



Appeal Decision

Site Visit made on 11 May 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/Z4718/W/21/3269110

Land Off Deer Hill End Road, Marsden, Huddersfield, HD9 5PU

- 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 Ms Jane Boothroyd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/93623/W, dated 26 October 2020, was refused by notice dated 6 January 2021.
The development proposed is Demolition of Stable Block and Erection of Detached Dwellinghouse.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in this proposal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - Would the 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 for the Recommendation

4. The appeal site is located on land to the south east of Deer Hill End Road and to the east of a group of buildings which include a large agricultural building and a row of residential units. It comprises of a low-lying timber stable block and associated menage area.

Whether inappropriate development

5. Paragraphs 143-145 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and "very special circumstances" 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. Subject to a number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.

6. The appellant contends that the proposed development of the appeal site resulting in the demolition of the stable block and replacing it with a single storey dwelling would accord with the exception set out in paragraph 145(g) of the Framework, and would not therefore be inappropriate development. This section refers to the acceptability of limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). This is subject, however, only to the development not having a greater impact on the openness of the Green Belt than the existing development, or not causing substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
7. In this instance, the redevelopment of the appeal site would fall to be assessed in the context of the partial or complete redevelopment of previously developed land, in continuing use, subject to not having a greater impact on the openness of the Green Belt. There is no suggestion that the building on the site should be regarded as temporary, or that the proposal seeks to meet an identified affordable housing need within the area.
8. From my observations, it is clear that the proposal would involve the redevelopment of previously developed land, with the footprint of the proposed dwelling being restricted largely to the location of the existing stable block. Accepting that the site is previously developed, the question to be addressed therefore is whether the redevelopment would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The effect on the openness of the Green Belt

9. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual impacts.
10. The existing structure on the site is modest in scale and form and the use of the site in connection with the keeping of horses does not conflict with the countryside location or the purposes of the Green Belt. As such it does not appear incongruous or visually obtrusive in its setting. However, whilst the proposed dwelling would appear to share the same footprint of the existing structure, its height would be increased, albeit by a modest amount.
11. The increase in height would, of itself, have a negative, albeit modest impact on openness and would be apparent due to the close proximity of the dwelling to the access road. In addition, the cladding materials, including the more domestic roof covering of slate and overall domestic appearance particularly as a result of the domestic looking window inserts, would result in a far more solid and robust structure when compared to the stables which are of more lightweight appearance. In this respect, the effect on openness does not relate only to the size of the building but also to its appearance and its use.

12. In addition, the replacement of the manege with the proposed car parking arrangements and associated domestic garden and paraphernalia would introduce an overtly residential development that would have a greater impact on the openness of the Green Belt. The manege is characteristic of a countryside use and has limited spatial or visual impact on openness due to being at ground level. In contrast, domestic planting, washing lines, car parking and play equipment would be far more prominent, would draw the eye on account of their domestic nature in a prominent rural location. I accept that cars and some equipment will be associated with the manege and stables but visits are likely to be over a temporary period whereas the planting and paraphernalia associated with residential use would be more permanent in nature.
13. The site would be visible from the surrounding area, including the adjacent properties to the west and from various locations throughout Deer Hill End Road. Consequently, the proposal would have a greater impact on openness of the Green Belt than the existing development extenuated by its overall height and use as a domestic dwelling, this would result in a significant loss of openness in both spatial and visual terms.
14. It would also result in the encroachment of development into the countryside. In this respect, the proposal would conflict with the purposes of including land within the Green Belt set out in paragraph 134 of the Framework, which include safeguarding the countryside from encroachment.
15. I find that the development would fail to preserve openness of the Green Belt and it would conflict with the purposes of including land within it. It would therefore constitute inappropriate development in the Green Belt and conflict with Policy LP 59 of the Kirklees Local Plan *Strategy and Policies* (2019) which seeks to preserve openness. The aims of which are consistent with the Framework that seeks to protect the Green Belt.

Other considerations.

16. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. 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. The appellant argues the following in support of the proposal.
17. The appellant has suggested they would accept conditions to reduce the height of the building, reduce the scale of the curtilage as well as securing the details of the materials. Where an appeal is submitted it is made against the proposal that was determined by the Council and based on the plans submitted at the application stage, and on which views of interested parties were sought. I am not satisfied that it would be possible to substantively change the nature of the proposal by way of a condition. Amended plans would be required and further consultation may be needed, and it is not possible to undertake such consultation in regard to this appeal. Nonetheless, these matters would not override the overall harm caused by the proposal to the openness of the Green Belt in both visual and spatial terms for the reasons discussed above, particularly having regard to the increased impact arising from the domestication of the site. Limited weight is therefore afforded to this point.

18. The Council have not raised any concerns regarding highways or traffic movements. However, the appellant notes that the proposal would result in less traffic movements than those associated with the upkeep of the stable and menage. Whilst no evidence of the types and frequency of traffic movements has been submitted, I would agree with the appellant that the proposal would unlikely increase traffic movements to and from the site. However, given the very distinct differences between the existing and proposed uses, the nature and characteristics of those movements would be different. Having said that, and without any demonstrable evidence to suggest otherwise, I consider that the impact from traffic movements from the proposed development would result in a neutral effect. Any development would be expected to have an acceptable highway impact and the absence of harm does not amount to a significant benefit in support of the scheme.
19. The appellant has referred me to other examples where the Council have approved development in the Green Belt. In the case referenced as Dearne Grange Farm, Park Head Lane, Ref: 2020/91484, drawings have been submitted but no details regarding the circumstances around its approval have been submitted. The circumstances around the planning approval of application Ref 2017/92308 are not before me. I cannot be certain therefore that either of these proposals are in any way comparable to the appeal before me and therefore cannot attach any weight to these other developments.

Green Belt Balance and Conclusion

20. The proposed development would constitute inappropriate development which carries substantial weight. There is conflict with purposes of including land within the Green Belt, which is a serious planning objection. Accordingly, the development conflicts with local and national planning policies referred to above.
21. Whilst I have taken account of the other considerations of the development, there are none that outweigh the significant harm I have identified. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt have not been demonstrated and the scheme would conflict with national policy.
22. The proposal would conflict with the development plan and there are no material considerations to indicate a decision otherwise than in accordance with the development plan. For the above reasons, and having taken all matters into account, I conclude that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR