
Appeal Decision

Site visit made on 2 June 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2020

Appeal Ref: APP/A4710/W/20/3244564

Land at White House Farm, Holdsworth Road, Halifax HX2 9SZ.

- 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 outline planning permission.
 - The appeal is made by Arncliffe Homes Ltd against Calderdale Metropolitan Borough Council.
 - The application Ref 19/00904/OUT, is dated 26 July 2019.
 - The development proposed is demolition of existing buildings to facilitate residential development of up to 36 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the original planning application form refers to 28 dwellings, I have used the appeal form description in the header above as it more accurately summarises the proposal.
3. The application was submitted in outline with all matters reserved for future consideration bar access. I have considered the appeal on this basis, and therefore the drawing GA- Phase 2 Proposed Site Plan, I consider to be illustrative.
4. The Council have failed to determine the application within the prescribed period but has indicated that had they come to a decision they would have refused planning permission for the following reason: The development would represent inappropriate development in the Green Belt and that limited weight should be accorded to the site's allocation in the emerging local plan.

Main Issues

5. From the evidence I have before me, I consider the main issues to be;
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt and the effect on the character and appearance of the area;
 - If the proposal is inappropriate development 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

Whether or not the proposal is inappropriate development in the Green Belt

6. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) indicates (para 145) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
7. The appellant accepts that the proposal would represent inappropriate development in the Green Belt as it does not fall within any of the exceptions and consequently, by definition the proposal would be harmful to the Green Belt and should not be approved except in very special circumstances and I have nothing before me that would lead me to conclude differently. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

Openness and Character and Appearance

8. The development proposed would be for up to 36 dwellings on a parcel of land to the north and west of a recently completed housing scheme. The character of the site is divided into two distinct areas. The northern area is rough grass with trees on three sides substantially enclosing and screening it from the wider area. The portion of the site to the south west, is a small agricultural field and area of woodland screening the western boundary of the new housing scheme and located to the north/north west of the older properties that front Moor Bottom Road.
9. This south western corner is physically divided from the rest of the site by a low stone wall and visually separated by the bank of trees that runs in a north/south direction up the western part of the main body of the site. It has the appearance of a small field and the character of countryside matching the fields to the north and north west.
10. Openness is an essential characteristic of the Green Belt and there is no doubt the construction of up to 36 new dwellings where currently there are no buildings would result in a significant adverse effect on the openness of the Green Belt in this location. This is particularly the case on the south western portion of the site that forms part of the open vista from Riley Lane across the fields with trees as part of the backdrop.
11. By extending the housing site through the woodland into the fields in the south western part of the site, this would result in the loss of a number of trees which provide a landscape setting to the site, but it would encroach into an area which has the character and appearance of countryside and as a consequence would impact on the related Green Belt purpose of safeguarding the countryside from encroachment.
12. I conclude that the development would result in a considerable loss of openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

Other considerations

13. It is not disputed that there is a significant shortfall in the housing supply within the district and as such this site would make a contribution of 36 dwellings to the housing supply to which I attribute significant weight. This is particularly important in light of the Council not yet having produced an action plan to explain how the shortfall would be addressed.
14. In addition, a development of this scale will in the short term bring economic benefits through construction, with further social and economic benefits later on, through the occupation of the properties in a highly sustainable location, to which I afford moderate weight in considering my decision.
15. The proposed allocation, however, can be given limited weight in determining this appeal. The Emerging Local Plan is still at a relatively early stage and has to date not gained sufficient certainty through the examination process that there is confidence this site will be released. The importance of Green Belt is clearly recognised as set out in paragraph 136 of the Framework which states, *"Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans."* This examination process is still ongoing, and the Inspector's final report is yet to be published.

Conclusions

16. In conclusion, I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework, and therefore it would, by definition be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. It would also have an adverse effect on the openness of the area, impacting upon the purpose of Green Belt designation.
17. I have carefully considered the various arguments made by the appellant in support of the appeal, but conclude that together they do not clearly outweigh the harm the scheme would cause through inappropriateness, in terms of Green Belt openness, and in respect of character and appearance of the area. Consequently, very special circumstances do not exist, and the development cannot be justified.
18. For the above reasons, and having regard to all other matters raised, I find therefore that the proposal does not comply with policy GNE1 of the Replacement Calderdale Unitary Development Plan (2006) which stipulates the Green Belt will be maintained around the main built up areas and safeguard the countryside from encroachment.
19. I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR