



Appeal Decision

Site Visit made on 27 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/Z4718/W/21/3273840

Telecommunication Mast 28529, Jagger Lane, Emley Moor, Huddersfield HD8 9TF

- 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 Philip Moore against the decision of Kirklees Metropolitan Council.
 - The application Ref 2019/62/94133/E, dated 22 December 2019, was refused by notice dated 1 April 2021.
 - The development proposed is the change of use and extension to existing building to form a residential dwelling and erection of single detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (The Framework) was published on 20 July 2021. This document does not however materially change the approach to the main issues arising from this appeal, when compared to its predecessor, and therefore no further comments have been sought from the parties.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (ii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Policy LP57 of the Kirklees Local Plan Strategy and Policies 2019 (LPSP) refers to the extension, alteration or replacement of existing buildings in the Green Belt and requires that in the case of extensions the original building remains the dominant element both in terms of size and overall appearance. Policy LP59 of the LPSP relates to brownfield sites in the Green Belt and states that

proposals for partial or complete redevelopment where the extent of the existing footprint is not exceeded will normally be acceptable.

5. Paragraph 149 of The Framework states that the construction of new buildings is inappropriate in the Green Belt but it provides a number of exceptions, including at c) for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and g) for limited infilling or 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.
6. The proposed dwelling would incorporate the existing stone-faced building into it and would therefore be an extension to this original building. However, by reason of the greatly increased footprint and height that would result from the proposed extension, the original building would not remain the dominant element both in terms of size and overall appearance and the extension to it would represent a disproportionate addition. Accordingly, the proposal would fail to accord with Policy LP57 of the LPSP and with paragraph 149c) of The Framework.
7. The proposal would also represent the redevelopment of previously developed land. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open and this is reflected in the requirements set out in paragraph 149g). Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it.
8. The plans submitted show a built footprint relating to the stone-faced building and a tower. The tower has however now been removed and cannot therefore form part of the assessment of the appeal proposal. Whilst its fenced compound remains, this does not form part of the built footprint. Furthermore, the compound fencing has no significant visual impact due to its modest height, its set back from the road and due to the fact that it lets vision through it.
9. The extent of the existing footprint on the appeal site would therefore be substantially exceeded by the appeal proposal, and the resultant dwelling and garage would cause a loss of visual openness by reason of their increased footprint and height and they would result in an encroachment into an area of the appeal site where there is not currently any built development. Accordingly, the proposal would fail to accord with Policy LP59 of the LPSP and Paragraph 149g) of The Framework.
10. In conclusion, the proposal would fail to accord with Policies LP57 and LP59 of the LPSP, which are the relevant development plan policies. Furthermore, as the proposal would be for development in the Green Belt which does not fall into any of the exceptions listed in Paragraph 149 and it would cause harm to openness and to the purposes of including land within it, it would comprise inappropriate development in the Green Belt.

Other Considerations

11. The accompanying text to Policy LP60 of the LP states that the conversion or re-use of existing buildings in the Green Belt in preference to the construction of new ones is one of the core principles underpinning planning as this

encourages the recycling of existing resources. Paragraph 150 d) of The Framework refers to the re-use of buildings provided that the buildings are of permanent and substantial construction. However, the appeal includes an extension to the existing building and a detached garage and must therefore be assessed against the relevant local and national policies, which have been identified above.

12. Reference has been made to permissions that have been granted on other sites within the surrounding area, including at a property immediately adjacent to the appeal site. However, I must determine the appeal that is before me primarily on its own merits against the relevant local and national planning policies that are in place and, in any event, I am not bound by the previous decisions of the Council. The other Council decisions referred to do not therefore offer weight in favour of the appeal proposal.
13. Planning permission was granted in 2012 for development on the appeal site, however I have not been provided with the details of this and there is nothing before me to suggest that the previous permission is extant and capable of being implemented as a fallback position. This too therefore does not weigh in favour of the proposed development.
14. No objection was made by the Parish Council. However, this does not justify a harmful development and therefore I can give this consideration only very limited weight.

Conclusion

15. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
16. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
17. For the reasons given above, I conclude that the proposal conflicts with the objectives of Policies LP57 and LP59 of the LPSP and with The Framework, all of which seek to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR