
Appeal Decision

Site visit made on 11 August 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2020

Appeal Ref: APP/R4408/W/20/3253755

Land adjacent 137 High Street, Great Houghton, Barnsley S72 0AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Bailey against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/0366, dated 20 March 2019, was refused by notice dated 6 December 2019.
 - The development proposed is residential development 4 no. bungalows.
-

Decision

1. The appeal is dismissed.

Procedural Issue

2. The application was submitted in outline. The application form indicates that approval was sought for access and layout, with the matters of appearance, landscaping and scale reserved for future approval. Details of the layout for the proposed dwellings, which includes the layout for four bungalows was submitted with the application, the Planning and Justification Statements indicate this level and type of housing proposed.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the living conditions of future occupiers and highway safety; and
 - If the development is inappropriate within the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appellant has brought to my attention that not all of the site falls within the Green Belt. I have been provided with the proposals map; it would appear

that this refers to a small corner of the site towards the southern boundary. This would likely be utilised as garden or hardstanding and contain no built form. As such, I consider that the appeal site falls within the Green Belt and I have dealt with the appeal on this basis.

Inappropriate development

5. The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The exceptions are set out in paragraph 145 of the Framework, and include (g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in a continuing use which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where development would contribute to meeting an identified affordable housing need.
7. Policy GB1, Protection of Green Belt of the Barnsley Local Plan, 2019 (BLP) sets out that the Green Belt will be protected from inappropriate development in accordance with the Framework.
8. The appeal site is located to the north of Great Houghton, at the edge of the settlement. The site is located adjacent to a number of residential properties towards the south / south west, including a bungalow and a two-storey dwelling. The boundary of the north of the site is surrounded by open fields and also to the east along High Street and Moor Lane.
9. The appeal site is in use as a commercial plant hire and haulage yard and has an established lawful use from 2010¹. Prior to this the land was a petrol station. As such, there is no disagreement from both parties that the site constitutes PDL. Therefore, as set out above, the Framework makes provision for the redevelopment of PDL, which would not have a greater impact on openness of the Green Belt than the existing development. The new dwellings would be constructed on land which has been occupied by a permanent structure. However, my conclusions on the next issue, its effect on Green Belt openness and purposes, will determine whether the development is inappropriate.

Openness

10. As set out in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual element.

¹ Certificate of Lawful Use or Development Under Section 191, Application 2010/0945, dated 22 September 2010

11. As I observed at the time of my site visit, no activities were taking place, but there is evidently hardstanding and materials stored openly across the site. However, the portacabins could be moved from the site and there was limited machinery or HGV's in sight, I appreciate that vehicle movement change throughout the day, but these are all moveable elements and are not permanent. In comparison, the proposed dwellings would occupy the majority of the appeal site, on land which is currently not occupied by any substantial built form and highly visible within the immediate and wider landscape.
12. Despite, the redevelopment of the site for residential use, the erection of four dwellings, new access, new parking, new hardstanding and domestic curtilage with associated paraphernalia would have a significant adverse impact on openness. Whilst the site is immediately enclosed by fencing / walls / hedgerows it would still be visible from public views further along High Street / Moor Lane and the site entrance. Given the proposal is for built form of significant scale, bulk and massing, it would be clearly discernible in those views even if, supplementary native landscaping was to be provided and it were to mature over time.
13. For the reasons given above, the proposed development would harm the openness of the Green Belt in both visual and spatial terms, it would have a greater impact on the openness of the Green Belt than the existing development. The scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above. I conclude the proposal would be contrary to Policy GB1 of the BLP. As the appeal scheme would not meet any of the exceptions in paragraph 145 of the Framework, it would constitute inappropriate development in the Green Belt.

Living Conditions

14. The appeal proposal is in outline, layout is a consideration and the plans indicate the position of dwellings. The site is constrained due to its, size, existing landscaping and the dwelling at No.137 High Street. Plot 1 would be in close proximity to this dwelling, this would be at odds with the guidance contained within the Council's SPD² at paragraph 4. This requires an appropriate distance apart, including that of a distance of at least 12 metres from side elevations from original habitable room windows. As such, the proposals would fall short of this and it would result in future occupiers of Plot 1, having a bleak and poor outlook from front windows, directly looking onto the brick side elevation of No.137 High Street.
15. The SPD sets out the requirement for rear gardens including that these should be at least 50m² for two-bedroom house/bungalow and 60m² for three bedrooms. Despite, the dwellings having front gardens, the contrived nature of the layout, due to the size and external constraints of the site boundaries it would result in the appearance of cramped dwellings. This would be unacceptable and future occupiers of the dwellings would have a limited amount of rear outdoor amenity space to the detriment of their living conditions.
16. For the reasons given above, I conclude that the proposed development would not provide satisfactorily living conditions for future occupants. It would be contrary to Policy GD1 of the BLP, that amongst other things requires that

² Supplementary Planning Document, Design of Housing Development, Adopted May 2019

there will be no significant adverse effect on the living conditions and residential amenity of future residents. It would also be at odds with the guidance contained within the Council's SPD.

Highway Safety

17. BLP Policy T4, requires that new development is designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway or would create or add to problems of safety or the efficiency of the highway, it is expected that developers take mitigating action or to make a financial contribution.
18. I acknowledge that the appellant submitted amended plans and that there were ongoing discussions with the Council's highway officer. Nonetheless, from the evidence before me, it appears that the Council were not satisfied with the proposed revised layout of the development, the constrained size of the site with the existing property at No.137 High Street and the access width. I have not been provided with any evidence from the Council that further mitigation or a financial contribution would overcome this.
19. As such, the proposals result in insufficient space to achieve a suitable vehicular access for adoption and which can accommodate a refuse vehicle safely. On this basis, the proposed development would be contrary to BLP Policy T4 and Policy GD1, which requires adequate access and internal road layouts are provided.

Other Considerations

20. The appellant has suggested that the site should have been removed from the Green Belt following the lawful certificate decision in 2010. However, this is not the case and I have been provided with evidence of the proposals map. Moreover, the Council's Local Plan was adopted recently. As such, I give this consideration no weight.
21. The appellant considers the locality of the site is unacceptable in regard to the proximity of residential properties. I acknowledge that the site makes some negative visual contribution to the existing nearby residential locality with the portable cabins, machinery and associated day to day operations of the commercial use. However, in regard to noise and disturbances, including comings and goings I observed at the time of my site visit that the highway along High Street is continuously busy with traffic flowing including HGV's. The highway is immediately adjacent to those properties, as such, this would likely already cause some disturbance to those residential occupiers nearby.
22. Furthermore, I have not seen any substantive evidence that there have been issues with the site in regard to the location or nature of the business and the living conditions of existing nearby occupiers, including any complaints. Therefore, these considerations, would have a neutral effect in the location proposed and therefore, does not weigh in favour or against the proposal in this case.
23. I note that both parties disagree on whether the development falls within the definition of backland development. The Council's SPD sets out compliance for such development, including that tandem development will be resisted, and piecemeal development should be avoided. The Council's reasons for refusal

did not include this. Albeit, even, if I were to agree with the appellant this does not outweigh the harm I have already identified, therefore I have given it minimal weight.

24. I appreciate that the redevelopment of the site would be of an economic benefit for the appellant, and that he wishes to seek a larger site and expand the business. Nonetheless, I have not been provided with any substantive evidence that an alternative site has been secured or even any sites were considered, and that the business would continue within the Borough and make provision for local jobs. As such, I have given this minimal weight.
25. However, some economic benefits would arise from, for example, the purchase of building materials during the construction period. Future occupiers would also contribute to the local economy and towards the viability of local services. However, again given the modest scale of the development such benefits would be limited.
26. The Council have referred to the appeal site being developed for affordable housing, falling into a rural exception site within the Green Belt as set out within paragraph 145(f) of the Framework. The evidence before me, is not conclusive on this matter and it would appear to me that this relates to the larger area (Fieldsend House) including the appeal site as one. Moreover, it is not a site which is currently designated within the local plan and I have not been provided with any evidence of local need for affordable housing or any contributions which may be required. As such, I have given this consideration, limited weight particularly as this is not the proposal before me.

Conclusion

27. The appeal scheme is inappropriate development in the Green Belt. This is harmful by definition. The proposal would reduce the Green Belt's openness, which gives rise to additional harm and would have a greater impact on the openness of the Green Belt than the existing development. In each case, these harms render the appeal scheme contrary to the aims of both the policies of the development plan, as I have identified them, and the relevant sections of the Framework.
28. Against this, the other considerations that have been advanced are not sufficient, either individually or cumulatively, to clearly outweigh the harm to the Green Belt and the other harm I have identified including the harm to the living conditions of future occupiers and highway safety. Consequently, the very special circumstances necessary to justify the development do not exist.
29. The proposed development would be contrary to the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
30. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

K A Taylor

INSPECTOR