



Appeal Decision

Site visit made on 7 September 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/A4710/W/22/3297845

Wood Field House, Halifax Road, Hipperholme, Brighouse HX3 8HD

- 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 Dr Samir Khan against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/00872/FUL, dated 22 June 2021, was refused by notice dated 24 December 2021.
 - The development proposed is described as: 'construction of storage building to store food machinery and livestock'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 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, including the effect upon the openness of the Green Belt;
 - whether the proposed development would have an acceptable impact upon highway safety; 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

Whether Inappropriate Development

3. The Framework identifies 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 openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework 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. Exceptions include: 149. a) buildings for agriculture and forestry.

5. It is proposed to construct a storage building to store food, machinery and house livestock. The appellant has not used the term agriculture in the description of development, although the existing use of the land is referred to as 'pasture'. The appellant's statement highlights the intended '*domestic use of the proposed building for hobby purposes*'. It identifies that the building would be used to house stables and keep two horses as well as six sheep and hens. The building would also be used to store existing machinery.
6. The appellant notes that a standard stable for a horse would measure four metres by four metres. There is no floor plan showing the subdivision of the building into stables or the amount given over to food storage for these animals. However, the stabling for two horses would clearly amount to a sizeable proportion of the building. The stabling of horses, other than working agricultural horses, is not an agricultural use as defined in Section 336 of the Town and Country Planning Act 1990. As such, having regard to the description of development and supporting evidence, I am not convinced that what is sought is a building to be used solely or mainly for agricultural purposes.
7. Nevertheless, Framework paragraph 149. b) identifies another exception relevant to this appeal. This permits '*the provision of 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; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*'.
8. In this regard, the appellant has directed me to paragraph 11.13 of the Calderdale Unitary Development Plan (2006) (the UDP) which states that '*Outdoor sport and outdoor recreation are appropriate uses within the Green Belt. In order to accommodate such uses, a certain degree of built accommodation may also be necessary in addition to the laying out of pitches or courses. For example, changing rooms, small stables or unobtrusive spectator accommodation may be acceptable*'. This is broadly consistent with the provisions of the Framework insofar as it relates to this appeal.
9. The appeal site is a steeply sloping grassed field that is open in character. There is a mature wooded boundary incorporating tall trees with Halifax Road to the south with similar boundaries with the garden of Wood Field House to the west and residential properties to the east. The boundary with Wood Lane is defined by a stone wall, also with trees growing close to it. The site can be glimpsed through the vegetation in views from Halifax Road and Wood Lane. The site is also visible from neighbouring residential properties along Wood Lane and Halifax Road.
10. The proposed building would be substantial in scale, measuring 24 metres in length and 13.5 metres wide with a height of 6 metres. It would be sited close to the boundary of the field with Halifax Road. Whilst views from the road here would be limited by the vegetation, a building of the scale proposed, located at a higher level than the road would be visible to an extent. Moreover, visibility is likely to increase significantly when the trees are not in leaf. The building would also be visible in places over the wall from Wood Lane and from neighbouring properties.
11. The proposed development would lead to a significant reduction of openness compared to the existing open field and would conflict with the fundamental aim of keeping land permanently open. I accept that it would be sited

reasonably close to an existing garage building located on the edge of the garden of Wood Field House, however this would not reduce its effect on the openness of the existing field.

12. For the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The proposal therefore does not fall within the forms of development included at 149. b) of the Framework and as such is inappropriate development in the Green Belt.
13. For these reasons it would therefore conflict with Policy GNE1 of the UDP, which seeks to restrain development outside the urban areas through the general extent of the Green Belt.

Highway Safety

14. The appeal site is accessed on foot from the garden of Wood Field House. The appellant states that any vehicles accessing the proposed building would use the existing gated access onto Wood Lane. This is a narrow, single track lane with limited passing places that serves a considerable number of residential properties, as well as three properties with existing agricultural buildings. Owing to its restricted width, I saw that vehicle speeds here are very low. This lane eventually joins Halifax Road several hundred metres from the appeal site, at a junction with limited visibility.
15. The Highway Authority has raised concern that the proposal would generate a significant increase in slow moving vehicles such as tractors or horse boxes. Given the restricted width of the lane and the poor visibility at the junction with Halifax Road, it is concerned that the proposal would have a detrimental effect on highway safety.
16. However, the appeal site relates to an existing field with an existing access onto Wood Lane. Based on the information before me, this could be used by vehicles maintaining the land without any additional consents. Whilst the erection of a building on the site may result in an increase in the number of vehicles, this would be limited by the scale of the building and the landholding. Furthermore, the appellant is clear that with regard to the intended '*domestic use of the proposed building for hobby purposes*'.
17. Having regard to the likely the scale of the proposed activity and the number of existing properties and agricultural buildings that the lane serves, I am satisfied that the proposed slow moving traffic likely generated from the proposal would not be significant. Whilst I accept that visibility at Halifax Road is limited, for the above reasons I am satisfied that the proposal would not have an unacceptable impact on highway safety. There would therefore be no conflict with Policy BE5 of the UDP which seeks, amongst other things, to ensure new developments ensure the safe and free flow of traffic in the interests of highway safety.
18. Similarly, there would be no conflict with paragraph 111 of the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

19. I accept that the proposal would provide clear benefits to the family, allowing them to pursue their hobbies. However, these would be primarily personal benefits as opposed to the public harm I have identified above. Nevertheless, there would be benefits to animal welfare through having shelter and to the character of the area from helping to maintain the land. However, given the scale of the proposal and the circumstances of the case, these are inevitably minor.

Planning Balance and Conclusion

20. 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. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
21. Given the substantial weight to be given to Green Belt harm, relative to the minor benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by the other considerations. Whilst I have found no harm to highway safety, this is a matter of neutral consequence in the balance. Therefore, the very special circumstances necessary to justify the proposal do not exist.
22. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR