
Appeal Decision

Site visit made on 26 July 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2021

Appeal Ref: APP/X4725/W/21/3269547

Land at Moor Road, Stanley, Wakefield WF3 4EW

- 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 & Mrs Armitage against the decision of Wakefield Council.
 - The application Ref 20/00519/FUL, dated 4 March 2020, was refused by notice dated 2 November 2020.
 - The development proposed is full planning permission for the erection of a two-storey detached residential dwelling and a single-storey garage, with access, landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In their evidence the appellants have referred to policy WSP7 of the emerging Publication Draft Wakefield Local Plan. However, this plan has not yet been examined and found sound. Consequently, I have afforded this policy limited weight.

Main Issues

3. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant Development Plan policies;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed 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 proposal.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy CS3 of the adopted Wakefield Core Strategy (CS) only allows development of a very limited scale in the Green Belt where it conforms with national policy while policy CS1 of the CS states that in the Green Belt, development will conform to national policies. Consequently, I consider policies CS1 and CS3 to be broadly consistent with the Framework. As a result, I afford these policies full weight.
6. Policy D1 of the adopted Wakefield Development Policies Development Plan Document (DP) differentiates between settlements with defined infill boundaries within the Green Belt and land elsewhere in the Green Belt. It also states that housing development would be limited to that meeting identified local needs in accordance with other specified criteria including the sub-division of an existing dwelling. However, this approach is not entirely consistent with the Framework and as a result I afford it limited weight.
7. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions under paragraph 149 of the Framework. One such exception is where a proposal would constitute "*limited infilling in villages*". There is no specific definition of 'limited infilling' within the Framework. However, infilling is normally associated with the completion of an otherwise substantial built-up frontage of several dwellings or at the very least, consolidation of a largely built-up area. Another exception is where the proposal would constitute '*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development*'.
8. The main parties agree that the appeal site is not classed as previously developed land as defined by Annex 2 of the National Planning Policy Framework (the Framework). The parties also agree that the appeal site is not in an isolated location. Based on the evidence before me I see no reason to disagree with the main parties on these points. As a result, I find that the proposal would not meet the exception set out by paragraph 149 g) of the Framework.
9. It is a matter of dispute as to whether the appeal site is within a village. In their evidence the appellants cite that despite the development plan classifying Stanley as an urban area, that it is a distinct settlement with both urban and rural features and village attributes. According to the Braintree judgement¹ when considering whether a settlement is a village or whether a site is in a village decision-makers should have regard to the situation "on the ground" as well as any relevant development plan policies.
10. Given the fact that the appeal site is next to the main built-up area of Stanley and close to facilities and services which would be accessible to its future residents, means that I consider it to be part of the settlement. Similarly, given

¹ Braintree District Council v SSCLG Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

that the built-up area of Stanley is also physically linked to other comparable areas such as Outwood, I consider it not to be a village in a traditional sense, i.e., a small distinct settlement largely surrounded by more open countryside. The buildings and dwellings within these contiguous built-up areas are also relatively close together with their collective development pattern being quite suburban in character.

11. I note that Stanley has several local facilities such as a church and school and that it has open countryside on some of its boundaries. However, the settlement is also contiguous with the wider conurbation of Wakefield. For similar reasons I also consider Stanley not to be a small distinct settlement that comprises a group of houses together with other buildings such as a church and school, in a country area.
12. Consequently, I consider the appeal site to be within a built-up area and not within a village.
13. Regarding whether the proposal would be infill development, the appeal site is located on open land between two buildings. However, only one of these, no. 40 Moor Road fronts onto the road with the building on the other side being set back further from it. There would also be sizeable gaps of land between the proposed dwelling and these buildings on either side of it. Consequently, I find that the proposal would not result in the completion of an otherwise substantial built-up frontage of several dwellings or the consolidation of a largely built-up area. Accordingly, I find that the proposal would therefore not be infill development.
14. Furthermore, even if Stanley were classed as a village given that the proposal would not be limited infill development it would therefore also not meet the exception identified under paragraph 149 e).
15. Consequently, the proposal would fail to meet any of the exceptions set out by paragraph 149 of the Framework. I therefore conclude that the proposal would be inappropriate development in the Green Belt in conflict with the aims of the Framework. It would also conflict with the aims of policies CS1 and CS3 of the CS and policy D1 of DP.

Openness and Green Belt purposes

16. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
17. Given the appeal site's location within a built-up area and the scale of the proposal, I find that it would not have a significant adverse impact on the Green Belt purpose of assisting in safeguarding the countryside from encroachment.
18. The proposal would be located on open land where there is currently no development. In simple spatial terms, this would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is presently permanently open. The construction of a detached dwelling on the appeal site would therefore bring about development where there is presently none. Accordingly, the proposal would spatially reduce the openness of the Green Belt thereby harming it. The proposal would therefore have an adverse spatial impact on the openness of the Green Belt.

19. Given its location and the fact that the existing mature trees and vegetation on the site boundaries would be retained, it is likely that much of the proposal would be visually screened when viewed from certain directions on Moor Road. However, this is not the same as it not being visible at all and given its scale and height, elements of the proposal's roofs and front elevations would likely be partially visible as shown on the submitted Street Scene Plan (Drg. No. 19-089.ARM-08). As a result, I find that the proposal would also have a visual impact on the openness of the Green Belt, albeit to a limited degree.
20. Consequently, the proposal would cause harm to the openness of the Green Belt by spatially and visually reducing it and would therefore not preserve it in conflict with paragraph 137 of the Framework.

Character and Appearance

21. Given its design, location, scale, height, and materials plus the fact that the existing mature trees and vegetation on the site boundaries would be retained, and that its architectural style would largely complement that of the existing residential development nearby, I find that the proposal would not have an unacceptable adverse visual impact when viewed from public vantage points on Moor Road.
22. I note the Council's point that the proposal would develop the appeal site in an urbanised manner. However, I fail to see how this would cause visual harm given the fact the site is within a built-up area and the relatively suburban character and appearance of this and the wider area. Furthermore, given that: the proposal is for one dwelling; there would be large areas of open amenity space to the rear and sides of it; and there would be many trees both within and around the site, I also fail to see how the proposal could be characterised as being a heavily urbanised development in any event.
23. Consequently, I conclude that the proposal would not materially harm the character and appearance of the area. As a result, it would meet the requirements of policy D9 of the CS and policy CS10 of the DP in this regard.

Other Considerations

24. In support of the proposal the appellants have cited the fact that it would not be in an isolated location and that future residents would be able to access local facilities and services and those further afield in a sustainable way including by public transport. As a result, I afford this consideration moderate weight in favour of the appeal scheme.
25. The appellants have also stated that the proposal would provide economic and social benefits that would arise from its construction and subsequent occupation. However, given the scale of the proposal these benefits would be limited. As a result, I afford this consideration limited weight.
26. The appellants have also stated that there is a demand for self and custom housebuilding plots in the area and that there is currently limited availability of such plots with approximately 65 households expressing an interest out of a total of 138 households on the register. In their statement they estimate that in 2019 the average number of advertised plots was approximately 12 meaning that the shortfall would be approximately 126 or 91%. However, no substantive evidence has been submitted such as a copy of a Housing Market Assessment to show this to be the case.

27. To further support their case in this regard, the appellants have also cited a related appeal decision (Ref. APP/H1840/W/20/3255350) where even though the LPA could demonstrate a deliverable five-year supply of housing land, the Inspector afforded substantial weight in favour of the proposal as it would help meet an undersupply in self-build housing in the area as the total number on the register outstripped supply by 50% and also as the self-build nature of the housing had been appropriately secured by an executed Unilateral Undertaking (UU).
28. However, although the proposal before me would similarly secure self-build housing via an executed UU, it is in the Green Belt whereas the cited example was not. In addition, given the lack of substantive evidence demonstrating a shortfall of self-build housing in the area I cannot be certain that the UU would be necessary to make the development acceptable in planning terms and meet the test set by paragraph 57 of the Framework. As a result, I consider that the circumstances applicable to that scheme are not the same as those presented in this case, which I have determined on its own merits. Consequently, in the context of the above I afford this consideration limited weight.
29. In support of the appeal proposal the appellants have also cited several other appeal decisions². However, as they relate to development that constituted limited infilling in a village within the Green Belt, I consider that the circumstances applicable to these schemes are not exactly the same as those presented in this case, which I have determined on its own merits.

Planning Balance and Conclusion

30. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
31. I have found that the proposal would amount to inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. I afford this harm substantial weight in the planning balance. I have also afforded limited weight to the other considerations put forward in favour of the proposal. Consequently, overall, I conclude that the harm by reason of inappropriateness, is not clearly outweighed by the identified other considerations so as to amount to the very special circumstances required to justify the proposal.
32. Accordingly, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

² Refs: APP/F2360/W/20/3244797; APP/C3430/W/18/3207145; and APP/A0665/W/20/3247387.