



Appeal Decision

Site visit made on 29 September 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/Z4718/W/22/3300866

Howroyd Depot, Howroyd Lane, Dewsbury WF12 0NB

- 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 Kevin Ward against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2021/62/94020/E, dated 14 October 2021, was refused by notice dated 8 April 2022.
 - The development proposed is erection of a vehicle storage building.
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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; and
 - If the development 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

3. The appeal site is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt would be inappropriate development, subject to a number of exceptions. It is common ground between the main parties that the site is previously developed land (PDL), and that the proposal should therefore be assessed against the exception of paragraph 149(g) of the Framework which relates to the limited infilling or the partial or complete redevelopment of PDL, which would not have a greater impact on the openness of the Green Belt than the existing development.
4. The appeal site consists of a haulage depot which has a long history of such use. The proposed building would be located on part of the site which doesn't contain permanent buildings, although reference is made to the removal of features such as shipping containers and a caravan located at the site.

5. The appeal proposal would be visible as a substantial permanent structure projecting above the means of enclosure around the site, even allowing for the screening effect of hedges and trees. The proposal would therefore be visible from the surrounding area, including from the public realm of Howroyd Lane.
6. The proposal would be significantly taller than the features that would be removed and would have a commensurately greater impact on the perception of openness. I also observed vehicles, including heavy goods vehicles, parked in this location, and the appellant refers to the storage of some of these vehicles and other existing objects within the proposed building. However, the vehicles and other features I observed do not project as high as the proposal. Furthermore, vehicles are of a transient nature, and although they may be parked on this site for significant periods of time their effect on openness is not of the same degree as a permanent building of the scale proposed.
7. I am mindful of the self-contained nature of the depot and its long-standing use in association with haulage operations. I also saw that there were other buildings within the site as well as other features in the vicinity, such as an electricity pylon, which harm the openness of this area. However, the appeal proposal would be apparent as a new permanent building on part of the site which currently does not contain structures of a similar scale and permanence. The proposal would therefore harm the openness of this area, albeit to a limited degree. It may be possible to introduce further screening, but this may also impact on the openness of the Green Belt.
8. Due to the identified harm, the proposal would have a greater impact on the openness of the Green Belt than the existing development and would therefore represent inappropriate development on the basis of paragraph 149(g) of the Framework. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm.
9. Policy LP59 of the Kirklees Local Plan 2019 relates to brownfield sites (i.e. PDL) in the Green Belt, and includes the requirement that in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded. The proposal would not extend beyond the curtilage of the depot, and the supporting text for policy LP59 sets out that it may be possible to redistribute the built form on a site provided that the resulting impact is no more than that of the existing development. However, the proposal would introduce a new permanent building on the site and no existing buildings of a similar scale and nature would be removed. The proposal would have a greater impact on openness than existing features in that location, and it would therefore not comply with the requirements of policy LP59.

Other Considerations

10. Given the nature of the existing site and the design of the proposal, which would reflect that of nearby agricultural buildings, the proposal would not harm the character and appearance of the area or appear as an incongruous feature in the landscape. Based on the evidence before me, the proposal would also not lead to an intensification of the use of the site or an increase in vehicle movements and storage. However, consideration of these matters does not lead me to a different conclusion in respect of the harm I have identified in respect of openness.

11. The Council accepts that the proposal would not lead to material harm in respect of the Green Belt purposes, which reflects the conclusions of the Landscape and Visual Impact Assessment submitted by the appellant. However, even if that is the case, this does not negate the requirement to assess the inappropriateness of the development in accordance with paragraph 149 of the Framework.
12. There would be no adverse effects in respect of amenity, highways, heritage and the environment. The appellant also emphasises that no objections were raised to the proposal from third parties. However, a lack of harm or objection is not a benefit, and are neutral factors in my consideration of the proposal.
13. I am mindful that the proposal would meet the need of the appellant to store vintage lorry cabs, and their contention that there are no other suitable sites in the immediate locality. Reference is also made to the enhancement of the existing site and the support of this established business. However, it has not been demonstrated that the extant appeal site is fundamentally unsuitable for the appellant's needs or that the business is reliant on the implementation of the proposal. These matters therefore carry only limited weight in favour of the appeal.
14. For reasons stated previously, the impact of the proposal on openness would not be compensated for by screening, the removal of existing features and the accommodation of objects and vehicles already stored at the site. These matters do not therefore weigh in favour of the proposal.

Conclusion

15. I have concluded that the proposal would be inappropriate development in the Green Belt and that substantial weight should be given to the harm arising from that. The proposal would also conflict with policy LP59 of the Local Plan in respect of brownfield sites in the Green Belt. I find that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with the Framework in respect of protecting Green Belt land.
16. There are no material considerations that indicate the application should be determined other than in accordance with the development plan and the Framework. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR