



Appeal Decision

Site visit made on 16 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/X4725/W/20/3250503

42 High Street, South Hiendley, Barnsley S72 9AH

- 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 Dan Trainer against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 19/02433/FUL, dated 22 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is 1 no. detached dormer bungalow including attached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and the Local Plan;
 - The effect on the openness of the Green Belt;
 - The effect of the proposal on highway safety;
 - If the appeal development 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 it.

Reasons

Site and proposal

3. The appeal site comprises garden land of 42 High Street which is a large detached two-storey property. The existing property is located on a triangular plot and forms the last property on the southern side of High Street. There are existing dwellings opposite the site on the other side of the road, and dwellings on the western boundary. The eastern boundary is shared with an open agricultural field.

4. The appeal site is located within the Green Belt. Although the appellant has referred to the redrawing of the Green Belt boundary since the existing dwelling was granted planning permission in 2007 which has resulted in the appeal site being included in the Green Belt, I have determined the appeal on the basis of the fact that the site is within the Green Belt.
5. The appeal proposal is for the construction of a detached dormer bungalow to the rear of the existing property. It would utilise the existing vehicular access from High Street.

Whether inappropriate development

6. The National Planning Policy Framework (2019) (the Framework) identifies that the 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 Framework outlines that 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. One such exception is the limited infilling in villages, but not the rounding-off of villages as the appellant alludes to. Policies CS1 and CS3 of the Wakefield Local Development Framework Core Strategy (2009) and Policies D1 and D23 of the Wakefield Local Development Framework Development Policies Document (2009) accord with the aims of national Green Belt policy in these respects.
7. It is not in dispute that the settlement in which the appeal site is located can be classed as a village. From my observations on my site visit I have no reason to form a different view. Due to the location of the appeal site, at the very edge of the settlement, and that it forms a garden within the curtilage of an existing property, it would not fill a gap in an otherwise developed road frontage between existing buildings. I therefore do not consider that the proposal would amount to limited infilling in the village.
8. For these reasons, the proposal would not constitute one of the exceptions outlined in the Framework and would therefore be inappropriate development in the Green Belt.

Openness

9. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The proposal would result in the construction of a detached dwelling where there is currently no building. It cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. I find that considering the overall size and scale of the development and the absence of any existing buildings on the proposed site, such harm would be significant.
10. The development would be prominent on the edge of the settlement. It would significantly detract from the existing open views across the site and the agricultural field beyond, most notably from the main road. Consequently, due to its prominence by reason of its size and scale, the proposal would have a significant impact on the openness of the Green Belt in visual terms. The harm to the openness of the Green Belt from a visual aspect, would be significant.
11. I therefore consider that in both spatial and visual terms the proposal would cause significant harm to the openness of the Green Belt. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from

encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Collectively, I give this harm substantial weight.

Highway Safety

12. The proposed dwelling would utilise the existing vehicular access to the site which leads onto High Street which at this section has a 30mph speed limit. I observed on my site visit that the road was not heavily trafficked and good visibility from the access was achievable in both directions.
13. The access currently serves one dwelling. When combined with the proposed dwelling, it would serve two dwellings. The Council consider that such an increase in use would require the access to be capable of allowing simultaneous movements and that the appeal proposal fails to achieve this.
14. Given the quantum of development that is proposed I find that the likelihood of instances of simultaneous use of the junction being required would be minimal. It also does not automatically follow that in the unlikely event of the junction being required to be used simultaneously, that the resulting impact would have an unacceptable impact on highway safety, particularly considering the speed limit on the road, the level of use and the visibility that is achievable.
15. I acknowledge that there would be minor conflict with guidance contained in the Street Design Guide - Supplementary Planning Document (SPD) (2012) which outlines that a private drive serving 5 houses or less should be 5 metres wide for a minimum length of 5 metres. However, given the reasons and site-specific circumstances outlined above, I am satisfied that there is justification for overriding the minor conflict with the SPD.
16. In conclusion, and notwithstanding the minor conflict with the SPD, the proposed development would therefore not have an unacceptable impact on highway safety. It would comply with Policy D14 of the Wakefield Local Development Framework Development Policies Document (2009), which requires, amongst other things, that development proposals can be accessed conveniently and safely.

Other considerations

17. I have been made aware of the health circumstances put forward. On the evidence that is before me, I do not doubt that the proposal would be of benefit to the appellant and their family. These are nevertheless personal circumstances which when considered against the view outlined in the Planning Practice Guidance (PPG) that planning is concerned with land use in the public interest, they constitute a small benefit in favour of the proposal.
18. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
19. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of avoiding harm to the Green Belt.

Therefore, whilst I acknowledge the personal circumstances of the appellant and their family, I conclude that they constitute a small benefit in favour of the proposal.

20. The appellant has referred to the proposal's compliance with a number of other policies, particularly in relation to the provision of rural housing and the requirement to be sustainable. These are of small benefit and I do not find such matters to be pertinent to the main issues. Similarly, the provision of an additional dwelling in the district, would represent a small benefit in light of the overall housing provision in the city area.
21. The appellant has referred to several cases in support of the appeal. I do not have full details of the cases and in reading the summaries provided, it is clear to me that they are under quite different circumstances to the current proposal. I have, in any event, determined the appeal on its own individual merits.

Planning Balance

22. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
23. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, significant harm would be caused to the openness of the Green Belt and the purposes of including land within it. Having considered all matters raised in support of the proposal, I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
24. Therefore, the proposal would be contrary to Policies CS1 and CS3 of the Wakefield Local Development Framework Core Strategy (2009) and Policies D1 and D23 of the Wakefield Local Development Framework Development Policies Document (2009), which require, amongst other things, that developments in the Green Belt conform to national policy relating to the Green Belt. The proposal would also be contrary to the Framework.

Conclusion

25. For the reasons given above, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR