The Planning Inspectorate

Appeal Decision

Site visit made on 21 May 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/X4725/W/20/3246240
April Cottage, Ouchthorpe Lane, Wakefield WF1 3HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Mihail Onu against City of Wakefield Metropolitan District Council.
- The application Ref 19/02489/FUL, is dated 4 November 2019.
- The development proposed is front boundary walls lifted in height from 1m to 2m, new pedestrian gate and piers to front boundary wall.

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. When on my site visit, I observed that construction of part of the proposal had already been completed. I also observed that a detached single-storey garage was in place next to the appeal property that is not shown on the submitted plans. Notwithstanding the partial construction of the proposal being in place (and the presence of the detached garage), I have considered the appeal based on the plans submitted to the Council, which form the basis of the scheme that is before me. This is in the interests of impartiality and fairness in accordance with the principles of natural justice.

Main Issues

3. The main issues are:

   - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;
   - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
   - the effect of the proposed development on the character and appearance of the area; and
   - if the proposed development is inappropriate, 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 proposal.

Reasons

4. The appeal property is a detached single storey dwelling with relatively large front and side gardens situated on a corner plot with a vehicular access gate and substantially long boundary wall to its front and side. There is a neighbouring property to the north-east beyond which is more open semi-agricultural land and a golf course. The appeal site, the neighbouring property and the golf course are situated on the eastern side of this section of Ouchthorpe Lane which has a more open and semi-rural character than that of its western side. Given its closeness to the road and the bend within it, the appeal site is in a relatively prominent location on Ouchthorpe Lane. It is also within land designated as Green Belt. The proposal relates to the increase in height of the existing front boundary wall from approximately 1 metre to approximately 2 metres and the installation of a new pedestrian gateway and piers to the front boundary wall.

Whether inappropriate development

5. Policy D23 of the Wakefield District Local Development Framework Development Policies Document (Adopted April 2009) (WDPD) aims to allow the continued operation of several industrial, educational and community uses that are located within the Green Belt. It permits limited, small scale development where very special circumstances can be demonstrated or where a proposal meets the criteria set by national policy. The policy also stipulates that extensions of buildings may be appropriate if: they are not disproportionate over and above the original size of the building; the scale, materials and general design are in keeping with the character of the buildings and their surroundings; and it does not lead to major increase in the developed proportion of the site.

6. The *National Planning Policy Framework* (the Framework) states at paragraph 143 of the Framework that inappropriate development is, by definition, harmful and should not be permitted except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate save for several specified exceptions. One such exception is for proposals for the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building. Consequently, given the criteria contained within it, I consider Policy D23 to be broadly consistent with the Framework.

7. The term 'building' refers to any structure or erection and it therefore includes boundary walls. The proposal would therefore comprise a new building in the Green Belt and whilst it would not be a replacement building, it would be an extension and alteration of a building. However, given that the proposed development would almost double the height of the original wall, I consider that it would result in a disproportionately large addition that would be over and above the size of the original building.

8. As a result, I find that the proposal would not meet any of the exceptions specified by paragraph 145 of the Framework. To this extent, the proposal would be inappropriate development within the Green Belt in conflict with the aims of the Framework. It would also conflict with the aims of Policy D23 in this regard.

Openness and Green Belt purposes

9. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 133. Given the small scale of the proposal I do not consider that it would have a significant adverse impact on the Green Belt purpose of assisting in safeguarding the countryside from encroachment.

10. However, the increase in height of the boundary wall would spatially reduce openness thereby harming it, albeit to a limited degree. Additionally, given its prominent location, the proposal would also have an adverse visual impact thereby similarly reducing and harming openness to a limited degree in this regard.

11. I therefore conclude that the proposed development would lead to a loss of openness in conflict with paragraph 133 of the Framework. The proposal would therefore also conflict with Policy D23 of the WDPD which aims to ensure that development proposals are appropriate in the Green Belt.

Character and Appearance

12. Whilst the proposal would use materials that would complement the host property (and the stone wall on the opposite side of the road), given its prominent location I consider that its scale, height and massing would represent an overbearing and unsuitable addition to the street scene thereby having an adverse visual impact. Accordingly, I conclude that the proposed development would harm the character and appearance of the area in conflict with Policies D9 and D23 of the WDPD, which, amongst other aims, seeks to ensure that development proposals are of a scale and design that is in keeping with their surroundings.

Other considerations

13. No other considerations have been put before me that would weigh in favour of the proposal.

Planning balance and conclusion

14. Paragraphs 143 and 145 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances as does Policy D23 of the WDPD.

15. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.

16. I therefore conclude that there are no other considerations that weigh in favour of the proposal which would clearly outweigh the substantial harm by reason of inappropriateness and the other harm that I have identified. In this case, the substantial weight to be given to Green Belt harm has not been clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The proposal would therefore conflict with paragraphs 143 and 145 of the Framework and Policy D23 of the WDPD, which aim to ensure that only appropriate development is permitted in the Green Belt.

17. Accordingly, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR