



Appeal Decision

Site visit made on 25 June 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th July 2019

Appeal Ref: APP/A4710/W/19/3227015

Vacant land on Ogden Lane, Ogden, Halifax

- 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 Colin Thompson against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/1078/FUL, dated 24 August 2018, was refused by notice dated 18 October 2018.
 - The development proposed is described as one oak cabin on the land, which can be moved, and new trees for screening.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The land was identified on the planning application form solely by its grid reference, and accordingly I have described it as it appears on the planning appeal form. The Council describes it as land north east of 1 Ogden Lane which is also accurate.
3. The appellant proposes to site an oak cabin on the land, as well as a septic tank, and to create a parking area and a path from the site entrance to the top of the field where the cabin is proposed to be sited. Although the appellant describes the cabin as moveable, and not as a permanent fixed structure, it is nevertheless a substantial 2-storey edifice that would not appear to be capable of being erected or dismantled without considerable effort. Planning permission is sought for the cabin in the location shown on the proposed drawings, and I have considered and determined the appeal on that basis. The internal layout of the cabin shows 2 bedrooms and daily living quarters. Although the application documents describe an intention to use the cabin on only an occasional basis, the proposal for which permission is sought amounts to the erection of a dwellinghouse and ancillary facilities on the land.

Main Issues

4. The appeal site lies in the open countryside within an area of designated Green Belt. It also lies within a Special Landscape Area, as designated by the Replacement Calderdale Unitary Development Plan, adopted 2006, ('the UDP') and to which Policy NE12 applies. The proposal would make use of an existing field access to the site, including some alterations to the surrounding boundary wall.

5. The main issues arising in the appeal are these:

- 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;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on highway safety; and
- If the proposal is inappropriate development in the Green Belt, whether any 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 necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

6. UDP Policy GNE1 provides that a Green Belt will be maintained and development within it will be restrained, but provides no further indication of the approach to be taken to development proposals. Save for certain exceptions, the Framework at paragraph 145 directs me to regard the construction of new buildings as inappropriate in the Green Belt. The appellant contends that the development would amount to the provision of appropriate facilities for outdoor sport or recreation. However, no outdoor sport or recreation is described in the proposal. The appellant intends to use the cabin to gain some practical use of the site and benefit from the views. On this basis, and having regard to all the evidence, what is proposed is a residential use and not outdoor sport or recreation in the terms of the Framework. Therefore it amounts to inappropriate development and I attach substantial weight to this harm 'in principle' to the Green Belt.

Effect on openness

7. Even if the proposal were to amount to an appropriate facility for outdoor sport or recreation, it would nevertheless be inappropriate development unless the openness of the Green Belt was preserved and no conflict with its purposes arose. The construction of a dwellinghouse in what is currently an open field would clearly conflict with the purpose of safeguarding the countryside from encroachment. The proposed cabin, which would be approximately 6.5m high to the ridge, would be located at the top of the site, surrounded by a fenced verandah and accompanied by a new septic tank and long access path down to the road. The construction and the subsequent use of these elements where presently there is no development would also adversely affect the spatial openness of the Green Belt in this location.
8. Although the appellant proposes to establish some tree planting, and the access path would not be visible from the bridleway behind the boundary wall, the prominent siting of the cabin would also visually affect the openness of the Green Belt. This harm to the openness of the Green Belt attracts substantial weight.

Effect on character and appearance

9. The appeal site lies above a small cluster of dwellings on Ogden Lane leading to Ogden Water, a sizeable reservoir and nature reserve surrounded by wooded hillsides and moorland above. It is evidently a popular beauty spot with networks of recreational paths in the area, including the bridleway immediately abutting the appeal site to the north.
10. Although the appellant proposes some tree screening, the introduction of the proposed built elements into the landscape and their accompanying domestic paraphernalia would be highly detrimental to the current undeveloped character of the appeal site. The dwelling would be particularly prominent on the hillside, and its construction of oak wood with a fenced verandah and excessive glazing would be wholly out of character with the local stone-built dwellings of the area. The proposal would also involve the loss of part of the existing attractive stone gateposts and wall in order to facilitate the access.
11. UDP Policy NE12 provides that development adversely affecting the landscape quality of the Special Landscape Area will not be permitted. The proposed development would be contrary to this Policy, as well as to UDP Policy BE1 requiring high design standards that maintain or make a positive contribution to existing environmental quality. I attach substantial weight to this harmful policy conflict.

Effect on highway safety

12. The proposed access arrangements make use of an existing agricultural field gate surrounded by high gateposts and a stone wall. Visibility is limited in both directions, as the access lies on a bend in the road and, to the offside when exiting the site, the road also falls away. The Local Highway Authority ('the LHA') consider that the visibility at the existing access would be insufficient, and also express concern about the use of loose bark chippings in the proposed car parking area which could be transferred onto the highway.
13. The appellant contends that the proposed access arrangements have previously met with no objection from the Council or the LHA on a previous application, although no details have been provided. I concur with the LHA that even if the wall were lowered, as proposed, to 1m in order to provide some visibility to a car driver, the access would be too close to the carriageway to permit of adequate sight lines and a safe egress. Although narrow and with few dwellings sited nearby, the road is reasonably busy with a sizeable car park for Ogden Water lying down the hill beyond the site.
14. The surface treatment of the car parking area and access could be dealt with by a planning condition in order to overcome the LHA's concerns about debris being carried onto the road. Nevertheless, the poor visibility of the proposed access arrangements leads me to conclude that they would be contrary to UDP Policy BE5, requiring the design and layout of accesses are such as to ensure the safe and free flow of traffic. I am mindful however that the access does already exist, albeit not designed for cars, and so I attach moderate weight to this harm.

Whether any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations

15. Apart from referring to other developments nearby such as a caravan site and a car park that the appellant considers are more noticeable or unattractive than the proposed development, no particular potential benefits of the development are cited by the appellant other than the desired private enjoyment of it. The Council's information is that it presently has a shortage of housing land available in its area, and therefore the relevant development plan policies relating to housing applications are not up to date. The housing land available in the area is said to be in excess of 4½ years' supply. Given this rather limited shortfall, however, I give the contribution of the proposed development to the housing supply very little weight in its favour.
16. I attach substantial weight to the harm to the Green Belt by reason of inappropriateness, the further harm to openness, and to the adverse landscape impacts on the Special Landscape Area, and moderate weight to the poor access arrangements. I give very little weight to the proposed contribution to the local housing supply. No other countervailing factors would outweigh the serious harm that would be caused by the proposal, and accordingly very special circumstances do not exist to justify the proposed development. The proposal is contrary to the development plan for the area, and the application of policies in the Framework protecting the Green Belt provide a clear reason for refusing the development proposed. Therefore the appeal is dismissed.

Laura Renaudon

INSPECTOR