



Appeal Decision

Site Visit made on 8 June 2021

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/A4710/W/21/3270078

Land south of 7 to 17 Spark House Lane, Sowerby Bridge HX6 3QU

- 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 and Mrs Stuart Allison against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/01339/OUT, dated 30 October 2020, was refused by notice dated 11 February 2021.
 - The development proposed is replacement with existing stable block with residential development.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of the existing stables to facilitate a residential dwelling at land south of 7 to 17 Spark House Lane, Sowerby Bridge HX6 3QU, in accordance with application Ref 20/01339/OUT, dated 30 October 2020, subject to the conditions set out in a schedule attached to this Decision.

Application for costs

2. An application for costs was made by Mr and Mrs Stuart Allison against Calderdale Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved and I have determined the appeal on that basis. I have, however, had regard to the plans showing a proposed access from Spark House Lane, a layout of the site and the design of a building which are consistent with the details set out in the Design and Access Statement. For the purposes of the appeal, these plans are identified as indicative only.
4. The site location was identified on the application form by a grid reference and description. The address in the banner heading above is taken from the Council's Decision Notice and it is the address used by the appellant on the appeal form. I have used this for the purpose of the appeal as it provides a clear location for the proposed development.
5. The description of development in the banner heading above is taken from the planning application form. However, I have used the description appearing on the Council's decision notice and by the appellant on their appeal form as this provides a clearer description of the proposed development. It does not change the development for which outline planning is sought. Consequently, I am

satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
- 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 in the Green Belt

7. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the appellants draw my attention to Paragraph 145 g) in relation to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
8. Saved Policy GNE1 of the Replacement Calderdale Unitary Development Plan [2006] (as amended Aug 2009)(the UDP) states that a Green Belt will be maintained around the main built-up areas. It states that 'the Plan will seek to restrain development outside the urban areas through the general extent of the Green Belt'. Whilst the Policy is consistent with the Framework's broad approach to the protection of the Green Belt, it does not include the detailed description of development deemed as not inappropriate in Paragraph 145 g). In those circumstances, the provisions of the more recent Framework prevail.
9. The site lies above a rural road on a hillside rising from an area of mixed development within Sowerby Bridge, a settlement in the lower parts of the valley set beyond open fields and woodland. The hillside is dotted with sporadic groups of buildings, occasional isolated dwellings and ribbons of development following narrow lanes. Spark House Lane also features a number of sites abutting the road which are used in conjunction with equine activities.
10. The site includes a timber clad stable with corrugated roof partially set into the hillside. The building appears as a typical stable with multiple stalls set on three sides of a small concrete hardstanding. A terrace of compacted stone has been formed in front of it. Some incidental storage is present within a domestic style shed and midden along the western boundary. An inclined vehicular access is located at the site's eastern extent.

11. For the purposes of Paragraph 145 g), Annex 2 of the Framework provides a definition of 'previously developed land'. The Council does not dispute that the use of the site qualifies as previously developed land.
12. 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 submitted plans show that a full complement of living accommodation could be provided across a single floor level. Although the indicative scheme shows a two-bedroomed property over two levels, the appellant confirms that the proposal would be constructed without a basement level. The plans demonstrate that residential accommodation, albeit of a more limited extent, could be achieved within a building similar in scale to the existing stable. It is therefore clear that the proposed use could be accommodated without loss to the spatial openness of the Green Belt.
13. The proposal would replace a building used in association with outdoor sport and recreation. In *Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466* it is recognised that openness can have both spatial and visual aspects. Although there is no requirement under Paragraph 145 g) to consider the conflict with the purposes of including land in the Green Belt on account of the land's previously developed status, the redevelopment of the site could result in some visual effects on openness greater than the existing development on the site.
14. The plans illustrate that a dwelling could be designed in a manner to appear similar to the existing stable such that both the spatial and visual aspects of openness of the Green Belt would be preserved. The scale and appearance of the building are capable of being controlled through the consideration of reserved matters and therefore can be secured through planning condition. This approach is advocated within Paragraphs 54 and 55 of the Framework.
15. Whilst some domestication of the site's appearance would doubtless arise, including that from parked vehicles and domestic paraphernalia, any effect on openness would be negligible on account of the scale of the accommodation that could be provided. The site's raised position above the road is such that close views would be restricted. In longer views it would be seen in the context of the existing group of adjacent dwellings. Furthermore, any such effects would be of such a scale that they could be assimilated to preserve visual openness through suitable landscaping within the site.
16. For the above reasons, I find that there is sufficient evidence before me to indicate that the site could be redeveloped without a greater impact on the spatial or visual openness of the Green Belt than the existing development. It would not, therefore, constitute an inappropriate form of development in the Green Belt in the context of Paragraph 145 of the Framework and saved Policy GNE1 of the UDP as they seek to protect the Green Belt. Accordingly, very special circumstances are not required to justify the development.

Other Matters

17. I note the concerns of a third party in relation to potentially setting a precedent for the redevelopment of other stable buildings in the locality which could undermine the character of the area and Green Belt principles. However, precedent is rarely an argument that should carry great weight in planning

decisions which should be made on their own merits in the context of the development plan and other material considerations. Accordingly, I have considered this case on its own merits and particular circumstances.

18. I acknowledge that a residential building on the site could give rise to overlooking of nearby properties, particularly having regard to the local topography. However, this is a matter for consideration at any detailed design stage. It does not therefore affect my consideration of the acceptability, or otherwise, of the principle of the development.

Conditions

19. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. I find the majority to be reasonable and necessary in the circumstances of this case. However, some have been edited for precision and clarity. I do not consider that in this case that there is a clear justification for restricting national permitted development rights. A condition requiring minimum visibility splays has not been included as the details of access are not provided in the application. Moreover, to impose a condition that may nullify the benefit of the permission would not pass the test of reasonableness.
20. In addition to the standard conditions limiting the lifespan of the planning permission and requiring the prior approval of all reserved matters, I have imposed a condition specifying the relevant drawing showing the application site as this provides certainty. A condition requiring the details of foul and surface water drainage is necessary to ensure the site is suitably drained without increasing flood risk on the site or elsewhere. In the interests of promoting sustainable transport a requirement for electric vehicle charging point/s is reasonable.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of conditions to planning permission Ref 20/01339/OUT.

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing number P01 Rev 1 as it relates to the extent of the site only.
- 5) Prior to the first occupation of the development, full details of the sustainable foul surface water drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) shall have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first occupation of the development and retained thereafter.
- 6) Prior to the first occupation of the dwelling, there shall be installed in an appropriate location on the site a suitable facility to permit the recharge of an electrical battery-powered vehicle that may be used in connection with the dwelling. Unless otherwise required by the location, the installation(s) shall comply with IEE regulations and BSEN 62196-1 for a mode 3 system.

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