
Appeal Decision

Site visit made on 7 July 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2020

Appeal Ref: APP/A4710/W/20/3249928

Barn at Little Learings Farm, Smithy Lane, Colden, Hebden Bridge HX7 7PD

- 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 Haigh against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/00009/FUL, dated 6 January 2019, was refused by notice dated 17 January 2020.
 - The development proposed is the conversion of barn to dwelling including reinstatement of roof and lean-to extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of barn to dwelling including reinstatement of roof and lean-to extension at Little Learings Farm, Smithy Lane, Colden, Hebden Bridge HX7 7PD in accordance with the terms of the application Ref: 19/00009/FUL dated 6 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2521_18_02 REV B, 2521_18_03 REV B, 2521_18_04 REV A & 2521_18_05 REV B.
 - 3) Prior to the first occupation of the dwelling, the vehicle passing place identified on plan 2521_18_05 REV B shall be installed and available for use and shall remain available for the lifetime of the development.

Main Issues

2. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - ii. the effect of the appeal proposal on highway safety.

Reasons

3. The proposal relates to a former barn which sits immediately to the north west of Little Learings Farmhouse, which is grade II listed. The site, which is within

the Green Belt is accessed via a single lane access track which leads onto Smithy Lane through a gap in the terraced properties which front this street.

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) at paragraph 145 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions. One such exception relates to the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. While Policy GNE1 of the Replacement Calderdale Unitary Development Plan (2009) (RCUDP) suggests that the Green Belt will act as a restraint to development outside the urban areas, it is limited in detail and for this I have relied upon that provided within the Framework.
5. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both visual and spatial aspects.
6. The former barn is situated immediately in between two existing two storey buildings and retains its lower front and rear walls. Visually, it would therefore represent a rational infill and in spatial terms the development would not significantly increase the bulk or massing of this group of buildings.
7. The proposal would not therefore have a greater impact on the openness of the Green Belt than the existing development. Subsequently, the proposal would not be inappropriate development within the Green Belt having regard to the Framework.

Highway safety

8. The access track is narrow along its length, constrained by stone boundary walls and the terraced properties on Smithy Lane at its northern extent. Visibility for drivers where it joins Smithy Lane is significantly restricted by parked cars.
9. However, a new passing place is proposed to serve the access track. This would be a benefit to highway safety at the site and would be an improvement over the existing situation where the only passing space appears to be at the access to Lear Ings Hall.
10. If two vehicles were to meet on the track between the highway and the proposed passing place, manoeuvring would be slightly difficult. However, if this situation were to occur, it would be unlikely that the driver entering the track would reverse back onto the highway. It would be a simpler manoeuvre for the driver coming up the track to reverse to the passing place. In any event, the evidence indicates that the likelihood of this scenario occurring is low. There is already a risk of this occurrence without the benefit of the proposed passing place, given that the track already serves four dwellings.
11. The evidence states that no accidents have been recorded in the vicinity of the junction of the site access with Smithy Lane. Further, survey data provided by the appellant indicates that traffic does not travel along Smithy Lane at excessive speeds. The proposal being for one dwelling only would only give rise

to very limited additional traffic. A reasonably regular bus service is also available which would mean there would not be total reliance on the private car.

12. Therefore, as a result of the above matters, I conclude on this issue that the proposal would not have a detrimental impact on highway safety and would not conflict with Policy BE5 of the RCUDP which states amongst other things that the design and layout of accesses should ensure the safe and free flow of traffic in the interest of highway safety. I have also identified no conflict with the Framework.
13. The proposal would further accord with RCUDP Policies BE1, BE2, BE3 and N12 which amongst other things require good quality design and landscaping which protects landscape quality along with Policies BE14 and BE15 which seek to protect heritage assets. The proposal would accord with Policy T18 relating to parking provision and Policies EP14, EP20 and EP22 relating to groundwater, flood risk and drainage along with Policy H9 which amongst other things encourages the development of brownfield sites. There would be no conflict with Policy NE16 which requires the protection of protected species.

Other Matters

14. In considering whether to grant planning permission for development which affects a listed building or its setting, I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Council have identified no harm in this regard to the Grade II listed Little Learings Farmhouse or its setting, and I have no reason to disagree.

Planning Balance

15. The evidence indicates that the Council cannot demonstrate a 5-year supply of deliverable housing sites. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of The National Planning Policy Framework (the Framework) is relevant to the determination of this appeal.
16. I have not identified any relevant Framework Policies protecting areas or assets of particular importance that would provide a clear reason for refusing the development proposed. Nor have I identified any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Policy BE5 of the RCUDP is concerned with protecting highways safety and this development plan policy has conformity with the Framework which is also concerned with similar matters. The Framework advises at Paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Neither scenario would arise as a result of this proposal.
17. The proposal benefits from the presumption in favour of sustainable development which forms a material consideration within the planning balance in support of the proposal. However, I have identified no conflict with the development plan and there is no reason to make my decision otherwise in accordance with it.

Conditions

18. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. I have also added a condition requiring the provision and retention of the passing place on the access track in the interests of highway safety.
19. I have noted that listed building consent has previously been granted for the scheme. The evidence indicates that consent includes provision for the exact details of matters such as materials and finishes and I will not therefore seek to duplicate such matters through adding similar conditions to this decision. The evidence suggests a condition requiring the addition of a swift nesting feature should be added, although I find that insufficient justification has been provided for this and I therefore do not deem it necessary.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR