
Appeal Decision

Site visit made on 10 December 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/Z4718/W/19/3237550

12 Clough Head Farm, Clough Head, Slaithwaite Gate, Bolster Moor, Huddersfield HD7 4NW

- 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 M Coates against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93768/W, dated 12 November 2018, was refused by notice dated 16 July 2019.
 - The development proposed is alterations and extensions to agricultural building to form dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the planning application form and appeal form differs. I have used the description from the planning appeal form which more accurately describes the proposal.
3. The appeal site was the subject of a recent proposal which was dismissed on appeal¹ (the previous appeal). In determining the previous appeal, the Inspector was not satisfied that the building was of substantial construction and capable of conversion as proposed. The Inspector subsequently dismissed the appeal concluding that very special circumstances had not been demonstrated. The proposal before me is almost identical to the scheme proposed under the previous appeal. The main difference is that the current proposal has been submitted with a Structural Report and the adjacent agricultural building is proposed to be removed.

Main Issues

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and

¹ Appeal Ref: APP/Z4718/W/18/3197747

- if it is inappropriate development, 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

Inappropriate Development

5. The appeal building is a timber clad agricultural building situated in the Green Belt. A second, somewhat dilapidated, agricultural building is positioned in close proximity and would be removed as part of the application. Paragraph 146 d) of the National Planning Policy Framework (the Framework) outlines that the re-use of buildings, provided that the buildings are of permanent and substantial construction are a form of development which are not inappropriate in the Green Belt. This is provided that the development preserves the openness, and does not conflict with the purposes, of including land within the Green Belt.
6. Criterion a) in Policy LP60 of the Kirklees Local Plan Strategy and Policies (LP) document adopted 2019 has similar wording to the Framework with respect to the building's structural integrity. The Council consider that the development of the building would be inappropriate within the Green Belt because it has not been demonstrated, to the satisfaction of the Council, that the existing building is sufficiently substantial to be converted. There is no dispute between the parties that the building is permanent.
7. The proposal seeks to retain the existing timber frame, timber floor beams, brickwork pillars, concrete block external walls, timber roof trusses and timber wall cladding. The proposals seek to replace the roof and the external walls would be boarded over with new timber boarding. A new lining wall would be constructed to create a cavity wall but would not require a foundation.
8. The Structural Report submitted with the application advises that the roof is supported on king post trusses spreading the load to the two side walls. However, there is no substantive evidence regarding the condition of the timber frame. Instead the report is based on a combination of an inspection and assumptions that the timbers and joints are in a good condition or that essential repairs would be undertaken as part of the scheme.
9. The appellant suggests that the introduction of new load bearing walls being built within the existing building envelope will decrease the loads. However, if such features are necessary then this would further question the capacity of the existing structure to be converted.
10. The external timber boarding is said to contribute to the building's structural integrity. However, there is no substantive evidence before me as to whether the over-boarding of new timbers would impact upon the structural integrity of the existing timber boarding.
11. Irrespective of whether strengthening works could be undertaken as part of the maintenance of the building or whether such works are defined as development or not, the provision of internal strengthening works to the timber frame is intrinsically linked to whether the building is capable of conversion as part of the proposal in this case.

12. There appears to be agreement between the Council and the appellant's structural engineer that in order to quantify and evidence the state of the timber frame, a specialist condition report would be needed. This would consider the proposed additional loading from an intermediate floor including all dead and live loadings. I recognise that the building has been used for storage of hay which may well be of a greater loading than the proposed domestic loading. Whilst such a conclusion may give some confidence to its structural integrity, it does not, in my view, overcome the need to substantiate and provide quantifiable evidence.
13. Given that the roof is to be replaced and a new gable wall is to be erected as part of the proposal it is necessary to ensure that remaining structural elements are retained so that incrementally the works required to convert the building to a dwelling do not amount to a substantial reconstruction.
14. Based on the evidence before me, I cannot therefore be satisfied that the building is of substantial construction. The proposal would, therefore, fail to fall within the exception listed in paragraph 146 d) of the Framework which results in the proposal being inappropriate development in the Green Belt. It would also, therefore, conflict with Policy LP60 of the LP which normally accepts the re-use and conversion of buildings in the Green Belt where the building is of permanent and substantial construction.

Openness

15. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.
16. The alterations proposed to the barn would result in a shortening of one end of the building and a small veranda and canopy. In determining the previous appeal, the Inspector concluded that the proposal would have a neutral effect on openness. As the current proposal also incorporates the loss of the other agricultural building, I conclude that overall there would be no impact on openness. It would therefore not undermine the purposes of the Green Belt.

Other Considerations

17. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
18. The proposal would deliver an additional dwelling and therefore have some economic and social benefits with local employment likely to be used for the conversion work. A net gain of a single dwelling would only have a limited impact in the context of the overall housing supply, and I attach limited weight to the benefits in that regard.
19. The proposal would re-use a building, which would have environmental benefits and I note that the dwelling would incorporate sustainable features such as energy saving lights. However local and national planning policy would expect development to be built sustainably and that is not a matter that attracts substantial weight over and above what would normally be expected.
20. I recognise that there are bus connections to Huddersfield close to the appeal site. However, it is likely that there will be a general reliance on private car

trips given the location of the appeal site in comparison to services and facilities in the area.

Other Matters

21. The Council does not consider that the proposal would harm the setting of any listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The nearest listed building is to the north of the appeal site on an elevated position. Although the listed building has windows facing toward the appeal site, the proposal has been designed to maintain its existing agricultural vernacular and, in this respect, it would sit comfortably in the landscape. Although visible, it would not cause harm to the setting of this listed building.

Conclusion

22. As explained above, I cannot be satisfied that the building is of substantial construction. The proposal would, therefore, fail to fall within the exceptions listed in paragraph 146 d) of the Framework which results in the proposal being inappropriate development in the Green Belt. It would also, therefore, conflict with Policy LP60 of the LP.
23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt. Substantial weight should be given to the harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. No other harms have been identified in this case. I give only limited weight to the benefits of this single dwelling and I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
25. I therefore conclude that for the reasons above, and having regard to all matters before me, the appeal should be dismissed.

Robert Walker

INSPECTOR