
Appeal Decision

Site visit made on 11 March 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/X4725/W/19/3235581

Land adjacent to Sandal Grange Farm, Walton Lane, Wakefield WF2 6NG

- 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 and Mrs C Barrett against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 18/01038/FUL, dated 2 May 2018, was refused by notice dated 17 May 2019.
 - The development proposed is described as 'detailed application for 1no dwelling'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs C Barrett against Wakefield Metropolitan District Council. This application is the subject of a separate Decision.

Procedural Matter

3. Given the stage it has reached the emerging Wakefield Draft Local Plan 2036 carries negligible weight in this appeal.

Main Issues

4. There is no dispute that the proposal would constitute inappropriate development within the Green Belt as defined in the National Planning Policy Framework ('the Framework'). Consequently, the main issues are:
 - The effect on the openness of the Green Belt and the purposes of including land within it.
 - The effect on the setting of Sandal Grange Farm, a Grade II listed building.
 - Whether the site would be accessible by a range of modes of transport and reliance on private vehicle trips.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Openness and purposes

5. The site is a relatively flat area of mown grass with low piles of stone close to the frontage. It lies between the strongly defined settlements of Sandal Magna and Walton and is accessed via a gate off a single carriageway private road which serves Sandal Grange Farm ('SGF'), The New Coach House and Sandal Grange. It is close to the rear boundaries of residential properties within Sandal and is adjacent to the curtilage of Sandal Grange Farm, a Grade II listed building. The wider locality consists of agricultural fields and open countryside bordering residential properties at its edges interspersed with pylons, roads, small copses, mature boundary hedgerows and trees.
6. The evidence indicates that the appeal site has previously been used as a builder's yard but at the time of my visit it was free from development and open. My overwhelming impression was that it assists in allowing for an appreciation of the intrinsic beauty and rurality of this gap, a gap which allows for visual and spatial relief on leaving the periphery of Sandal and prevents urban sprawl which is a fundamental aim of national Green Belt policy.
7. Built form of a considerable scale and depth, entirely unlike anything in its surroundings, would occupy a large proportion of the front part of the site. The overall size and siting along with its form, associated visual effects of mirrored glazing and artificial lighting, together with the domestic paraphernalia and activity associated with such a dwelling would all help to draw attention to the development and significantly reduce openness.
8. Despite some potential screening by existing trees and proposed landscaping enhancements (to which I return to later) trees along the frontage would also be removed for a passing bay. They would be replaced within the side boundary¹ but any replacements would take a long time to mature and their removal would inevitably reduce screening from Walton Lane and diminish any integration with the landscape. Such effects would be evident for those occupiers of Sandal Grange who use the one way access, from viewpoints I observed along Walton Lane and residential properties in Sandal to the west, northwest and southwest. Having regard to both spatial and visual aspects the proposal would cause a significant degree of harm to the openness of the Green Belt.
9. Turning to Green Belt purposes, the site clearly forms part of the countryside and the proposal would result in physical encroachment of development into it. The effect of development as encroachment on the countryside may also be in the form of loss of openness or intrusion and through the loss of openness, there can also be an intrusion or encroachment into the countryside. As a matter of judgment, the proposal would not assist in safeguarding the countryside from encroachment.
10. The Framework advises that substantial weight should be attached to any harm to the Green Belt. I have attached such weight in this instance because of the harm that would be caused to the Green Belt by reason of the inappropriateness of the proposal, significant harm to openness and the conflict with one of the 5 purposes.

¹ Landscape proposals drawing B/W/521/3b.

Setting of a designated heritage asset

11. Sandal Grange Farm ('SGF') represents a former stable complex associated with Sandal Grange, a large and impressive 19th century residence which has been converted to residential apartments. The existing access route remains the main access to the Grange, and parts of the track still retain estate fencing. Modern development has been constructed on and around the historic approach including residential dwellings and a floodlit games court.
12. The appeal site is maintained grassland. The 'meadow' to the north is natural in character and appearance but does not have the appearance of either farmed land or grazing. I agree with the appellant that the area immediately around SGF has a strong rural agricultural and open character and appearance which contributes to its significance and origin. The complex is not dominant in views but I observed its walled curtilage and the upper parts of buildings are conspicuous and seen in association with the appeal site, in particular from parts of Walton Lane. The historic relationship may have been diluted but it is not solely determinative that the site was not part of any original curtilage or that the wider locality was once parkland with tree plantations. Settings evolve and the setting of a heritage asset is the surroundings in which it is experienced, it is not fixed and may change as the asset and its surroundings evolve.
13. Elements of a setting may make a positive or negative contribution, may affect the ability to appreciate that significance or may be neutral and in this case the site has a visual relationship with the asset. Whilst it may well have not been the intended focal point the appeal site allows for the asset to be seen and experienced as a complex of traditional rural buildings with a strong local vernacular with hints of it as part of a larger estate given the presence of the lodge building, access from Walton Lane through to the Grange and estate style fencing. This provides some tangible evidence of previous estate management practice, estate building design and associated land uses, albeit within an altered historic context and setting.
14. Recent developments in the setting of SGF have undoubtedly altered its setting and diminished its visual and historic significance. However, I have some difficulty in accepting that an entirely proportionate garage structure within the grounds, which the appellant confirms replicates features and 'the historic fabric of the heritage asset generally', harms its setting. Further, despite a recent bungalow being sited in the original entrance, that building is a replacement, is smaller than the appeal proposal, more sympathetic to the local vernacular and not seen in the same vistas with the heritage asset as the appeal site is. Although closer to the asset these developments also have different spatial and visual relationships with the asset and therefore the effects are not directly comparable.
15. The proposal would be the latest phase of a changing and evolving setting for this asset but the sheer magnitude of change and the proximity of the proposal would be visually dissonant in views of the asset and harmfully intrude upon its open and rural setting. This would cause some harm to and further cumulative erosion of its significance and I fail to see how in this case such contemporary built form would add to the public appreciation of the asset. In reaching this view I have had regard to the further Cultural Heritage Comments and the international examples of the juxtaposition of strikingly different historic and

contemporary buildings brought to my attention. However, the examples of the Louvre and The Pompidou Centre in Paris do little to assist in justifying the harm to this specific heritage asset in this part of the Yorkshire countryside.

16. The Planning Practice Guidance is clear that the degree of harm is a judgment for the decision maker. The Council were entitled to reach the view of substantial but for I agree with the appellant that the harm should be regarded as being less than substantial. Nonetheless and in accordance with the statutory duty², having found harm to a heritage asset a decision maker must give that harm considerable importance and weight. In terms of the necessary balance now required by paragraph 196 of the Framework design quality and other mitigation are important considerations in determining the balance of harm and benefit and I return to this below.
17. For these reasons, the proposal would conflict with Policies CS10 and D9 of the Wakefield Local Development Framework Core Strategy and Local Development Framework Development Policies ('CS') insofar as they require development to protect and enhance the district's historic assets and local character and distinctiveness, taking local building traditions into account. The Council's reason also refers to Policy D14 but this relates to 'Access and Highway Safety' and is not therefore relevant to this issue.

Accessibility

18. There are bus stops at the end of the access on Walton Lane with a reasonably regular service to a range of nearby settlements, including Wakefield. Given its rural context there are some reasonable options for public transport for future occupiers. The Council contend walking distances would be too long but I found services and facilities in both settlements only a 10-15 minute walk and there was a dedicated footway along Walton Lane. There would be opportunities for walking and cycling to access local services and facilities within a reasonable and accessible distance. Future occupiers may well use private vehicles but the number of trips would not be great and this rural site would be accessible by a range of modes of transport.
19. Accordingly, there would be no conflict with Policy CS4 c) of the CS or Policy D14 of the CS insofar as they require walking distance of essential facilities and that the need for travel is reduced and essential travel needs can be met by the use of modes of transport other than the car. Further and having regard to the requirement in the Framework to have regard to the need to recognise rural areas will have less opportunities to maximise sustainable transport solutions than urban areas, the degree of environmental harm would be negligible.

Other considerations

20. The proposal was promoted on the basis of its quality of design constituting very special circumstances and the submissions focus heavily on its accordance with the requirements of paragraph 79 of the Framework. This provides for an exception to the statement that planning policies and decisions should avoid the development of new isolated homes in the countryside, where the design is of exceptional quality or an innovative nature.

² Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).

21. There are some considerable and lengthy submissions before me on the various interplays between policies that protect the Green Belt and those that deal with housing in rural areas. The Council refer to a 'double lock' between the national rural and green belt policy approaches but to me such argument is academic because there is nothing to say that compliance with the requirements should not apply in the Green Belt, even if the planning balance is to be made in a different way.
22. Exceptional design quality per se, which could include compliance with paragraph 79 e) could well be capable of amounting to very special circumstances on the specific facts and evidence of a particular case. This is supported by the fact that irrespective of location, the Framework advises that 'great weight' should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The Framework is ultimately a material consideration and any findings simply need to be weighed in the balance. Despite some lengthy submissions on this the Council correctly acknowledge this is the case within their officer report and statement³ and are right to do so.
23. Turning to whether it benefits from the exception, the relevant case law is that isolated 'simply connotes a dwelling that is physically separate or remote from a settlement'. Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of a particular case. The appellant puts forward a somewhat simplistic view being 'clearly physically separate' from the settlement but ultimately, the Council considered it was isolated and assessed the proposal on that basis. Whilst it is 'not without doubt' as suggested by the appellant, because there are dwellings in proximity, a shared access and there are places where the built form of the village and the appeal site would appear together, for the purposes of this appeal I give the benefit of the doubt to the appellant and considered the site to be isolated in that regard. I now turn to the matter of exceptional design quality.

Design quality

24. There are 2 strands to section e) of paragraph 79 and both must be satisfied but it does not set specific tests or criteria by which to judge the acceptability of a particular proposal. Dealing with the proposal's sustainability credentials first, there are a number of energy efficiency measures proposed but I note further details would need to be considered and a number of measures have also been dismissed for various reasons. It would also be perverse to design a new house of such intended quality, and budget, without its thermal and technical performance being excellent and it not being designed to fully maximise energy efficiency through non-technological features.
25. The use of a photovoltaic roof membrane, ground source heat pump, greywater and rainwater harvesting and air recovery systems would result in a low carbon home which would have sustainability benefits in terms of its own use of resources. The measures are intended to minimise the amount of energy the building requires to function but they are not necessarily new ideas or particularly original and creative. The benefits would be potentially more wide-ranging if the development were to be promoted as an exemplar project that

³ Section 8.2 9th para. of officer report and 8.1 v of the Council's statement.

would foster future projects for sustainable building practices for new homes, but there is nothing substantive to suggest that would be the case here.

26. Nonetheless, the driving force behind the proposal is that the architectural language and concept is dictated by the need for the building to respond to the environment to sustain life without connection to main services. This led to a design based on a butterfly and I understand that this is intended to be a piece of sculptural abstract art within the landscape inspired by the geometry of nature as a well as a private dwelling. It is certainly an unusual approach to a residential dwelling and a very personal approach to art and architecture. As an abstract sculpture which reflects the idea of the butterfly but is not a copy, it is original and creative in its thinking and evolution and reflects the highest standards in architecture.
27. The Council refer to the design being of 'significant merit' and 'architecturally innovative' and that viewed in isolation the design is 'undoubtedly of a high standard'. A very personal and bespoke project means I have some reservations that such a dwelling could potentially raise standards of design locally but I note the appellant intends to offer the studio for mentoring of local art college students on a 'one to one' basis which could help raise local design standards. Overall and acknowledging that beauty is somewhat in the eye of the beholder, the design in itself should be considered as exceptionally good and therefore truly outstanding for the purposes of this appeal and the first limb of paragraph 79 e). I now turn to the second limb.

Immediate setting

28. Brief reference is made to a Landscape and Visual Appraisal submitted to support the application along with extracts from it but this not been submitted with the appeal. There is some inherent subjectivity involved in consideration of such matters and I must form my own view based on my own observations and the evidence put before me by the parties. As set out above, the site forms an intrinsic part of the agrarian and rural character and appearance of this open swathe or gap of countryside between the settlements. The defining characteristics of the local area could be described as more varied because it includes suburban estate style housing in Sandal. Closer to the site it is distinctly open and with buildings of a strong local vernacular, including a heritage asset. This is its immediate setting.
29. Whilst it is designed to be appreciated the proposal would sit in stark contrast to the character and appearance of surrounding residential properties, including apartments, suburban and other detached dwellings and rural buildings within SGF. The geometric shapes of the structure and its overall appearance would be strident in this context and I have already established that the appeal site is visible in both public and private views. Nearly as tall as the trees⁴ and of a significant mass it would be a disproportionately large and dominant representation of a butterfly emerging from the landscape. Whilst the mirrored external appearance may mitigate this to a degree from certain views, I do not share the appellant's view that it would dissolve into the landscape.
30. On the contrary, in this location it would cause unacceptable visual harm through its size, massing, form and appearance and the eye would be unacceptably drawn to the dissonant juxtaposition of such contrasting built

⁴ Drawing No. 0223-10 ('Site Section').

form. There would be a strongly perceived and inharmonious change to the open rural character of the site and detriment to the visual interests of its surroundings. Although the appellant refers to retention of trees and removal of derelict features, there was nothing I observed that required any specific enhancement. Nonetheless, there would be some landscape and ecological enhancements including the creation of a wildflower meadow and reed bed foul water drainage system and the planting scheme could incorporate native species. It is also suggested that additional woodland planting could re-create an original plantation.

31. Subject to a number of factors, such measures should represent a net benefit in terms of biodiversity and maybe the future restoration of original landscape features. However, there are also no substantive details before me of what such a plantation scheme would provide. The low mounding to the west would do little to soften the effects and some trees would also be removed to make way for the passing bay opening up the frontage and exacerbating the visual impact. Additional screening could also act to hide the development and as the Council suggests could undermine the claimed sculptural qualities and appreciation of its innovative design from public viewpoints.
32. This would undoubtedly be an interesting and unique building but guided by my findings on the first 2 main issues it would be incongruous in its setting and would have negative visual and spatial effects, including effects on the setting of a designated heritage asset. To my mind, the proposal may well be outstanding design as a standalone building but taken as a whole it is not properly informed by, or responds positively to, a robust understanding of the sensitivity of the site's context and constraints.
33. I accept that for such a personal project my views will come as a disappointment to the appellant but it would not significantly enhance its immediate setting. Whilst I accept it was never intended to be so, it would also not be sensitive to the defining characteristics of the area. Consequently, the second limb of paragraph 79 e) is not met and it should not be regarded as being of exceptional quality in such terms. Be that as it may, I still give significant weight to the design quality and associated biodiversity benefits of the scheme albeit it is not the great weight envisaged in paragraph 131 of the Framework in terms of design as it would not fit in with the overall form and layout of the surroundings.
34. Turning to other benefits, the erection of such a dwelling would have modest economic benefits through the employment of labour and resources during its construction and in the demand for local services following its occupation. This carries a modest degree of weight. There would also be some limited benefits to the local and wider arts community from mentoring of students on a one to one basis although this would primarily be the appellant's private residence. I give no weight, in this particular case, to mere compliance with the normal development management amenity, traffic, air quality, land quality and pollution, the sterilisation of minerals interests, waste management and flood risk objectives of the development plan and the Framework, given its Green Belt location.

Other Matters

35. The appellant has drawn my attention to a number of appeal and other local authority approvals in various other administrative areas. However, I have not

been provided with the full details and in any event, these do little to assist the appellant's case because the former support a view given by the appellant which I have agreed with. The latter are also likely to have been determined under a different set of circumstances, planning policies and other evidence which is not before me in this appeal. Further, there is a degree of subjectivity in such matters given the considerations put forward in support of the proposal which require site specific judgments to be made and for these reasons those examples do not alter my views.

36. I acknowledge that pre-application discussions took place and that some positive responses were given by those officers at that time. It is unfortunate that officers of the Council changed but it is the decision of the Council I must have regard to and the Council's administration and determination of the application are not planning matters for me to address as part of this appeal.
37. In reaching this view I have also had regard to the letters of representation in support of the appeal. However, I have disagreed with the effects of the proposal in this particular location and any suggested inconsistency in decision making by the Council is simply not borne out in the evidence before me. Thus, none of these other considerations, on their own or in combination, alter my views.

Planning balance and conclusion

38. Given the construction of the Council's policies relating to the Green Belt and their requirement to conform with national policy, I shall deal with this first. In Framework terms there are essentially 2 balancing exercises to consider with the first being required by paragraph 196 because I have found less than substantial harm to the significance of a designated heritage asset, in terms of its setting.
39. Having regard to social, economic and environmental considerations the harm to the significance of the designated heritage asset in terms of its setting and the considerable importance and weight⁵ I must give to that harm, would not be outweighed by the public benefits of this proposal. The proposal would therefore conflict with the heritage objectives of both the development plan and the Framework and this is now to be regarded as 'other harm' in the necessary Green Belt balancing exercise.
40. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise 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, and any other harm, is clearly outweighed by other considerations.
41. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, harm to openness, conflict with one of the 5 purposes and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposal would conflict with Policies CS1 (f), CS3 (f) and D1 of the CS insofar as they require conformity to national policy.

⁵ Paragraph 193 of the Framework also refers to 'great weight' irrespective of whether the harm is 'substantial' or 'less than substantial'.

42. Although there would be compliance with some parts of the development plan the proposal would be in conflict with the development plan, when read as a whole. On the evidence before me the development plan should be regarded as being up to date and the proposal would not therefore be sustainable development in accordance with paragraph 11 c) of the Framework.
43. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised, including representations in support, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR