



Appeal Decision

Site Visit made on 20 July 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/X4725/W/21/3272523

Holmfield House, Stranglands Lane, Ferrybridge WF11 8SD

- 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 Mrs Gillian Anderson against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/00543/FUL, dated 2 March 2020, was refused by notice dated 10 February 2021.
 - The development proposed is removal of existing buildings and construction of a residential lodge.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing buildings and construction of a residential lodge at Holmfield House, Stranglands Lane, Ferrybridge WF11 8SD in accordance with the terms of the application, Ref 20/00543/FUL, dated 2 March 2020, subject to the conditions set out in the schedule to this Decision.

Procedural Matter

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by its publication. I have determined the appeal on the basis of the revised Framework.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies.

Reasons

4. The appeal site is located in the Green Belt. Paragraph 149 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a list of exceptions. Policies CS1 and CS3 of the Wakefield Local Development Framework Core Strategy (2009) (CS) do not repeat the Framework exceptions, but identify that in the Green Belt, development will conform to national policy.
5. Policy D1 of the Wakefield Local Development Framework Development Policies (2009) (DP) states that outside established settlements Green Belt housing development will only be acceptable where it involves the change of use of a

rural building or the subdivision or replacement of an existing dwelling and limited to meeting identified local needs. Patently the proposal does not meet these criteria. However, this policy significantly pre-dates and is inconsistent with the Framework, and therefore, for the purposes of determining whether the proposal would be inappropriate development, I have proceeded on the basis of the approach set out in the Framework.

6. The appeal site is an area of land contiguous with the driveway to Holmfield House and contains an extensive amount of hard-surfacing, a small lawned area, and two timber-clad structures which I understand have been used by the occupiers of Holmfield House for home office and general domestic storage purposes. There is no dispute that these structures and hard-surfacing are lawful. The Council refers to previous instances of coach parking on the land, but there is no definitive evidence or planning history to suggest more than one use or planning unit. On the evidence before me, and from my own observations, I am satisfied that the appeal site is within the grounds/garden of Holmfield House, as described on the application form.
7. Furthermore, it is evident that the existing structures have been in place since at least 2007. Notwithstanding their origins as a portable cabin and a lorry container, the structures have been clad in timber and resemble buildings with connections to water and electricity. Whilst their degree of physical attachment to the ground is not clear, they nevertheless have a significant degree of permanence, such that I consider them to constitute permanent structures.
8. In all the circumstances, the appeal site has the characteristics of previously developed land. One of the exceptions set out in paragraph 149 g) of the Framework concerns the partial or complete redevelopment of previously developed land, as long as this would not have a greater impact on the openness of the Green Belt than the existing development. It has been established that openness has both a spatial and visual aspect.
9. The information before me indicates that the proposed building would be larger than the combined size of the two existing buildings it would replace, but not significantly so. In particular, the increase in overall volume and height of development on the site would be negligible. Moreover, the number and spread of buildings and hard-surfacing across the site would be reduced. This would offset the spatial effect upon openness arising from the increased footprint of built form within the site.
10. In visual terms, the site already forms part of the residential planning unit of Holmfield House and has an overtly domestic character. The proposed development would not extend beyond the existing grounds of Holmfield House and the building would be confined to the east of the site on an area already occupied by hard-surfacing. Furthermore, the boundary wall and mature trees and hedging along other boundaries ensures that the existing buildings are visually contained within the site, and are therefore not prominent from public vantage points. The proposed building would benefit from similar levels of screening and therefore, when also taking account of its location within the site and modest size, the visual impact of the development upon the openness of the Green Belt would be no greater than the existing development.
11. Therefore, and on balance, I find that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. The proposal would not conflict with the purposes of the Green Belt, including: to

check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. It would therefore meet the exception in paragraph 149 g) of the Framework.

12. Having regard to all the above, I conclude that the proposal is not inappropriate development in the Green Belt when having regard to the Framework and CS Policies CS1 and CS3. Although the proposal would fail to accord with Policy DP1 of the DP, I afford more weight to the proposal's compliance with the more up-to-date guidance within the Framework. Accordingly, it is not necessary to consider whether there would be very special circumstances to justify the development.

Conditions

13. I have considered the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording and I have only imposed those conditions which meet the relevant tests.
14. To provide certainty the plans should be specified. Conditions are also required to secure details of external materials and boundary treatments in the interests of the appearance of the area. However, these do not need to be pre-commencement and I have separated them individually to ensure clarity and precision.
15. A condition to require the removal of all existing structures on the appeal site is necessary to protect the openness of the Green Belt.
16. The Framework advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Based on the particular circumstances of this case, and to protect the openness of the Green Belt, it is appropriate to remove permitted development rights for the dwelling relating to Classes A, B and E of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development Order) 2015, so a condition is imposed accordingly.
17. However, a condition relating to floor and ground levels would not be necessary to protect the amenity of local residents, so it is not imposed.

Conclusion

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

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block/Site Plan; Illustrative Landscape/Boundary Details TQRQM20077141329956; Proposed Plans and Elevations 0232/01.
- 3) Notwithstanding condition 2, no development shall take place above ground level until details of the colour, type and texture of materials to be used in the external elevations of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 4) Notwithstanding condition 2, prior to the first occupation of the dwelling hereby permitted, details of the type, location, height, design and materials, including any planting details, of all screening and boundary treatment for the development hereby permitted, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the dwelling is occupied, and thereafter retained.
- 5) The existing structures within the application site, identified as 'Cabin 1' and 'Cabin 2' on the approved Block/Site Plan shall be removed from the land in their entirety prior to the occupation of the dwelling hereby permitted.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B and E of Schedule 2 (Part 1) of that Order shall be undertaken to the dwelling hereby permitted or within its curtilage without the grant of planning permission.