



Appeal Decision

Site visit made on 24 May 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2022

Appeal Ref: APP/X4725/W/22/3290016

172 Hollin Lane, Crigglestone, Wakefield WF4 3EG

- 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 Edward Bennett against the decision of Wakefield Council.
 - The application Ref 21/01694/FUL, dated 21 June 2021, was refused by notice dated 24 August 2021.
 - The development is a container store, summerhouse and store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both buildings have been constructed at the site. I have considered the appeal on the basis of the submitted plans with regard to the buildings as they exist at the site.

Main Issues

3. The main issues are:
 - whether the development is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - the effect on the openness of the Green Belt and the purposes of including land in it;
 - the effect of the proposal on the character and appearance of the area; and;
 - if the proposal 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 development.

Reasons

Whether Inappropriate Development

4. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.

5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. Policy CS1 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy adopted 2009 (the CS) requires development to conform with national policies relating to the Green Belt. Policy D23 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document adopted 2009 (the DPD) includes similar exceptions to those in the Framework as well as additional criteria to address the industrial, educational and community uses located in the Green Belt that provide local employment opportunities or important community facilities.
6. Exception (a) of paragraph 149 of the Framework relates to agricultural and forestry buildings and so does not apply here. Exception (b) of paragraph 149 relates to appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments. The stated uses of the container and summerhouse do not fall within this category. I note the appellant's intention to use his land for outdoor scouting pursuits in association with local scouting packs and for his future self-sufficiency. However, no clear evidence about these uses or the use that the buildings would have in connection with them are before me. Based on the submitted evidence therefore, exception (b) does not apply.
7. Exception (c) of paragraph 149 includes 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. Policy D23 of the DPD likewise includes such an exception for extensions or alterations to existing dwellings and with reference to buildings as originally constructed. The two buildings are free standing from the dwelling at 172 Hollin Lane. They have a functional relationship with the dwelling in so far as they are ancillary to it, but they are quite large structures physically separate from it. Whilst the size of the land is large, the location of the buildings is too far from the dwelling for them to be reasonably regarded as an extension or alteration to it. Exception (c) of paragraph 149 or the exception relating to extensions or alterations to existing dwellings in Policy D23 of the DPD do not therefore apply.
8. There is no clear evidence to suggest that the container and summerhouse are replacements for an existing building, or that the site is previously developed land. Exception (d) of paragraph 149 of the Framework cannot therefore apply, and the development cannot be regarded as infilling under exception (g). The development is not for affordable housing that would fall under exception (f).
9. The Council's view is that the site does not form part of the curtilage of the dwelling. The appellant states that the land has always formed part of its curtilage. Irrespective of the position regarding curtilage, given that the site is open on two sides, then development at the site would not in my view logically complete the pattern of development here and so would not constitute limited infilling under exception (e).
10. The site would not fall within the category of uses identified in Policy D23 of the DPD, where limited small-scale development to enable their continued operation may be permissible.

11. The development does not therefore fall within the exceptions in paragraph 149 of the Framework or Policy D23 of the DPD. Accordingly, it is inappropriate development in the Green Belt, and would be inherently harmful to it.

Openness and Green Belt Purposes

12. From a spatial perspective, the presence of buildings where there were not previously any necessarily reduces the openness of the Green Belt. Despite the relatively modest footprint, height and volume of the buildings, the land is less open than it would be without them. In addition, they extend the built form away from the existing dwellings fronting onto Hollin Lane.
13. The buildings are not readily visible from the lane due to the topography of the land which slopes quite steeply downwards as well as the screening effect of the built development. From certain vantage points, in particular those further north, the buildings are seen against the backdrop of the adjacent dwellings and at a lower level. The effect on openness would not be readily apparent in such views.
14. Whilst boundary vegetation would filter views from neighbouring properties, the upper part of the container is visible from the rear garden of 166 Hollin Lane and may be visible from the first floor of other nearby properties. Both buildings are also visible from the Public Right of Way that runs along the boundary of the larger parcel of land. Although such views are filtered by a tall hedge, the buildings are visible through gaps, and will be more apparent during the winter months when the vegetation is less dense. From these vantage points, where the buildings are not seen against the backdrop of the neighbouring dwellings, they appear as distinctly separate from them, resulting in a more noticeable visual reduction in openness.
15. In spatial and visual terms therefore, the buildings intrinsically add built development where previously there was none and they are visible from certain perspectives, resulting in a visual as well as physical reduction in openness. As such, the buildings result in some limited harm to the openness of the Green Belt. For similar reasons, they result in a limited encroachment into the countryside, in conflict with this Green Belt purpose.

Character and Appearance

16. The site is located within a mainly residential area. It is located to the rear of the back gardens of the neighbouring properties, a pair of semi-detached dwellings.
17. The summerhouse is a single storey building with the ridge of the roof at a similar height to the rear gardens of the neighbouring properties. It has an appearance that is fairly typical of such outbuildings. It would not therefore be an incongruous form of development within a residential context. Furthermore, its design, scale and the materials used, mainly brick and timber, are not at odds with the character of the site and wider local area.
18. The container is located in a corner of the site and its roof height is also at a similar level to the rear gardens of the neighbouring properties. However, it has a distinctly more industrial appearance than the surrounding built development. Its design and materials therefore jar with the residential context in which it is located and so it is an inharmonious form of development.

19. The appellant has indicated a willingness to clad the container in timber. This would reduce its industrial form and would improve its overall appearance, including when viewed from the property at 166 Hollin Lane. Details of the timber cladding could be secured by condition. Whilst the container would still be a fairly sizeable building, I am satisfied that its cladding in timber would provide appropriate mitigation for the harm currently caused to the character and appearance of the area.
20. I therefore conclude that, subject to appropriate cladding of the container, the development would not harm the character and appearance of the area. Accordingly, it would accord with the design objectives of Policy CS10 of the CS, Policy D9 of the DPD and chapter 12 of the Framework.

Other Considerations

21. The buildings provide a homeworking and recreational space and address a need for secure storage at the site. The appellant identifies the improvements that have been made to the boundaries of the site and the wider area of land, which it is stated have improved the security of the area and its biodiversity value. This is reflected in the supporting comments made on the application. The buildings provide some screening of the retaining wall of the rear gardens of the neighbouring dwellings.

Planning Balance and Conclusion

22. The development is inappropriate development in the Green Belt, which is by definition harmful. In line with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness.
23. I have taken into account the aforementioned other considerations. Whilst I accept that the development is personally beneficial to the appellant, that is essentially a private benefit rather than addressing the public harm that would result. The buildings may provide a tidier solution compared to outdoor storage of equipment. However, there is no substantive evidence that buildings of this scale are required to meet those needs, or that the storage, security measures, or screening of the retaining wall could not be achieved via an alternative, less harmful scheme. Any biodiversity improvements would be relatively limited given the size of the site and attracts commensurate weight.
24. For the reasons above, I find that the identified harm by reason of inappropriate development in the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The development therefore conflicts with Policy CS1 of the CS, Policy D23 of the DPD and chapter 13 of the Framework which have been summarised above.
25. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. Consequently, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR