal would, therefore, result in a considerable incursion of built form where at present, there is very little. As a result, the proposal would have an impact on openness, in that it would be reduced.

11. The appellant argues that the development would not impact on the functions of the Green Belt. However, Paragraph 80 of the Framework sets out that the Green Belt serves five purposes, including assisting in safeguarding the countryside from encroachment and to assist in urban regeneration by encourage the recycling of derelict or other urban land. The proposal would result in further development in the countryside in excess of that which already exists. It would, therefore, be contrary to the non-encroachment purpose of including this land in the Green Belt. Moreover, there is no evidence before me that the proposed use is dependent upon being located in the Green Belt and it would, therefore, fail to assist in the urban regeneration purpose.
12. The proposal would introduce a large area of hardstanding and result in distinctly urban elements within the landscape. This would be in stark contrast to the rural character of the site and the surroundings. Moreover, whilst the proposed provision of perimeter landscaping around the site would assist in screening the proposal, it would only mitigate the visual impact to a limited extent as new landscaping would make apparent the presence of the proposed development upon an area which is otherwise presently free of built form. Consequently, the proposed development would appear as an intrusive and incongruous development within the surrounding landscape.
13. I conclude, therefore, that the proposal would lead to a loss of the openness of the Green Belt, contrary to fundamental aim and purpose of Green Belt policy as set out in the Framework. In addition, I find the proposal would have a harmful effect on the character and appearance of the area, in conflict with DPDPD Policies D8 and D9 which aim to protect landscape character and ensure new development respects the character of the locality, as well as Local Development Framework Core Strategy 2009 Policy CS10 which states that new development will be of high quality design.

Flood Risk

14. The appeal site lies within Flood Zone 1. Policy D24 of the DPDPD states that an appropriate flood risk assessment (FRA) will be required for proposals in Flood Zone 1 of 1ha or more. The extended area would, however, be around 0.8ha in size and therefore would not meet the 1ha threshold under Policy D24. I see no reason, as such, why the absence of an FRA in this instance should count against the proposal. Nevertheless, DPDPD Policy D25 indicates that major flooding events have occurred within the District due to surface water and sewer flooding. It states that surface water from new developments must be managed using sustainable drainage techniques unless it can be demonstrated that they are not technically feasible.
15. The proposal would comprise the hard surfacing of a considerable amount of what is presently greenfield land. Little information in relation to the strategy for surface water drainage at the site has been provided. The Council's Drainage Engineer indicates that the catchment downstream of the site is already subject to known high flood risk. Moreover, it is indicated that 90% of the District is unsuitable for soakaways and the remaining 10% is often borderline or subject to failure during the lifetime of the proposal. I have no contrary evidence to suggest that is not the case.

16. The appellant indicates that details of drainage could be secured by condition. However, in my view, the provision of a surface water drainage strategy could not be addressed through a planning condition or obligation because an assessment of the potential risks of flooding from the scheme is fundamental to the acceptability of the scheme. As a result, I agree that with the Council that, in the absence of any evidence to suggest the proposal could be suitably drained, the proposal would likely result in an increase of the risk of flooding from surface water run-off.
17. I conclude, therefore, that the proposal would not represent an acceptable form of development having regard to the risk of flooding. It would conflict, as a consequence, with DPDPD Policy D25.

Agricultural Land

18. The appeal site is identified as being Grade 3 – Good to Moderate within the Natural England Agricultural Land Classification Maps, although it is not clear from the maps whether it is grade 3a or 3b. Neither party has provided any evidence to suggest which grade it is. Therefore, I am unable to determine whether or not the appeal site is best and most versatile agricultural land¹.
19. In the absence of such evidence, I consider it reasonable to take a precautionary approach that the site could potentially be BMV agricultural land. Indeed, I have no reason to disagree with the Council that the land is of sufficient quality that it should be protected from loss unless the proposed development upon it has been demonstrated to be necessary.
20. DPDPD Policy D26 states that the best and most versatile (BMV) agricultural land within the District will be protected from irreversible development. In particular, development involving a significant loss of agricultural land graded 3a or higher will not be permitted where land of a lower quality could be developed for the particular purposes. This is broadly consistent the Framework paragraph 112 which makes it clear that economic and other benefits of the best and most versatile land should be taken into account. Agricultural land is a finite resource and the proposal would result in its permanent loss.
21. The extended site would be around 0.8ha in size and, whilst it is not presently used for agricultural purposes, I have no reason to suggest it is not physically capable of being so. As a result, the proposal would result in the loss of agricultural land in the District.
22. I conclude, therefore, that the proposal would have a harmful effect on the supply of agricultural land in the District, in conflict with Policy D26 of the DPDPD and the Framework. Nonetheless, the appeal site is a relatively small area of land and is not associated with a larger land holding. As such, future viable use for agricultural purposes is unlikely. Accordingly, I afford only limited weight to the harm that would arise.

Other Considerations

23. As I have found that the proposal would constitute inappropriate development in the Green Belt, consideration must turn to whether the harm by reason of

¹ Annex 2 of the Framework defines BMV agricultural land as: "Land in grades 1, 2 and 3a of the Agricultural Land Classification."

inappropriateness, and the other harm I have identified above, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances required to justify the proposal

24. I note the proposal would be unlikely to give rise to harmful effects upon the living conditions of neighbouring residents. Nevertheless, the lack of harm in that respect would be a neutral factor, rather than a benefit.
25. The appellant indicates that there are socioeconomic benefits to the scheme that outweigh any of the harm identified. It is indicated that the proposal would secure the long term future of the business as the business, at present, is turning away an average 5 storage requests a week due to lack of facilities. As such, it is suggested that the ability fill the extended space is clear as market demand is high and existing facilities supply extremely low.
26. Storage facilities at the site are charged at £400 inclusive of VAT and at 100% capacity as is presently the case the business has takings of around £51,332.82 net of VAT per annum. With outlays of around £48,820 per annum, it is indicated that the business is generating a marginal profit of around £2,500 per annum. The appellant indicates that the business is not viable in the long term at such profit margins and the proposal would vastly increase the profit margin and thus secure the long term future of the business. It would also increase the number of jobs from one existing part time employees to 1 full time and 4 part time employees.
27. There are, therefore, clear social and economic benefits to the proposal and I afford such benefits significant weight. However, the job creation would be relatively limited in its extent. Moreover, whilst the existing profit margins shown are undoubtedly marginal, there is no evidence that the business could not sustain at those levels. Nor is there any substantive evidence that the proposal would increase spending in the local economy.

Conclusion

28. The proposed development would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a loss of openness, harm to the character and appearance of the area, harm from the risk of flooding and some, albeit limited, harm to the supply of agricultural land.
29. Whilst I have afforded significant weight to the social and economic benefits of the development, having considered all matters raised in support of the proposal, I conclude that, collectively, they do not clearly outweigh the harm I have identified in relation to the Green Belt and other harm. Accordingly, very special circumstances do not exist and the proposal would conflict as a whole with the development plan and the Framework. The proposal would fail to meet the environmental role of sustainability set out in paragraph 7 of the Framework and would not therefore constitute sustainable development.
30. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR