The Planning Inspectorate

Appeal Decision

Site visit made on 29 October 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2019

Appeal Ref: APP/A4710/W/19/3235106
Lower Bank House Farm, Beestonley Lane, Stainland, Elland HX4 9PU

- 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 A Littlewood against the decision of Calderdale Metropolitan Borough Council.
- The application Ref 19/00353/FUL, dated 19 March 2019, was refused by notice dated 18 June 2019.
- The development proposed is described as 'change of use of land to residential and erection of summerhouse and decking (retrospective) and formation of paved area'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed during my visit that the appeal site is already in use as a garden and that the summerhouse and decking have been erected. I am therefore proceeding on the basis that the development has, in part, already occurred.

3. The Council, in its Delegated Report, cite conflict with Policy NE6 of the RCUDP which sets out a general presumption against new gardens for houses in the Green Belt except in very special circumstances and subject to specific criteria. No such conflict was cited in the formal reasons for refusal, such that in coming to my conclusion I have not taken this Policy into account. Nonetheless, I consider that the proposal would conflict with this Policy, albeit that this has not affected the outcome of this appeal.

Main Issues

4. The main issues are:

   - Whether the development 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 development on the openness of the Green Belt;
   - The effect of the development on the character and appearance of the surrounding area, and;
   - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this

would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development and openness

5. Policy GNE1 of the Replacement Calderdale Unitary Development Plan (amended 2009) (the RCUDP) seeks to restrain development outside of urban areas through the general extent of the Green Belt. The Framework similarly establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraphs 145 and 146. I deal with these in turn below.

6. The development has involved the erection of a summerhouse building surrounded by a substantial area of timber decking. The appellant does not dispute that the development is 'inappropriate development' for the purposes of Green Belt policy and given its nature and extent, I too find that it would not benefit from any of the exceptions set out in paragraph 145 of the Framework. It follows, therefore, that the summerhouse building and decking is inappropriate development in the Green Belt.

7. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The summerhouse and decking has introduced built form into a previously undeveloped field and thereby has resulted in a loss of openness. This harm is amplified by the fact that the site is located on a hillside that is highly visible from views along Beestonley Lane. In this context, the development represents an encroachment of built form into an area of open countryside that was previously largely absent of development and therefore where the openness of the Green Belt was clearly evident. The summerhouse and decking therefore reduces the openness of the Green Belt.

8. I turn now to paragraph 146 of the Framework which sets out certain other forms of development which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land.

9. The use of the appeal site as garden area is likely to lead to the introduction of garden furniture and other domestic paraphernalia associated with its use, resulting in a further loss of openness. It is suggested that this could be controlled via condition, but I have not been presented with a condition that could achieve this. In any event it would not be reasonable to impose such a condition which would, to a large degree, nullify the purpose of changing the use of the land. I therefore find that the change of use of the land would also be inappropriate development.

10. Taking all of the above points in to consideration the proposal would be inappropriate development in the Green Belt and as such would conflict with Policy GNE1 of the RCUDP and the Framework.

Character and appearance

11. The site is an irregular parcel of land on a hillside which forms part of a larger field that slopes steeply from the west down to the east. The surrounding area is characterised by a patchwork of agricultural fields bound by traditional stone walls and set against a backdrop of clusters and bands of woodland. The

topography has shaped the pattern of development with old mill buildings and associated dwellings sporadically hugging the lower valley slopes and providing a visual reference to the area's industrial heritage. The result being a largely undeveloped landscape with an intrinsic rural character.

12. The site is separated from the host dwelling by Black Brook, a watercourse which runs to the rear of the house. This provides a physical barrier between the built form of properties fronting onto Beestonley Lane and the undeveloped countryside to the west.

13. The site currently comprises a large area of timber decking and summerhouse with an oval footprint and rising to a height of almost 4 metres. To facilitate this, an area of the hillside has been excavated to provide a level platform. Access to the summerhouse and decking is via a set of timber steps that have been cut into the hillside and are surrounded by a substantial rockery that has been developed by introducing reclaimed pieces of stone and extensive domestic planting. The lower section of the hillside, adjacent to the brook, has been excavated to provide level ground where a large area of paving is proposed. These developments have significantly altered the visual appearance of the site, introducing urban features that harmfully erode the simple rural and undeveloped character of the area, albeit the footprint of the summerhouse is limited.

14. Whilst the appellant and representations from third parties suggest that the development has improved the environmental quality and appearance of the area, I disagree. Leaving aside the site's current landscaped appearance, it clearly lies beyond the built form of properties to the east of Black Brook and therefore visually forms part of the surrounding countryside. Its appearance as a large domestic garden, at a prominent hillside location, is therefore at odds with the prevailing character of the surrounding area and appears as a stark and incongruous feature that harmfully intrudes into the open countryside.

15. Furthermore, as noted above, the site's use as a domestic garden is likely, over time, to result in the additional proliferation of domestic paraphernalia and activities such as furniture, play equipment and garden structures. This would also lead to a further erosion of the site's rural character.

16. Consequently, I have found the development to have a significant harmful effect on the character and appearance of the area. This is contrary to Policy BE1 of the RCUDP which, amongst other things, requires development to make a positive contribution to the quality of the existing environment, respecting or enhancing the established character and appearance of buildings and their surroundings.

Other considerations

17. As set out above, the development constitutes inappropriate development in the Green Belt. I have found it to result in significant harm in terms of loss of openness to the Green Belt and significantly harmful to the character and appearance of the area. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

18. I acknowledge that the development would provide a larger garden area for the occupiers of the host property and thereby improving their living conditions.

However, this is of limited benefit and does not extend beyond the appellant's private interests.

19. The appellant submits that the development has resulted in an overall environmental improvement that has enhanced biodiversity, improved water quality and reduced flood risk. I have been provided with little evidence to substantiate these claims and in any case such benefits are likely to be highly localised and therefore can be afforded only limited weight.

20. I have had regard to the representations and letters of support from third parties and the local Parish Council, all of whom support the development as they consider it to be an improvement on the previous overgrown appearance of the field. I give these matters moderate weight.

21. I note the appellant's comment that the Council did not work with them at application stage, but this is not something that would change the outcome of this appeal. Whilst I accept that allowing the appeal would not set a precedent, the absence of any cumulative harm is a neutral factor in my considerations.

Conclusion

22. In summary, the proposal is inappropriate development in the terms set out by the Framework and results in a significant loss of openness to the Green Belt. The proposal would also have a significant harmful effect on the character and appearance of the area.

23. Having taken into account the other considerations outlined above, they do not outweigh the substantial weight which must be given to Green Belt harm, and therefore they are not sufficient to demonstrate very special circumstances. For the reasons given, the appeal should be dismissed.

Jeff Tweddle

INSPECTOR