



Appeal Decision

Site visit made on 21 July 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/A4710/W/20/3246395

Rough Hey Farm, Hob Lane, Norland, Sowerby Bridge, HX6 3QP

- 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 Ms J McNamara of Hob Hey Hideaways against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/01394/FUL, dated 25 November 2019, was refused by notice dated 24 January 2020.
 - The development proposed is for the change of use of land to form camping site with three glamping pods and associated amenity facilities.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst the Council have referred to various policies from within the Replacement Calderdale Unitary Development Plan (as amended 2009) in the Officer Report, it has not cited any of these policies on its decision notice. I will therefore have regard to the general provisions of the National Planning Policy Framework (the Framework), as appropriate. I have dealt with the appeal on this basis.

Main Issues

3. The main issues of this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the appeal site and surrounding area; and,
 - if the proposal is inappropriate development in the Green Belt, 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 development.

Reasons

Inappropriate development

4. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. However, paragraph 146 of the Framework provides that other forms of development including material changes of use of land are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
5. The proposed car park and access to the front of the site comprises operational development within the meaning of Section 55 of the Town and Country Planning Act 1990 (the Act) and does not fall within one of the exceptions within paragraph 145 of the Framework and must be considered as inappropriate development in the Green Belt. The development also includes the change of use of land and therefore in line with paragraph 146 of the Framework it needs to be assessed in terms of whether the openness of the Green Belt would be preserved.
6. Based on all that is before me, I find the proposed development to be inappropriate development in the Green Belt. As such, in accordance with relevant policies and the Framework, I must assess whether the Green Belt harm identified, by reason of inappropriateness, and any other harm resulting from the proposal would be clearly outweighed by other considerations.

Openness

7. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. The Planning Practice Guidance (PPG) identifies factors which can be taken into consideration when assessing the impact of a proposal on Green Belt openness. It states that openness is capable of both spatial and visual aspects. The appellant has referred to a judgment¹ to support her submission that was issued by the Supreme Court in respect of the consideration of openness of the Green Belt. This states that the matters relevant to openness in any particular case are a matter of planning judgement, not law, amongst other things.
8. The site is notably open in its rural location, comprising part of a larger open agricultural field, which makes a positive contribution to the overall openness of the Green Belt. The field that it would be located within makes a positive contribution to the openness of the area. In this instance, I find that the overall impact from the proposed development on openness, both visually and spatially, would be apparent and substantial.
9. Whilst the site is partially screened from the front boundary stone wall the proposed development would be clearly visible from the road due to the changing land levels from the surrounding topography. The proposed development would be read against the adjoining open field, although from certain aspects, some relief would be received from the adjacent house and its curtilage that includes mature trees. Nonetheless, the proposed development on the site would be visually intrusive.

¹ R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020]

10. The proposed car park would not be clearly visible in wider public views when not in use and I note that it is proposed to use gravel in its construction. However, it would nevertheless be prominent when viewed in closer proximity and would represent a notable area. The hard standing facilitates the parking of vehicles that, whilst not constituting an act of development in itself, adds to the loss of openness on an intermittent basis when the area of car parking is in use. Additionally, whilst the siting of tents would also be on an intermittent basis, the pods, the cycle store and the additional container to provide shower and toilet facilities would have a more permanent effect. Accordingly, I find that the proposed development would not preserve the openness of the Green Belt.
11. For all of the above reasons, I conclude that the proposed development would have a substantive detrimental effect on the openness of the Green Belt. As such, it would be contrary to the requirements of the Framework.

Character and appearance

12. The appeal site is located within open countryside and I acknowledge that camping facilities are not uncommon in rural locations. However, the pods and the new container would be located in parts of the site that would be clearly visible from public vantage points. Additionally, the proposed car park would have a significant and prominent visual effect, particularly when it is in use.
13. The site has a visual connection with the surrounding open countryside, especially with the adjoining agricultural field. Therefore, I consider that the proposed development, including the potential number of vehicles and tents that could be attracted to the site directly as a consequence of the proposal would be significant. This would collectively result in overall moderate harm to the appeal site and the surrounding area.
14. For the reasons given above, I conclude that the development creates moderate harm to the character and appearance of the appeal site and surrounding countryside. The development therefore fails to accord with the design, character and appearance requirements of the Framework.

Other considerations and whether very special circumstances exist

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 part of the agricultural land, where the tourist accommodation would be provided in an attractive countryside location and relatively close to surrounding settlements. There is no good reason to take the view that the proposed accommodation would not be successful in attracting visitors, especially as Calderdale has a good reputation as a visitor destination. Furthermore, the proposed tourist accommodation would bring trade to local businesses from visitors, helping to support the local economy.
16. I note that no objections to the application were received and that there was support for the scheme from interested parties, which includes positive responses from the Council's Tourism Team and from Mr C Whittaker MP, which highlight there are good leisure drivers both within walking distance of the site and by a short car journey and that the number of visitors to the area has

² Paragraph 83 of the Framework

increased through the renovation and re-opening of Piece Hall. Additionally, I acknowledge that Calderdale does not currently have any other glamping accommodation. I also recognise that the proposed development could promote wellbeing and healthy living for future visitors, especially when considering the effect of the pandemic. Whilst the appellant considers that the proposed development has the potential to be fully accessible for wheelchair users and people with specific needs, there is little information provided to support this assertion.

17. The proposed development would not create any adverse issues surrounding highway safety or living conditions. Additionally, I find that the rural location of the site would likely be a fundamental part of its attraction to tourists, providing an escape from the urban environment, where it is reasonable to suppose that tourists on a rural holiday may be more prepared to contemplate walking or, indeed, cycling the relatively short distance to visit surrounding areas or attractions. This would accord with the Framework, which recognises in decision making that opportunities to promote sustainable transport will vary between urban and rural areas.
18. In any event, the scale of the proposed development would be relatively modest, and journeys to and from the site for day-to-day needs are likely to be relatively short and infrequent. Therefore, in this context, I find that the site would be accessible to neighbouring settlements.

Other Matter

19. There is agreement between the main appeal parties that the development is not considered to result in any harm to the significance of the nearby heritage asset³. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. I agree with the Council's observations and find that the proposed development would conserve the heritage asset in a manner appropriate to its significance in line with the Framework.

Green Belt Balance

20. I have considered the development on its own merits and concluded that the appeal scheme has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. Furthermore, the proposed development would cause moderate harm to the character and appearance of the appeal site and surrounding area. Accordingly, there is conflict with national planning policy.
21. Having carefully considered the benefits of the proposal and all other considerations, I find that individually and cumulatively, they would not clearly outweigh the substantial weight given to Green Belt harm and other identified harm. As such, the very special circumstances needed to justify the proposed development in the Green Belt do not exist in this case. Therefore, the proposed development fails to comply with the Green Belt requirements in the Framework.

³ Rough Hey Farmhouse (SB15/96), which is Grade II Listed

Conclusion

22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR