



Appeal Decision

Site visit made on 26 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/A4710/W/19/3226322

Farfield House, Ingham Lane, Bradshaw, Halifax HX2 9PE

- 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 S Robertshaw against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01297/FUL, dated 19 October 2018, was refused by notice dated 11 January 2019.
 - The development proposed is redevelopment of a previously developed site.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Robertshaw against Calderdale Metropolitan Borough Council. This application is subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and,
 - 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 the development.

Reasons

Whether Inappropriate Development in the Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
5. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145.

6. The exceptions include g) limited infilling or 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. Policy GNE1 of the Replacement Calderdale Unitary Development Plan (2006) (the LP) seeks to restrain development outside of urban areas through the general extent of the Green Belt.
7. The Framework indicates that openness is an essential characteristic of the Green Belt and that it has a spatial as well as a visual aspect.
8. The proposal is for the demolition of an existing building and the construction of a new building. The existing building currently used for storage is attached to a stone-built building that has previously been converted to two dwellings. The proposed detached dwelling would be set to the rear of the existing building. The appeal site is accessed from Ingham Road to the periphery of the village of Bradshaw, in what appears to be a former farmstead that includes a number of residential and industrial buildings.
9. The proposed dwelling is shown on the submitted plans as being of a substantial size and scale. The Appellant's statement details that the floor area of the dwelling would be approximately 85.1sqm and have a total floor area of 170.2sqm. Furthermore, the proposed building would be detached from the remaining buildings and being located to the rear of the adjacent residential properties. I find that the proposed development would, in both spatial and visual terms, have a harmful effect on the openness of the Green Belt.
10. The appellant has also referred to part e of paragraph 145 of the Framework, suggesting that the proposed development could be considered to be limited infilling in a village.
11. I note the Appellant's comments with regards the site being outside of the settlement boundary but included as part of the village by other policies. At my site visit I noted that the site is on the periphery of the village, however, the site of the proposed development does not represent a gap for the proposed development to infill.
12. I find that the proposed development does not benefit from an exception detailed in paragraph 145 of the Framework and is inappropriate development in the Green Belt. Therefore, the proposed development would conflict with Policy GNE1 of the LP and paragraphs 133 and 134 of the Framework as it would fail to assist in safeguarding the countryside from encroachment, one of the five purposes of the Green Belt and would go against the fundamental aim of Green Belt policy to keep land permanently open.

Other considerations

13. The appeal site and surrounding properties have an extensive planning history, as detailed by the Council Officer's report and the Appellant's submissions. The Appellant has referred to an earlier planning permission¹ that granted consent for the conversion and extension of the stone-built buildings, part of which would be demolished under this proposal, to create three dwellings. I saw on site that two dwellings had been created and the Council Officer's report refers to the permission, noting that the conversion of the third building has *not been*

¹ 13/01346/CON

implemented. That the planning permission could be implemented is not at dispute between the parties.

14. However, plans submitted by the Appellant show a converted and substantially extended building. The Appellant details that the total floor space of the building for which planning permission exists is 206.4 sqm, this is notably greater than the 170.2 sqm of the development subject of this appeal.
15. Despite being of a greater size than the development proposed here, as a result of the siting of the building and its relationship to existing buildings, I find that the consented scheme would cause less harm to the openness of the Green Belt. I therefore give this potential fall-back position little weight.
16. Furthermore, I note that the Council has acknowledged that it cannot currently demonstrate a 5-year supply of land for housing and that the proposed development would supply a single additional dwelling. I therefore give this public benefit some weight.

Planning Balance and Conclusion

17. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not be demonstrated unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. This is a high hurdle for a proposal to overcome.
18. The other considerations in this case, for the reasons set out above, do not clearly outweigh the harm that I have identified in terms of the inappropriateness of the development. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policy GNE1 of the LP and paragraphs 133 and 134 of the Framework.
19. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR