



Appeal Decision

Site visit made on 18 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/Z4718/W/19/3232185

Land adjacent to Thick Hollins Road, Meltham, Huddersfield

- 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 Turner Brothers Farm against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93112/W, dated 23 September 2018, was refused by notice dated 6 March 2019.
 - The development proposed is the use of land for the siting of 4 log cabins to be used as holiday lets.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site visit was unaccompanied.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies and the effect on the openness of the Green Belt;
 - whether the proposal would result in other harm, namely development in an unsuitable location given the range of transport options available to access local services; and
 - would the 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 required to justify the proposal?

Reasons

The site and proposal

4. The site is located a short distance from Thick Hollins Road, to the south of Meltham. The site is within open countryside and an area of maturing plantation. Access to the site would be gained via a new access from Thick Hollins Road, which is subject to a separate approval.

5. The proposal is to site 4 log cabins within the plantation for tourist accommodation. The log cabins would be modest in appearance with timber walls, low pitched roofs and range in size between 3 and 4 bedrooms.

Inappropriate development and effect on openness

6. The site is located within the Green Belt. Paragraph 145 of the Framework sets out the exceptions under which a new building should be regarded as not comprising inappropriate development. Policy LP10 of the Kirklees Local Plan Strategy and Policies¹ (the Local Plan) does not repeat the Framework exceptions but is clear that in all cases where development is proposed in the Green Belt, regard must be had to national planning policies.
7. The Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of green belts are their openness and their permanence.
8. It is not disputed that the proposal comprises inappropriate development. Although the proposed log cabins would be partially screened by the existing planting, which would be likely increase over say the next 5 – 10 years as the trees mature further, there would be a significant impact on the openness of the Green Belt in both visual and spatial terms. This would inevitably arise from the development, given the size and layout of the 4 log cabins which would significantly reduce the openness of this part of the Green Belt by introducing buildings.
9. The increased use of the access road would have an effect on openness. At the present time the approved access would permit entry to the agricultural land and the woodland for maintenance purposes. Were the appeal proposal to proceed it would allow the comings and goings of visitors using the log cabins. It is reasonable to assume that this activity would be greater than the agriculture and woodland use alone, and would require the provision of visibility splays on the main road, all with a consequent increased effect on openness.
10. The parking of visitor cars, and the normal outside paraphernalia such as barbecues and washing lines would, in addition to the cabins themselves, further erode the sense of openness at the site to a significant degree.
11. The proposal would therefore reduce openness and constitute inappropriate development, which the Framework establishes should not be approved except in very special circumstances. It would therefore also conflict with Policy LP10 of the Local Plan which requires proposals in the Green Belt to comply with national policy.

Any other harm

12. The site is not well served by public transport and it is likely that visitors to the proposed accommodation would need to use the private car for most journeys, even though some trips would be possible by other modes, for example cycling.
13. The relevant Local Plan policies are LP3 – Location of new development and LP10 – Supporting the rural economy. It is clear from the justification for Policy

¹ Adopted 27 February 2019

LP3 that it relates principally to proposals for employment and housing development, rather than tourism related accommodation. In the case of LP10, the policy justification states that it is not intended to prevent businesses, or in the case of farm diversification tourist related developments, from locating in the Green Belt where there is genuine need. Whilst the appellant states that it would be difficult to find another site not within the Green Belt for the type of development, I have no evidence before me to demonstrate that this would be impossible, therefore I do not find that genuine need has been proven.

14. Were the proposal to be for open market housing, the site would be an unsuitable location due to the lack of transport options other than using the private car. However, it is likely that the travel patterns of tourists would be very different to residents, and I am not persuaded that in principle the site would be unsuitable solely due to the limited range of transport options to access local services.

Other Considerations

15. The Framework² seeks to support a prosperous rural economy, including the development of tourism in suitable locations that respect countryside character. The proposal would allow diversification of the appellants' farm business, utilising land that currently has no usefulness for agriculture. It could also be argued that use for tourism accommodation would represent a more efficient use of the land and that the form of development proposed, log cabins, would be sympathetic to the woodland setting.
16. Tourist accommodation would be provided in an attractive countryside location and relatively close to the villages of Holmfirth and Meltham and close to the Peak District National Park. There is no good reason to take the view that the proposed accommodation would not be successful in attracting visitors although the appellants have not submitted a business plan or assessment of the demand for such accommodation in support of the proposal.
17. The opportunities to provide the form of development within the area, but not within the Green Belt, may be limited, although I am not able to say that there are no suitable sites within the settlements of Meltham or Holmfirth.
18. Furthermore, the proposed tourist accommodation would bring trade to local businesses from visitors, helping to support village centres and facilities.
19. The Council has recently consented development at the Holmfirth Winery, within the Green Belt which it is suggested has a significant effect on openness. I have no specific information on the case, however it is clear that it is a different type of development to the proposal.
20. Local Plan Policy LP10, in principle, is supportive of the development of tourist accommodation and farm diversification whilst recognising that where development is proposed in the Green Belt regard must also be had to both national and local planning policy which seeks to protect the Green Belt.

The Green Belt Balance and Conclusion

21. I have found that the proposal would be inappropriate development in the Green Belt and that it would erode the openness of the appeal site.

² National Planning Policy Framework February 2019 paragraph 83

22. The Framework sets out that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness or any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. In the current case the considerations advanced in support of the scheme carry significant weight in its favour. There would be some economic benefits arising out of the proposed development, to which I attach moderate weight. However, these would not clearly outweigh its Green Belt harms, matters which attract substantial weight. For these reasons, it has not been demonstrated that very special circumstances exist which would justify the proposed development.
24. In addition, I have found conflict with the Framework and the aims of Policy LP10 of the Kirklees Local plan which taken together, and amongst other matters seek to protect the openness and permanence of the Green Belt.
25. No material considerations justify a decision other than in accordance with the development plan, with which the proposal would conflict. Accordingly, for the reasons set out above, and the appeal is dismissed.

Tim Wheeler

INSPECTOR