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## Appeal Decision

Site visit made on 20 May 2019

**by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

**an Inspector appointed by the Secretary of State.**

**Decision date: 9<sup>th</sup> July 2019**

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**Appeal Ref: APP/Z4718/W/19/3222623**

**Birks Farm, Arkenley Lane, Almondbury, Huddersfield, West Yorkshire  
HD8 0LH**

- 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 Ms Prudence Louise against the decision of Kirklees Council.
  - The application Ref 2018/62/93117/W dated 26 September 2018, was refused by notice dated 28 November 2018.
  - The development proposed is the demolition of an existing barn and the erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The address of the proposed development is given as stated above on the application form. The Local Planning Authority (LPA), in its decision notice, gives the address as Birks Farm, Birks Lane, Fenay Bridge, Huddersfield HD8 0LH. I have used the address on the application form.
3. Since the submission of the appeal, an updated version of the National Planning Policy Framework (February 2019) (the Framework) has been published by the Government. This is a material consideration in planning decisions. In relation to the main issues in this appeal, Government policy has not materially changed, and it was not therefore necessary to invite any further comments from the different parties involved.
4. The LPA, in its decision letter, refers only to the Framework and not to policies in the development plan for the area. However, its submission documents refer to policies in its Unitary Development Plan (UDP) and to those in its Local Plan, at Public examination stage at the time of the application decision. The appellant has likewise referred to these. On 27 February 2019, Kirklees Council adopted its Local Plan (LP). It has confirmed that policies in the earlier UDP have been superseded and have no effect. It considers that policy PLP59 (relating to infilling and redevelopment of brownfield sites in the Green Belt) and policy PLP24 (relating to design in general) are pertinent policies. The appellant has been given an opportunity to comment on the new policy situation. Therefore, I have determined the appeal based on policies in the LP and on the Framework.

## **Main Issues**

5. The main issues in this case are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policies, the Framework and the effect of the proposal on the openness of the Green Belt;
- the effect of the development upon the character and appearance of the area and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

## **Reasons**

### *Site and proposal*

6. The appeal site lies in open countryside within the Green Belt and is a roughly rectangular plot of land at a short distance south of Almondbury Village. It is situated on a sharp bend in the road where Birks Lane meets Arkenley Lane. The proposed and existing access is from Birks Lane, a rural lane with hedging and trees to the sides and no footpath. There is a scattering of mainly stone built, one and two storey dwellings along the lane and in the general vicinity, all within a rural setting.
7. The appeal site is a level area of land with hedgerows on the south-west, south-east and north-eastern boundaries, and sporadic trees along the rear or north-western boundary. The building can be seen through the hedging bordering the lane. The existing main building is near the western end of the site and has two storeys with a flat roof. It is constructed of timber with timber sheets to about 2 metres high (some covered with felting) and with vertical Yorkshire boarding above. Internally the ground floor has concrete partitions to provide stabling. The site also includes a small shed and some chicken coops but the main building is dominant on the site and appears as an isolated structure in the landscape. The north-eastern area of the site includes equestrian equipment.
8. The proposed detached dwelling would be constructed on the site of the existing building though the LPA and the appellant disagree whether the footprint would be greater or lesser than that of the existing building. It is agreed that the proposed dwelling would have a greater height than the existing structure. The exterior of the roof and walls would have timber cladding.

### *Whether inappropriate development*

9. Paragraph 143 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. However, paragraph 145 lists certain categories of development which form an exception to the general policy of restraint. Part (g) of that paragraph relates to development involving the partial or complete redevelopment of previously developed land, whether redundant or in continuing

- use, (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, or would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the LPA.
10. The appeal is not submitted on the basis of providing an affordable housing need. Furthermore, the proposed dwelling would not have other buildings immediately around it: it is not therefore an infill site which accords with policy PLP59 of the LP or a site which can be regarded as an exception to Green Belt policy in the Framework and which opposes new development.
  11. However, the existing building and the site is used for equestrian purposes. I agree with the LPA that it is previously developed land. However, paragraph 145(g) is dependent on the proposed development not having a greater impact than the existing development on the openness of the Green Belt.
  12. The LPA and the appellant disagree as to the size of the proposed footprint when compared to that of the existing building. The LPA concludes that the two would be virtually the same: the appellant maintains that the proposed new footprint would be smaller. I find that any difference would not be significant when assessing the impact on openness. However, the proposed building would be significantly taller than the existing building. I consider that this would have a substantially adverse impact on openness.
  13. In addition, the proposed development would involve the establishment of an area of hard standing. The appellant considers that this would not harm the openness of the Green Belt as there is already an access into the site and because the proposed development would include the use of Grasscrete for the access and parking. In addition, the appellant considers that, as the site is very well screened by hedging and trees, there would be no impact on openness.
  14. The proposed use of Grasscrete would be advantageous in retaining the character and appearance of the area but would be a neutral matter when assessing openness. However, the likely inclusion of domestic paraphernalia would give rise to a significantly adverse impact.
  15. The existing and proposed boundary hedging and trees would have a screening effect when seen from the adjacent road. However, the openness of the Green Belt has a spatial as well as a visual aspect: the absence of visual intrusion does not mean that there is no impact on the openness of the Green Belt. In any event, the proposed development would not be so comprehensively screened in the winter months. I therefore give only very limited weight to the visual impact of the proposed development on the openness of the Green Belt.
  16. The Framework states 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 their permanence'. (para 133).
  17. On this basis, and for the reasons outlined above, I conclude that the proposed development would constitute inappropriate development in the Green Belt.

*Any other harm - character and appearance*

18. There is already an existing building on the site which is screened by hedging and trees. While the proposed building would have a greater height, and while I have concluded that it would adversely affect the openness of the Green Belt, I do not consider that, by its height and mass alone, it would significantly adversely affect the character and appearance of the area.
19. For this reason, I conclude that the building itself would accord with LP policy PLP 24 concerning the need for good design. However, I further conclude that the domestication of the site would have an urbanising effect which would adversely and significantly affect the visual character and appearance of this rural area, contrary to the provisions of paragraph 127 of the Framework which require proposed development to be sympathetic to their landscape setting.

**Other considerations**

20. The proposed extra planting would have some limited landscaping and ecological benefit.
21. The appellant considers that the design of the proposed dwelling is such as to be of an exceptionally exemplar design and would also be highly efficient in terms of the use of energy and other resources. However, I find that such efficient dwellings are not so rare as to result automatically in exemplar status, nor do I consider that the particular design of the building is so exceptional as to merit such a description. I thus give these matters only limited weight.
22. Whilst in a countryside location, the site is relatively close to services in Almondbury. However, access is, at least in part, along roads with no footpaths and the occupiers of the proposed dwelling would be largely reliant on car journeys to services. I therefore give the issue of its sustainable location only limited weight.
23. The LPA concedes that it cannot demonstrate a 5 year supply of housing land. I have no information before me as to whether or not this situation has changed in the light of the Government's advice on the calculation of housing need. However, the Framework is clear in stating in footnote 34 to paragraph 71, that meeting housing needs should not compromise the protection given to areas or assets of particular importance and which include Green Belts. In addition, while the proposed development would contribute an additional dwelling, it would make a very minor addition to the housing requirement.

**Conclusion and planning balance**

24. I have found that the proposal would be inappropriate development in the Green Belt as the harm to openness would be substantial and therefore contrary to the terms of the Framework. In addition, while I find that the proposed design of the building would not be out of place in its rural setting, the domestication of the site would lead to an urbanising affect which would significantly and adversely affect the character and appearance of the area.
25. In terms of other considerations, I attach moderate weight to the landscaping and ecological benefits of the proposed extra planting. I attach very limited

weight to the efficient nature of the proposed development and to its contribution to housing supply.

26. My overall conclusion is that these benefits do not clearly outweigh the identified, substantial harm to the Green Belt and do not amount to sufficient very special circumstances necessary to justify the appeal proposal.
27. For the reasons outlined above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

*Steven Hartley*

INSPECTOR