
Appeal Decision

Site visit made on 18 December 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/A4710/W/19/3237341

227 Wakefield Road, Lightcliffe, Halifax HX3 8TZ

- 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 & Mrs Downes against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/00263/FUL, dated 28 February 2019, was refused by notice dated 8 August 2019.
 - The development proposed is a detached dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (ii) The effect on the openness of the Green Belt; and
 - (iii) 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

Whether inappropriate development

3. Paragraph 145 of the National Planning Policy Framework (The Framework) states that the construction of new buildings in the Green Belt should be considered to be inappropriate, unless it falls within one of the exceptions listed within the paragraph. The development subject to this appeal does not fall within any of the exceptions and therefore is inappropriate development in the Green Belt.

Openness

4. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in

effect, the absence of development and it has both a spatial and visual aspect to it.

5. At the present time there are only limited, low-level, domestic structures on the site and nothing comparable to the footprint of the proposed dwelling or its general scale and bulk. As a result, the proposed development would lead to a loss of visual openness and its presence would represent an encroachment into an area where there is not currently any substantial built development.
6. For these reasons, I conclude that the development would lead to significant harm to Green Belt openness and to the purposes of including land in the Green Belt. It would therefore be contrary to Saved Policy GNE1 of the Replacement Calderdale Unitary Development Plan Amended 2009 (UDP) which seeks to restrain development within Green Belt areas, and to the specific guidance within The Framework.

Other considerations

7. There is no dispute between the parties that the proposed dwelling would be constructed within the Green Belt, but the appellant has questioned the process and logic which resulted in the boundaries of this designated area. However, the scope of the appeal process does not allow for a consideration of the merits of an individual site being within the Green Belt or for the Green Belt boundary to be redefined. I must therefore determine the appeal on the basis that it is within the Green Belt.
8. The appellant considers that the proposed development would not result in a loss of openness or represent encroachment as the site is located within the garden of an established dwelling. However, I have found that the proposed dwelling would not be comparable to the limited development already present in the garden and that it would result in significant harm to the openness of the Green Belt.
9. Reference has been made to the Council's lack of a 5 year housing land supply. However, paragraph 11 of The Framework and its accompanying footnote 6 are clear that the tilted balance in favour of sustainable development is not engaged if the application of policies in the Framework that protect areas of particular importance, including Green Belt areas, provide a clear reason for refusing the development proposed. The absence of a 5 year housing land supply therefore offers only limited support to the proposal.
10. The proposed development would provide one new dwelling in a sustainable location which would offer a choice of modes of travel. However, it would make only a very limited contribution to boosting the supply of housing. The economic, environmental and social benefits set out by the appellant would also be limited due to the small scale of the proposal. Taken as a whole, these considerations can offer only limited weight in favour of the appeal proposal.

Conclusion

11. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations.

12. The proposal would be inappropriate development in the Green Belt and would result in significant harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
13. For the reasons given above, I conclude that the proposal conflicts with the objectives of Saved Policy GNE1 of the UDP and the Framework, both of which seek to protect the Green Belt, and that the appeal should be dismissed.

Graham Wraight

INSPECTOR