



Appeal Decision

Site visit made on 16 February 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/Z4718/W/20/3263341

Land adjacent Moorside Farm, Moorside, Cleckheaton BD19 6JX

Easting(x): 417523 Northing(y): 424861

- 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 Fisher against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/91300/E, dated 1 May 2020, was refused by notice dated 23 September 2020.
 - The development proposed is proposed new dwelling on land to south west of Moorside Farm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted as the development address a combination of the addresses set out on the appellants' planning application and appeal forms and the Council's decision notice, which I consider to be usefully more comprehensive.
3. The Council have not relied upon any specific policies from the Kirklees Local Plan (KLP) in their refusal reason, instead citing the National Planning Policy Framework in the refusal. I have however considered the KLP policies referred to in the Council's officer report so far as material to the main issues.

Main Issue

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt;
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate

5. Framework paragraph 145 states that the construction of new buildings in the Green Belt should be regarded, with some exceptions, as inappropriate

- development. Inappropriate development is, by definition as set out at Framework paragraph 143, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework also states, at paragraph 144, that any harm to the Green Belt should be given substantial weight. 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.
 7. The exceptions set out by Framework paragraph 145 include limited infilling in villages, albeit that the Framework does not define what is meant by infilling. Although the Council have not sought to rely upon development plan policies in their reason for refusal, I am referred to paragraph 19.31 of the KLP which usefully provides a definition of infilling, stating that a plot be within a village and an otherwise continuously built up frontage.
 8. It is the appellants' case that the site could be seen as being infill development. Whilst access to the site would be taken via an existing field entrance track between two existing frontage properties on Moorside, the main body of the plot, and the location of the proposed dwelling, would lie to the rear of the existing houses at 94 to 100 Moorside. The proposed dwelling would not therefore be located within an otherwise continuously built up frontage and so the proposal cannot be considered to be infill development in the manner afforded an exception by Framework paragraph 145(e).
 9. The development of the proposed dwelling would therefore be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. I do not consider the site to be particularly large, as has been suggested by the Council, but as the proposed development is not within a continuously built up frontage, it cannot be considered infill and so the plot's relative size is not determinative in this instance.

Openness

10. The Framework does not define openness, but it has been generally held to be the absence of built development. The essential characteristics of Green Belts are their openness and their permanence and the fundamental aim of which is to keep land permanently open.
11. The appeal site forms part of a larger open field and is bound on three sides by the garden plots of existing residential properties on Moorside and Lark Hill Avenue and by Moorside Farm. The proposed dwelling would have a large L-shaped footprint which would extend almost the full depth of the plot. As such, it would introduce a substantial built form where currently there is none and would project a significant distance into what is currently an open field.
12. Whilst properties on Lark Hill Avenue extend further westwards than the proposed dwelling, they are within a defined residential cul-de-sac and, crucially, are not located within the Green Belt. The appeal site is however within the Green Belt and its development for a residential property in the manner proposed would introduce a substantial built presence where none presently exists. It would amount to a piecemeal incursion into the Green Belt beyond the rears of properties along Moorside and would as a consequence cause moderate harm to openness.

Other considerations

13. The appellants currently reside in a dwelling at the adjacent Moorside Farm and farm a smallholding on land to the west of Moorside and which includes the appeal site. The smallholding combines a field in the appellants' ownership and a number of further adjoining fields which are currently rented. Although the appellants seemingly declined the opportunity during the course of the Council's consideration of the planning application to set out a case that the proposed dwelling could be justified on the grounds of rural worker accommodation, the grounds of appeal briefly revisit these matters.
14. However, the details provided in this respect are limited. The proposed bungalow would provide the appellants the opportunity to downsize to what is described as 'lifetime environmentally sustainable 'accommodation, with the site chosen for its access and separation from neighbouring properties. By downsizing, the appellants state that this would also free up a larger property to the market whilst allowing them to continue the running of the smallholding. The appellant has however made no concerted case that the proposal would benefit from the provisions of KLP policy LP55 regarding rural workers' dwellings. Nor have I been presented with any further evidence which would lead me to conclude that it has been sufficiently demonstrated that the proposal constitutes a rural worker's dwelling for the purposes of assessing 'other considerations'.
15. No details are given as to the proposed dwelling's environmental credentials, nor is it explained whether the continued operation of the smallholding is dependent upon the proposed dwelling. Whilst these matters are all 'other considerations' for the purposes of Green Belt assessment, I give them only very limited weight.

Green Belt Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt and would result in a moderate loss of Green Belt openness. Framework paragraph 144 advises that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. I have carefully considered the appellants' justification for the proposal but I conclude that the harm I have identified is not clearly outweighed by the other considerations, either individually or collectively. As such, the very special circumstances required to outweigh the harm identified do not therefore exist. Consequently, the very special circumstances necessary to justify the development do not exist and for these reasons, the proposal is contrary to the Framework taken as a whole.
18. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR