



Appeal Decision

Site visit made on 27 September 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/X4725/W/22/3294950

Land at Croft Head Lane, Warmfield, Wakefield

- 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 Stringer against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/01557/FUL, dated 9 June 2021, was refused by notice dated 11 February 2022.
 - The development proposed is a residential development for 1 dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (ii) Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to garden space, daylight, noise and disturbance.
 - (iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances.

Reasons

Whether Inappropriate Development

3. The appeal relates to part of a large roughly 'L' shaped hard surfaced car park that is associated with the Plough Inn public house. The topography is such that the appeal site slopes downwards from its shared boundary with Croft Head Lane towards the public house building. Although there are some terrace houses in the vicinity, the surrounding area is rural, comprising open fields and agricultural land. The appeal site lies within the Green Belt.
4. Policy CS 1 of the Wakefield Local Development Framework Core Strategy 2009 (Core Strategy) requires conformity with national policy when assessing development proposals in the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The

Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.

5. I concur with both main parties that the exception relevant to this appeal would be paragraph 149 (g) which provides for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. It is common ground that the appeal site is previously developed land and I have no reason to disagree. This appeal therefore centres upon whether the proposal would comply with the qualifying part of this exception in not having a greater impact on the openness of the Green Belt than the existing development. Openness is the absence of development and has both spatial and visual dimensions.
7. At the time of my late-morning weekday site visit I noted that the spatial and visual effects of the hard surfacing and siting of a caravan has reduced the openness of this part of the Green Belt. Whilst I appreciate that this is a snapshot in time, and that the situation may change at busier periods, any vehicles that park on the site would do so transiently, and a large extent of the site is open and free from the influence of built development. As a part of the public house planning unit, it has been put to me that this area could be used for purposes such as storage and outside seating. However, these were not present at the time of my site visit, and, in my view, would be unlikely, given the sloping nature of the appeal site and its distance away from the public house.
8. The proposal is for a modest and low-profile single storey dwelling that would be partially subterranean. Although views of the proposed building from Croft Head Lane would be restricted, a parking space, at a higher level than the existing car park, would be accessed via this highway and therefore be clearly visible. The proposed building's rear elevation and fencing would also be exposed and readily apparent from the car parking area and neighbouring properties. Furthermore, my site observations confirmed that this side of the proposal, and its visual bulk, would be seen against the backdrop of sky, rather than rising land, as the appellant suggests.
9. As a result, the size, scale and siting of the proposal would result in a clear increase in the overall bulk and mass of development present within the site and would therefore reduce the openness of the Green Belt in both visual and spatial terms. It would consequently have a greater impact on the openness of the Green Belt than the existing development.
10. Accordingly, the proposal does not fall within the exception at Paragraph 149 (g) of the Framework. For these reasons, it would therefore represent inappropriate development that is, by definition, harmful to the Green Belt and would be in conflict with Core Strategy Policy CS 1 and the objectives of Section 13 of the Framework.

Living Conditions

11. The proposed provision of 5 rooflights would afford a degree of light to the bedroom, kitchen, dining and living room areas. Despite the proximity of the proposed fence to the proposed patio doors some light would also be afforded to the living room through this opening and the 2 high level windows. Given the size of the respective rooms, I am satisfied that these openings would ensure that they would not appear overly dark or gloomy as there would be sufficient natural daylight.
12. I note that the proposal is a one-bedroom property, and that the submitted plans show that future occupiers would be able to sit out in the proposed garden area. However, this private outside space would be of limited size and practical use for other purposes such as the storage of refuse bins and bicycles and the drying of clothes. Its size would also fall considerably short of that advised in the Council's Residential Design Guide Supplementary Planning Document 2018 (SPD). Furthermore, along with the living and dining rooms, it would be likely to be subject of significant levels of noise and disturbance associated with the pub car park that would not be mitigated by the high-level windows and garden fence. This could be from car engines, car audio systems, slamming of doors and people conversing at any time of the day, including when the residents of nearby dwellings would reasonably expect a certain degree of peace and quiet.
13. The limited size of the proposed garden, when combined with the height of the proposed fencing and retaining wall to the west, would also result in an undue sense of enclosure for future users of this area. I am therefore not persuaded that the proposal would provide future occupiers of the appeal development with an adequate or satisfactory form of outdoor amenity space.
14. I acknowledge that public houses are commonly found in residential areas, and that there are other dwellings situated adjacent to the car park that the appeal site sits within. However, these properties appear to be 3 storeys in height with no windows at ground floor level. The presence of these properties does therefore not justify allowing a proposal that would not adequately safeguard the living conditions of future occupiers.
15. I therefore find that the proposal would not provide acceptable living conditions for future occupiers, arising from the limited garden space proposed and noise and disturbance. As such it would conflict with Policy D9 of the Wakefield Local Development Framework Development Policies 2009. Amongst other things, this requires proposals to not have a significant detrimental impact on the amenity of prospective users. Conflict would also arise with guidance within the SPD, and paragraph 130 of the Framework which seeks a high standard of amenity for existing and future users.

Other Considerations

16. It is uncontested between the main parties that the site is located within the village of Warmfield and I have no reason to question this. I am also aware that the Council found the proposal to be acceptable in respect of housing mix, highway safety, flood risk and drainage, safety and security, amenity of neighbours, sustainability, mineral safeguarding and land stability considerations. However, the absence of harm in these respects are neutral

factors which do not weigh in favour of the development in the overall Green Belt balance.

17. My attention has been drawn to a planning permission for a new dwelling in the car park of a public house in Warmfield (19/00326/FUL). I have also been made aware that a previously dismissed appeal scheme on the site was found to cause very limited harm to openness and did not contain any outdoor amenity space. Concerns about the inconsistent approach of the Council have therefore been raised.
18. However, I have been unable to verify this as I do not have the full details of the previous appeal before me, including the reference number, full set of plans or the appeal decision report. The plans that I have been provided with for planning permission Ref: 19/00326/FUL show the design of that development to significantly differ from the proposal that is before me. It has floor to ceiling windows, with the majority of its built form shown to lie beneath the ground and be concealed by the surrounding landform. Accordingly, its circumstances are not directly comparable to those which apply for this appeal. In any case, I have determined this appeal on its own merits and am therefore unable to attribute these matters any positive weight.

Green Belt Balance

19. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The Framework establishes that substantial weight should be given to any harm in the Green Belt. In addition, it would cause significant harm in respect of the living conditions of future residents. As such, even when taken together, the other considerations reviewed above do not clearly outweigh the substantial harm that I have identified due to inappropriateness, and other harm to the living conditions of future residents. Very special circumstances have therefore not been demonstrated.

Conclusion

20. The appeal scheme consequently conflicts with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR