



Appeal Decision

Site visit made on 26 January 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/Z4718/W/21/3284109

Barnside Farm, Barnside Lane, Hepworth, Holmfirth HD9 1TN

- 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 and Mrs Cartwright of Carlin Farms Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/94040/W, dated 24 November 2020, was refused by notice dated 4 May 2021.
 - The development proposed is the conversion of agricultural barn to bunkbarn.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council made its decision, and prior to the appeal being submitted, the Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the revised version, noting that paragraph numbers referenced by the main parties have therefore changed.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to the very special circumstances required to justify the proposal.

Reasons

4. The proposal is to create a bunkbarn holiday let accommodation, catering for up to 16 people who would share facilities, in place of an agricultural barn sited within an existing cluster of built form in an agricultural holding. The barn fronts a yard area and is adjacent to an existing agricultural building and the farmhouse, all of which are readily apparent in the surrounding area.
5. Paragraph 147 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 150 advises that certain other forms of

development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception, at paragraph 150 d), is the reuse of buildings provided that the buildings are of permanent and substantial construction.

6. Policy LP60 of the Kirklees Local Plan Strategy and Policies (February 2019) (the LP) sets out that proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where the building to be re-used or converted is of a permanent and substantial construction. This policy also includes design criteria which should be met. Whilst there are no comparable design requirements in Framework paragraph 150, that does not mean that the two sets of provisions are inconsistent with one another.
7. I note that the justification to policy LP60 indicates that proposals which intensify use or extend an existing footprint to the extent that openness is compromised will not normally be permitted. Similarly, it sets out how any proposal that would lead to a significant and detrimental impact on openness and tranquillity, including through the intensification of use of access roads and other outside space, will not normally be permitted. The criteria therefore relate to the openness and purposes of the Green Belt, which are relevant in terms of Framework paragraph 150 d). Those, in my view, are logical matters to which to have regard to in considering openness. Accordingly, LP policy LP60 is broadly consistent with the Framework.
8. The evidence before me suggests that the appeal barn has been sited in this location for a considerable time. It has a concrete slab floor, solid blockwork perimeter walls to three sides, corrugated fibre cement roof cladding supported on timber purlins and a steel portal frame. Whilst the largely open sides give the barn a somewhat lightweight appearance, I note there are remnants of former timber cladding to the sides. Moreover, the structure nevertheless appears robust and strongly built and the barn is of a considerable size and does not appear to be in a state of disrepair. It is therefore clear to me that the barn is of a permanent and substantial construction.
9. The Council suggest that the works necessary to form the proposed bunkbarn are considered significant and would in effect mean that the building would have to be rebuilt/replaced, thus the barn should not be considered of permanent and substantial construction. I note that parallels have been drawn to Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval decisions under this class. However, there is no direct read across between those provisions and either Framework paragraph 150 or policy LP60, and the intention of this permitted development right is not a matter for me within the context of this appeal.
10. Given my findings above, in order to ascertain whether or not the proposal would be inappropriate development, an assessment of its effect on openness and the purposes of including the site within the Green Belt is required (within the terms of Framework paragraph 150 d), and also incidentally within the terms of Framework paragraph 149 b)).
11. Paragraph 137 of the Framework states that 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. When applying the concept of openness to the particular facts of

a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

12. It is acknowledged that the proposed physical changes to the barn may ensure its traditional agricultural appearance would be retained. The yard is also already largely surfaced with concrete and gravel thus there would also be limited physical changes in this regard. The barn and, in particular, the yard area is nevertheless readily apparent from public vantage points, notably from the elevated aspect from Gate Head Lane to the east and also from Barnside Lane to the north of the site, despite the distance between from these viewpoints to the appeal site, features in the landscape and the topography of the area. I note that the existing buildings provide a degree of screening however there are gaps between them through which views can be achieved and the site remains largely open, particularly to one side.
13. The proposed development would result in an intensification of activity at the site, notably from the comings and goings of visitors and vehicle movements into and out of the car parking area and the subsequent parking of significantly more vehicles within the site compared to the existing use. Therefore, whilst the general layout and materials would remain largely as existing, the presence of parked vehicles and associated activity would result in the intervening space between the buildings having a considerably more domestic and urbanised appearance, in stark contrast with its existing agricultural use.
14. The proposed use of an area of land to the side of the barn to provide external amenity space for future guests would result in an additional increase in domestic activity and paraphernalia, which would further urbanise the site and the wider agricultural holding. I do however acknowledge that this would largely be screened by a vertical boarded louvre screen to appear as a lean to profile. This element of the proposal would nevertheless represent encroachment into what is presently natural, open and undeveloped land and therefore part of the countryside (Framework paragraph 138 c) sets out that one of the purposes of the Green Belt is to safeguard the countryside from encroachment). Whilst this would be on a limited basis given the restricted size of the proposed garden area, also taking into consideration the erosion of the existing yard for the parking of vehicles, collectively this would result in moderate encroachment into the countryside.
15. For the above reasons, I conclude that the proposal would fail to preserve the openness of the Green Belt and would conflict with one of the purposes of the Green Belt. The proposal does not therefore fall within exception 150 d) of the Framework and as such is inappropriate development in the Green Belt. For the same reasons, the proposal conflicts with policy LP60 of the LP.

Other considerations

16. It is suggested that the proposal would assist in the growth of the tourism and leisure industry in this rural area and would improve access to the countryside. I acknowledge that the proposal would provide an opportunity for quite a lot of people to access and holiday in rural environs, for which there appears to be a demand for such things in the area. LP policy LP56 provides support for outdoor recreational facilities, although this is subject to the proposal preserving the openness of the Green Belt and not conflicting with its purposes, to which I have found harm above.

17. It is also suggested that the proposed diversification of the existing agricultural use would help the appellants to continue to farm at the site. However, there is no conclusive evidence before me to establish to what extent the scheme would assist in terms of the ongoing viability of the farming business here. Accordingly, the weight I can afford to these matters as benefits of the proposed development is limited.

Whether very special circumstances exist

18. The Framework states that inappropriate development is 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 way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. The proposal would constitute inappropriate development in the Green Belt, would cause harm to its openness and would conflict with one of the purposes of the Green Belt. I afford this harm substantial weight. The advanced considerations in support of the appeal do not therefore clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

20. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. The appeal should therefore be dismissed.

H Ellison
INSPECTOR