



Appeal Decision

Hearing held on 19 January 2021 and 3 February 2021

Site visit made on 4 February 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 March 2021

Appeal Ref: APP/X4725/W/20/3259923

Bridge Gate Farm, Shay Lane, Walton, Wakefield WF2 6PR

- 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 Jeffrey Bernhard against the decision of Wakefield Metropolitan District Council.
 - The application Ref: 19/02196/OUT, dated 30 September 2019, was refused by notice dated 8 July 2020.
 - The development proposed is an outline application for the demolition of commercial buildings, removal of caravan storage and ceasing of commercial use of the site and erection of 4 dwelling houses with all matters reserved except for access and layout. Resubmission of 18/01545/OUT.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing an application for costs was made by Mr Jeffrey Bernhard against Wakefield Metropolitan District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline, with all matters reserved apart from access and layout. I have therefore had regard to all other details on an indicative basis only.
4. The planning application form describes the proposed development as five dwellings. However, it was confirmed by the parties at the hearing that the development was amended to four dwellings prior to the application being determined. I have proceeded on that basis.
5. The appeal site is adjacent to an area currently utilised for caravan storage. However, this does not appear to benefit from planning permission. Furthermore, it was confirmed at the hearing that the Council was undertaking an investigation into whether a breach of planning control had occurred. In consequence, I have not given the presence of the caravan storage facility weight in my considerations as there appears to be a question as to whether this could be retained on a permanent basis.

Main Issues

6. The main issues in this appeal are:

- whether the proposed development would be inappropriate development in the Green Belt;
- the effect of the proposed development upon the character and appearance of the area; and
- if the development is inappropriate, 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 inappropriate development

7. Policy CS1 of the Wakefield Local Development Framework Core Strategy (2009) (the Core Strategy), amongst other objectives, sets out priorities for the location of new developments and requires that new developments in the Green Belt conforms with national planning policies.
8. Policies CS3 and D23 of the Wakefield Local Development Framework Core Strategy (2009) (the Core Strategy) seek to manage new developments in the Green Belt. In effect, when taken together they permit new development in the Green Belt subject to the application of national Green Belt policy. This now includes the redevelopment of previously developed land subject to the impact on openness. The policies also require that very special circumstances are demonstrated if a proposal is inappropriate development.
9. The Council's reason for refusal also refers to Core Strategy Policy D1. This is a spatial policy that broadly seeks to direct development of different types to specific areas. As such, it does not directly apply to the assessment of whether a proposed development is inappropriate in the Green Belt.
10. The Framework states that the erection of new buildings within the Green Belt is inappropriate development. However, in paragraph 145 of the Framework, some exceptions to this are listed. Of these exceptions, all those apart from 145(g) could not apply to the appeal scheme. This exception allows for the redevelopment of previously developed land if it does not have a greater effect on the openness of the Green Belt than the existing development.
11. The submitted layout shows that two of the proposed dwellings (shown on the plans as being Plots 1 and 2) would be situated in broadly the same position as the existing buildings and therefore, subject to the reserved matters, they need not have a greater impact on openness. Moreover, full planning permission has previously been granted for this pair of dwellings (albeit the permission has since expired) and nothing has changed to suggest they would now be unacceptable. For these reasons, the main point in dispute relates to the dwellings on Plots 3 and 4.
12. The appeal site has an existing storage use. Aside from the broad location of where materials can be stored, the Lawful Development Certificate places no

limitations on how materials need to be arranged. However, the evidence before me does not demonstrate that large amounts of materials have been kept on the site, such as in significantly sized piles on a continual basis. Whilst my site visit represents a single point in time, I also did not view large amounts of stored materials on the site.

13. As materials would be moved on and off site depending on business need, there would be some variations in the level of materials that are stored. In addition, the stored materials have an irregular and temporary character. This means that the site, in its current use, has a lesser impact on openness than a building, as the stored materials lack the same sense of permanence and solidity.
14. The appeal scheme would result in two new buildings being constructed on the site in the place of the transient character of the storage use. In addition, the dwellings on Plots 3 and 4 would be located away from the positioning of the existing structures. The new dwellings would represent an addition to the Green Belt with a more permanent character than the more transitory storage that they would replace.
15. Due to the terms of the planning application, definitive information is not provided regarding the design and scale of the proposed dwellings. In result, it is not possible to be certain as to the actual height of the proposed dwellings, including the position of their roof ridges and eaves.
16. Although some indicative details have been submitted, it would not be reasonable to impose a condition requiring that the development be carried out in accordance with these details. This is because the details have been submitted as an indicator of the type of dwelling that could be constructed on the site, rather than a definitive proposal. In consequence, for the reason outlined, the erection of the additional dwellings would result in an increase in the level of built form with the subsequent reduction in openness.
17. In addition, the proposed development would represent a subdivision of the site to form domestic curtilages. This would result in an increase in the level of built form as the current storage yard is one single space rather than subdivided into sections through permanent structures, such as fences.
18. As dwellings would be built, residents would also benefit from permitted development rights to carry out works such as the erection of extensions and outbuildings. Whilst a condition could be imposed to remove permitted development rights, the Framework is clear that these should not be imposed unless there are clear reasons for doing so. However, even if there were such clear reasons, there is the possibility of domestic paraphernalia being installed in gardens. These factors would result in development with a greater amount of mass than the existing.
19. In consequence, the proposed development, as a whole, would result in a greater amount of development upon the site than there is currently. This increase in built form would lead to a reduction in the openness of the Green Belt when considered both visually and spatially.
20. I therefore consider that the proposal would have a greater impact on the openness of the Green Belt than the existing development. The proposal is

therefore inappropriate development in the Green Belt, and as such conflicts with Policies CS1, CS3 and D23 of the Core Strategy and the Framework.

Character and appearance

21. The appeal site is in use for outdoors storage. The site also contains some buildings associated with this commercial activity. In addition, a bungalow is located to the front of the site. The surrounding land features some variations in level. Adjacent to the site is a railway embankment and viaduct. The site is located in between the settlements of Walton and Crofton. In result the appeal site and its surroundings have a semi-rural character commensurate with its location close to the edge of a settlement.
22. Owing to the presence of the railway embankment and the viaduct, views of the proposed development from the Crofton side of the railway line would be substantially obscured. In consequence, the development of the appeal site for housing would not erode the character and appearance of the locality in this regard.
23. Whilst the development would be viewable from the section of Shay Lane directly in front of the appeal site, such views would be reduced by reason of the existing dwelling. Furthermore, these views currently exist and feature various items of machinery, stored materials and associated buildings. In result, the current views are of a developed area, which is a juxtaposition with the surrounding fields.
24. The proposed development would be visible from passengers using the adjacent railway line. However, passengers currently experience views of the storage facility and associated permanent buildings. As passengers would view the development for short periods of time and from a different land level, the proposed development would not be prominent in this regard.
25. Some views would also be possible from the section of Shay Lane leading to Walton and the lane to the rear of properties in Elmwood Avenue, on the periphery of Walton, in addition to some vantage points in the wider area. However, such views are limited and the dwellings could be designed in a rural style that would be softened by landscaping.
26. The proposed development would have a domestic appearance and the gardens might also feature some items associated with residential occupation. However, given that the proposed development would be located to the rear of an existing dwelling and owing to the layout of the proposal, the effect of this would not result in an erosion of the area's semi-rural character. In addition, the proposed development would offer some opportunity to increase the amount of landscaping and materials used within the site. This would have a softening effect that would assist in assimilating the proposal into its semi-rural surroundings.
27. In addition, should the development proceed, some external lighting would be expected to be installed. However, the appeal site is in proximity to a road that features street lighting and several lighting gantries associated with the railway. In result, the effect of additional lighting within the proposed development would not result in a harmful change in the area's character.
28. In addition, there are some trees adjacent to the boundaries of the site, which would provide some softening of the proposed dwelling. Whilst there is

a possibility that some of these trees may, in time, be removed, there is no evidence to suggest that this would happen to all the trees.

29. However, if this were to happen, views of the development would occur on an occasional basis owing to other landscaping and boundary treatments. Furthermore, there would be a backdrop of the rail embankment and viaduct. The form of these structures is supplemented by several items of rail infrastructure, including lights, electricity cables and gantries. In result any views of the proposed development would be against an engineered backdrop. This means that the development would not appear incongruous.
30. I conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conform with Policies CS10 and D9 of the Core Strategy. These, amongst other matters, seek to ensure that new developments respect the character of the locality; and protect and enhance local distinctiveness.

Other considerations

31. The proposed development would result in an increase in the local housing supply. However, the benefits arising from this would be limited by reason of the scale of the proposed development. In addition, the Council can demonstrate a five-year housing supply. In result, this matter carries a limited amount of weight.
32. The proposed development would result in the reuse of previously developed land which reduces the pressure to develop green field sites. However, the current site is not a significant detractor in the landscape and the houses would have more of a presence. In result, the redevelopment of the site would have a limited amount of benefit, to which only a modest amount of weight can be given. The absence of harm to the character and appearance to the surrounding area is a neutral matter in my considerations.
33. Planning permission has been granted for a sports facility on the opposite side of Shay Lane as it was a not inappropriate development in the Green Belt. However, the assessment as to whether a development is inappropriate; and the effects on openness and the character and appearance of the surrounding area depends on the individual circumstances of each individual proposal. In result, the sports facility will not lead to a significant change in the character of the Green Belt. Therefore, this development can only be ascribed a small amount of weight.
34. Although I have no reason to doubt that it would be possible to construct a well-designed, environmentally sustainable development on this site that might be attractive to a variety of people. As this is an outline application, I do not have details relating to these points before me. Therefore, it is not possible to establish whether the proposed development would achieve these objectives. In result, this carries limited weight.

Other Matters

35. The proposed development would be in an area where residents would have access to pavements and public transport provision. In addition, the evidence is indicative that the proposed development would not have an adverse effect on matters including the highway system; ecology; trees; ecology; and the

Barnsley Canal and that matters pertaining to noise and contamination can be addressed. Whilst these are points of note, they are only some of the matters that must be considered and therefore do not overcome my conclusions in respect of the main issues.

Planning Balance and Conclusion

36. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
37. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found moderate harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
38. The other considerations I have identified individually and collectively carry only limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
39. The proposal would therefore be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has not succeeded.

Benjamin Clarke

INSPECTOR

APPEARANCES

For the appellant:

Richard Cooke	Associate Director, Marrons Planning
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For the Council:

Sarah Westwood	Senior Planning Officer, Wakefield Metropolitan District Council
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