



Appeal Decision

Site visit made on 1 November 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/X4725/W/22/3300708

Windy Bank Farm, 121 Upper Lane, Netherton, Wakefield, West Yorkshire WF4 4HX

- 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 Richard Ward against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/00047/FUL, dated 9 January 2020, was refused by notice dated 3 March 2022.
 - The development proposed is described as upgrading of existing access to improve vehicular access to the agricultural storage (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for upgrading of existing access to improve vehicular access to the agricultural storage (retrospective) at Windy Bank Farm, 121 Upper Lane, Netherton, Wakefield, West Yorkshire WF4 4HX in accordance with the terms of the application, Ref 20/00047/FUL, dated 9 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan - Drawing no: 1692A; Tracking, Visibility and Surfacing - Drawing no: 1692-101F; Tracking, Visibility and Surfacing - Cross section - Drawing no: 1692-102F
 - 2) Within three months of the date of this permission, within the area hatched green on drawing ref. 1692-101F, the existing scalpings shall be fully removed and the grass reinforcement mesh track shall be fully installed.

Procedural Matters

2. It was evident from my visit that the development applied for has been partially completed, as an access track has been constructed with scalpings. The appeal scheme proposes to remove the scalpings and to resurface the track with a green grid system that will allow grass to grow through. I have determined the appeal on this basis.

Main Issues

3. The main issues are (i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (ii) the effect of the proposed development on the character and appearance of the area; and (iii) the effect of the proposed development on highway safety.

Reasons

Whether inappropriate development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.
5. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include 150 b) engineering operations. In this case, the formation of the access track is considered to be an engineering operation.

Openness

6. The essential characteristics of Green Belts are their openness and their permanence. Openness is an essential characteristic of the Green Belt which has spatial as well as visual aspects. The openness of the Green Belt is clearly evident around the appeal site. The appeal proposal would run the length of a large field, between a newly planted hedgerow and the line of an established hedgerow, with open countryside beyond. It would not result in any built development and whilst the proposed green grid surface would be visible initially from the immediate vicinity; the green colour would blend into the context of the surroundings and due to the topography of the land and the hedgerow screening, it would not be visible in the wider area. In addition, it would allow grass to grow through, which would enable the track to further blend in with its surroundings. For these reasons, in both spatial and visual terms, the proposal would preserve the openness of the Green Belt.

Green Belt Purposes

7. Paragraph 138 of the Framework sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. The site clearly forms part of the countryside, however, the nature of the proposed surface, particularly when the grass is fully established, would not result in physical encroachment of development into the countryside.
8. Consequently, I conclude that the proposal would not be inappropriate development in the Green Belt, in the terms set out by the Framework.

Character and appearance

9. Given the visual dimension identified in *Turner* there is a significant overlap between this issue and my assessment of the effects on openness above. Nonetheless, as that judgement is clear this is a different exercise.
10. The area surrounding the appeal site has a rural character and appearance, with open fields bounded by hedgerows and occasional trees. The proposed green grid system would blend with its surroundings, allowing grass to grow through, which would cover the artificial surface. The appeal proposal, along with the newly planted hedgerow would be viewed against the backdrop of an established hedgerow and would not be conspicuous within the rural landscape setting. The proposal would not have an urbanising effect and would not result in unacceptable harm to the character and appearance of the area. It would

therefore comply with Policy D9 of the Wakefield Metropolitan District Council Local Development Framework (2009) (Local Plan) and the Framework, which seek to ensure that developments are sympathetic to local character.

Highway safety

11. The appeal site takes its access, which is shared with two residential properties, from Upper Lane. Whilst the shared access point sits on a bend on a 60mph section of road, used by HGV's, the highways authority are satisfied with the visibility from the entrance with Upper Lane. The appellant has carried out a speed survey in the proximity of the access, which recorded 85th percentile wet weather speed as 30mph travelling from the north and 31mph travelling from the south and the Council have not disagreed with this evidence.
12. I acknowledge that there is a bend in the road adjacent to the access, nevertheless, from my site visit I could see that the access remains visible along the road in both directions for some distance. Vehicles exiting the access will be visible to traffic on Upper Lane, and traffic turning into the access will have sufficient space to manoeuvre, without impacting on other road users.
13. The evidence before me shows that there were no recorded injury accidents over five years up to June 2021, at the proposed site access or the approach along Upper Lane. In addition, the access gates to the appeal site are set well back from the road, with sufficient space in front of them to accommodate a large stationary vehicle. Between the road and the access gates, the road surface is sufficiently compacted to avoid large amounts of loose material being dispersed onto the road by vehicles.
14. The existing field access is currently in use, and I have no evidence before me to suggest that the appeal scheme would result in an intensified use of the access. Similarly, I have no information to suggest that the appeal scheme would lead to an increase in the number of vehicles stopping at the entrance to the field access and therefore preventing other vehicles from safely entering the site. The highways authority are satisfied that provision has been made to allow vehicles to pass one another within the appeal site.
15. Taking all of the above matters into account, I conclude that the appeal scheme would not have an unacceptably harmful effect on highway safety and would therefore comply with the highway safety aims of Policy D14 of the Local Plan and paragraph 111 of the Framework.
16. A previous high court ruling in the 1970s has been raised by third parties, where highway safety was a concern. I have very limited evidence on the detail of such a ruling and therefore I am unable to conclude on its relevance to this appeal.

Other Matters

17. I acknowledge the concern from the occupiers of neighbouring residential properties in relation to privacy. However, the access track will be used by moving vehicles and the distance from the track to the residential properties is considered sufficient to avoid harmful overlooking.
18. Matters relating to land ownership and access rights; the availability of an alternative access at 121 Upper Lane; the laying of electrical conduit for

potential lighting along the track and the appellants future intentions with regards to the agricultural barn are not before me to consider as part of this appeal.

19. I have no evidence to before me to suggest that future use of the access track would damage the existing hedgerows or would cause subsidence and none of the other matters raised alter my conclusion on the main issues.

Conditions

20. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I agree that a plans condition and a condition specifying a three-month period for the removal of the scalings and resurfacing of the track with a green grid system, are necessary and reasonable in the interests of certainty.

Conclusion

21. The proposal would not be inappropriate development in the Green Belt and would not conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be taken other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

C Megginson

INSPECTOR