



Appeal Decision

Site Visit made on 15 September 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/X4725/W/21/3277084

Sandal Grange Farm (Land Adjacent to) Walton Lane, Wakefield WF2 6NG

- 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 C Barrett against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02256/FUL, dated 20 October 2020, was refused by notice dated 30 March 2021.
 - The development proposed is described as 'Detailed application for 1No dwelling - The Glass House (resubmission of previous application No 18/01038/FUL)'
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Decision

1. The appeal is dismissed.

Main Issues

2. There is no dispute between the parties that the development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan policies. The main issues are therefore:
 - the effect of the proposal upon the openness of the Green Belt;
 - the effect of the proposal on the setting of Sandal Grange Farm, a Grade II listed building; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

3. The appeal site is an L shaped parcel of mown grassland lying adjacent to the garden of Sandal Grange Farm. The site is predominantly open in character with post and rail boundary fencing to the adjacent farmland which extends out towards the B6378 road to the south and beyond. The farmland comprises gently rolling agricultural fields bounded by hedgerows and trees. The site also shares a boundary with the access road leading from Sandal Grange Farm to Sandal Grange. This is a narrow road bounded by a thin line of trees to either side. Sandal Grange is located on the edge of residential development and the rear gardens of these properties bound the edge of the adjacent fields.

4. The appellants state that the previous use of the site was a builder's yard, however, in line with the impressions of an Inspector at a previous appeal at this site¹, I found it free of any development and otherwise open. The site's openness and natural grassed appearance in the context of the surrounding farmland is ostensibly rural in character in an area where more extensive residential development lies close by. This is supported by the assessment of the previous Inspector who highlighted that the gap between Sandal Grange Farm and Sandal Grange, within which the appeal site lies, allows for visual and spatial relief on leaving the periphery of the adjacent settlement.
5. It is proposed to construct a sizeable building occupying a large footprint towards the southern edge of the site. It would be faced with timber incorporating large areas of glazing. The building would be single storey, although it would include a basement and would have a flat roof. Parking and turning would be provided adjacent to the access road. The areas surrounding the building would be landscaped which would include the planting of individual trees and provision of earth mounding around the building of between 0.9 and 1.5 metres high. Two rows of ground mounted solar panels comprising of 48 individual photovoltaic panels in total would occupy the southern part of the site.
6. Notwithstanding its single storey nature, the building would still amount to a substantial structure with its expansive footprint in what is currently an open area and would consequently significantly reduce openness. Whilst the rationale behind the design for the dwelling is for the mounding to limit views of the building from outside of the site, these would likely add to the harm arising by introducing features, not present in the existing rural context, that would also reduce openness. These would only add to the encroachment into the open countryside, further separating the site from its countryside surroundings. Indeed, whilst I accept that design of the project has to an extent been guided by its countryside location, I am not convinced that this could not be provided in another less sensitive location outside of the Green Belt.
7. Vehicles parked in the parking and turning area adjacent to the site entrance would be easily visible from the access road as would domestic activity in the spaces around the building. This would also impinge on the site's visual openness compared to the existing situation. The adverse effect on openness would be experienced by those travelling along the access road to Sandal Grange Farm as well as in fleeting distant views from Walton Lane and the B6378, particularly during the winter when the intervening trees are not in leaf.
8. For the above reasons, I conclude that the proposal would result in significant harm to the openness of the Green Belt and would fail to safeguard the countryside from encroachment, contrary to the provisions of the Framework in this regard.

Setting of Listed Building

9. Sandal Grange Farm is a Grade II listed building, the garden of which shares a boundary with the appeal site. It is a large detached house comprising partly of the converted former stables forming part of the estate of nearby Sandal

¹ APP/X4725/W/19/3235581

Grange, an impressive Nineteenth Century residence which has been converted to apartments.

10. The significance/special interest of the listed building, in so far as it relates to this appeal, includes the evidential, aesthetic and historic value as a nineteenth century complex of traditional rural buildings with a strong local vernacular, as well as the visual and historic relationship as part of a larger estate. This is evident in part through the presence of the lodge building, access from Walton Lane through to Sandal Grange and the remaining estate style fencing, still present to the edge of the access road. Section 66 of the Act² sets out a general duty to have special regard to the desirability of preserving listed buildings or their settings. This is a matter of considerable importance and weight.
11. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework also provides that great weight should be given to the asset's conservation. The setting of a heritage asset is defined as the surroundings in which it is experienced and its importance therefore lies in what it contributes to the significance of the heritage asset. Any harm to, or loss of, the significance of a designated heritage asset including from development within its setting, should require clear and convincing justification.
12. The appeal site lies immediately adjacent to the boundary with Sandal Grange Farm and as such forms part of the surroundings within which the listed building is experienced. The open and undeveloped nature of the appeal site and the surrounding area allows this complex of buildings to be seen from the access road to Sandal Grange within a distinctly open and rural agricultural context, which contributes to its significance. This provides some tangible evidence of previous estate management practice, estate building design, and associated land uses, albeit within an altered historic context and setting.
13. The introduction of a new single storey flat roofed dwelling with associated mounding (up to 1.5 metres high), garden and a new access and parking area would visually and physically separate Sandal Grange Farm from its setting, the effect of which would be easily noticeable from the access road to Sandal Grange as well as in fleeting wider views such as from Walton Lane or the B6378.
14. The loss of the link to the setting would erode the relationship between the historic buildings forming the wider estate of Sandal Grange. Furthermore, the building, owing to its expansive, box like nature would have little relevance to the architectural style of Sandal Grange Farm or the wider estate buildings. Likewise, the provision of a new feature irregular width pale fence would bear little relation to the agricultural setting and context of Sandal Grange Farm and to my mind would only serve to further emphasise the separation between the appeal site and its setting.
15. The harm that would occur to the setting of the listed building would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal.

² Planning (Listed Buildings and Conservation Areas) Act 1990

16. The appellants agree that harm would arise as a result of the proposal, although they consider that this is mitigated by the innovative design and public educational benefits of the proposal. It is argued that the proposed development has been designed to be totally 'off the grid' and it is of an exceptional and innovative design with high standards of architecture. The appellants state that it will form an exemplar scheme and will provide education and inspiration to future practitioners in the built environment studying at Wakefield College.
17. The building would be timber framed and use wood fibre for the main insulation of walls and roof. Uncontrolled air percolation will be reduced by the use of advanced internal membranes, all taped and sealed around every junction and penetration in order to achieve passive house standards. Being 'off grid' the development would utilise such features as a sewage treatment plant or reed bed, solar panels and biomass boilers and would be connected to the water main or utilise a bore hole.
18. However, in my experience sewage treatment plants, solar panels and biomass boilers as well as private water supplies are relatively common and often essential as part of new developments in rural areas, particularly in locations away from the sewage and gas network. They are not new ideas or particularly original. Nonetheless, the passive house elements that form part of the proposal could be considered to be innovative in their own right, although I agree with the Council that more precise details are lacking in this respect.
19. However, and notwithstanding paragraph 80 of the Framework, to which I shall turn to later, the design proposed, is contemporary but not particularly outstanding which is a high test. This is not least because it would result in harm to the setting of a listed building and would lead to high and extensive man-made mounding that would bear little relation to the gently rolling landscape in which it would be located.
20. One of the appellants is a retained artist at Wakefield College. A unilateral undertaking has been submitted by the appellants which states that the appellant in their capacity of retained artist would provide 'art and design education opportunities for the benefit of students' both at Wakefield College and the site, including during the construction, for a period of ten years.
21. That said, details of how this would work are limited, and the unilateral undertaking is unclear as to what would happen if the appellant were no longer employed as a retained artist, or if the development were sold. Furthermore, this is dependent upon Wakefield College taking advantage of the opportunity and is also time limited for just ten years whilst the harm I have identified above, would be permanent.
22. It is intimated by the appellants that the proposed biodiversity enhancements could be considered public benefits. Whilst this may be the case, there is an expectation through the Framework that schemes provide net gains for biodiversity. As such whilst the biodiversity enhancement measures no doubt weigh in favour of the scheme as a whole, given the size of the appeal site and the extent of the proposed enhancements, this would not amount to any more than a limited public benefit.
23. The public benefits of the proposal in terms of raising standards of design and providing education opportunities are therefore limited. A high level of harm to

the setting of a Grade II listed building would arise from the proposal and great weight should be given to the conservation of designated heritage assets according to paragraph 199 of the Framework. In this context, the harm would not be outweighed.

24. The proposal would therefore fail to preserve the setting of the listed building contrary to the requirements of S66(1) of the Act. This harmful impact would also be contrary to Policy D9 of the Wakefield Development Policies Document (2009) which seeks to provide high quality design and to respect, and where appropriate, enhance existing built features that contribute to the character and local distinctiveness of the area. There would also be conflict with Policy CS10 of the Wakefield Core Strategy (2009) which seeks to protect and enhance historic assets. The proposal would also conflict with paragraphs 199 – 202 of the Framework insofar as they seek, amongst other things, to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Considerations

25. It is common ground between the parties that the appeal site is isolated for the purposes of paragraph 80 of the Framework. This was also the view of the Inspector at the previous appeal. Paragraph 80 of the Framework guides that planning decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply. The appellants consider that their proposal meets those at 80. e): the design is of exceptional quality, in that it: is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
26. I have already considered the proposal's sustainability credentials. However, and in summary, there are a number of energy efficiency and 'off grid' measures proposed but generally these are not original or new ideas. Nonetheless, I note that the passive house is an emerging approach to development and could be considered to be innovative. However, details as to precisely how this would be delivered are lacking and notwithstanding this, the provision of passive house features alone, is not sufficient to meet the requirements of the Framework above.
27. The proposal is markedly different to that previously considered at appeal and is less visually distinctive. The proposed design is box-like in appearance with large areas of glazing and timber clad walls over an extensive footprint. It would sit low down within the site and would be partially screened by the mounding that is proposed to be formed around it. Visually, the design alone, whilst contemporary is relatively unremarkable and does not strike me as being truly outstanding or exceptional. I accept that the proposal would incorporate sustainability features and include biodiversity enhancement measures as considered earlier, however even taking this into account I am not convinced that the proposal as a whole would come close to reflecting the highest standards of architecture, which is, as I have set out, a high test.
28. The appellants have provided a number of examples of award winning contemporary designed buildings, some of which are in countryside locations, to justify their proposal. However, in my view, a common theme to those designs are that they are shaped by their setting and reflect elements of the

landscape or built environment in which they are located. As a result, whilst often strikingly different, they tend to sit comfortably within their surroundings. That is not the case with the proposal before me. Whilst there are no doubt good intentions to this approach, the proposal seeks to separate the development from the landscape and conceal it with overtly man-made mounding that would bear little relation to the surrounding open and gently rolling farmland. The proposal would also be poorly related to the listed building and would separate it from its rural agricultural setting. Even when having regard to proposed landscape planting, it follows that the proposal would not significantly enhance its immediate setting, nor would it be sensitive to the defining characteristics of the area in line with paragraph 80. e) of the Framework.

29. The proposed relationship with Wakefield College, appears to have been in part developed on the basis of the Inspector's comments at the previous appeal. However, and as I have set out, it is not clear what would happen if the appellants sold the property after its completion, if the appellant is no longer employed by Wakefield College, or if Wakefield College decide that they do not wish to continue with their involvement in the proposal. The unilateral undertaking refers to the site being an educational tool but there is no real detail as to the extent that the proposal would be involved in the course. As such, there is considerable doubt in mind that this proposal would realistically help to raise standards of design locally. I note that the previous Inspector had reservations in this respect.
30. The proposed dwelling would not constitute the level of high quality and exceptional design that is expected by paragraph 80 of the Framework.

Other Matters

31. I have had regard to the letters of support received with regard to the application, including those from Wakefield College. I also acknowledge the suggestion from the appellants that there was support from local councillors. However, I have found clear harm as reasoned above and this does not outweigh my concerns.
32. I have been provided with examples of case law and appeal decisions by the appellants. However, I have not been provided with full details of these and therefore I cannot be certain of their relevance to the precise circumstances before me.

Planning Balance and Conclusion

33. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the setting of a listed building. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. For the reasons I have set out above, the weight I would attach to the other considerations would, when taken together, be limited, such that they would not clearly outweigh the harms. The very special circumstances required to justify the proposed development do not therefore exist.

34. The appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework, worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Paul Martinson

INSPECTOR

