



---

# Appeal Decision

Site visit made on 1 November 2022

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> December 2022**

---

**Appeal Ref: APP/X4725/D/22/3303396**

**36 High Street, New Sharlston, Wakefield WF4 1BE**

- 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 Mrs Belinda Parkinson against the decision of Wakefield Council.
  - The application Ref 22/00212/FUL, dated 24 February 2022, was refused by notice dated 31 May 2022.
  - The development proposed is dropped kerb outside the property to allow car parking alongside house. Addition of hardstanding, limestone chippings on hardcore. Property is on a classified road.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The emerging Wakefield District Local Plan 2036 is currently undergoing examination, and therefore does not form part of the statutory development plan for the purposes of S38 of the Planning and Compulsory Purchase Act 2004. I have limited information before me on the precise stage at which the emerging plan is at, the level of unresolved objection that there may be to it or the degree of consistency of the relevant policies within it to the content of the National Planning Policy Framework (the Framework). Having regard to paragraph 48 of the Framework, I can attach only limited weight to the policies in the emerging plan, including that the site may in the future be deleted from the Green Belt.
3. The appellant's submissions include a version of a layout plan (drawing no. 36H-2) which shows a turning space adjacent to the proposed driveway. The Council have confirmed that this plan was not before them when they determined the planning application. The Planning Inspectorate's guidance<sup>1</sup> provides advice on the circumstances whereby amendments proposed during the appeal process can be taken into account. Amongst its advice, the guidance states the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The guidance further advises that when considering whether or not the appeal scheme can be formally amended, consideration should be had to the Wheatcroft High Court judgement<sup>2</sup>. This judgement established that the main, but not the only, criterion is whether the development is so changed that to grant it would deprive those who should

---

<sup>1</sup> Procedural Guide: Planning appeals – England Updated 12 April 2022

<sup>2</sup> Wheatcroft (Bernard) Ltd v Secretary of State for the Environment and Harborough DC (1982)

have been consulted on the changed development of the opportunity for such consultation.

4. The turning space depicted on the revised plan constitutes a significant alteration from the scheme which the Council determined. The plan has not been subject to a detailed, formal re-consultation with the local highway authority. As a result, I consider that if I were to accept the revised plan, the Council's interests would be prejudiced and therefore I have determined the appeal on the basis of the plans which accompanied the planning application.

### **Main Issues**

5. The main issues are:

- Whether the development amounts to inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and any effects upon openness;
- The effect of the development upon the character and appearance of the area;
- The effect of the development upon the safety of highway users, with particular regard to the access arrangements;
- Whether or not parking provision would be acceptable; and
- Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### **Reasons**

*Whether the development amounts to inappropriate development in the Green Belt and effects upon openness*

6. Policy CS12 of the Wakefield Local Development Framework Core Strategy (CS) relates to the boundaries of the Green Belt but does not set-out any requirements in respect of development proposals. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their 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.
7. The development proposed would constitute an engineering operation. In accordance with paragraph 150 of the Framework, such operations are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
8. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal proposes that the areas of grass to the property's front and side would change to a limestone chipping topped hardstanding. The total area covered by the hardstanding would be approximately 45m<sup>2</sup>. The access and hardstanding to the property frontage, closest to the road, would be open to view when approaching along High Street in both directions. The proposal would also allow for the presence of parked vehicles to the property frontage, albeit that this would be for temporary periods. As a result of the

combination of these factors, the openness of the Green Belt would be reduced. Given the nature of the development and its particular context, I do not find that the development would conflict with any of the 5 purposes of including land within the Green Belt, as listed at paragraph 138 of the Framework. Nevertheless, due to the harmful effect on Green Belt openness, the proposal would not meet the requirement of paragraph 150 of the Framework and would constitute inappropriate development.

### *Character and appearance*

9. Properties in New Sharlston are arranged in a largely linear pattern with most properties fronting onto the roads which run through the village. On High Street, many properties are terraces with front gardens enclosed by walls and fences adjacent to the highway. No 36 forms part of a more modern development where the character is quite different. In this part of the village, there is a much more open aspect at the front of the houses with the only enclosure near the road being low post and rail fencing which maintains the open character. The houses are set well back from the road with only pedestrian access available from High Street itself. Extensive areas of grass and some trees provide a verdant character to this part of the village.
10. The proposal would introduce a vehicular access and private driveway into an area where there is presently none. In so doing, a large portion of grassed land would be replaced with hardstanding. A section of the post and rail fencing would be removed. The resulting changes to the appearance of the land, would appear anomalous and would be harmful to the cohesive, verdant and open character of the street scene.
11. This harm to the character and appearance of the area would be contrary to Policy CS10 of the CS and Policy D9 of the Wakefield Local Development Framework Development Policies Document (DPD). In summary, and amongst other matters, these policies require that development protects and enhances local character and distinctiveness and incorporates spaces and landscaping of a high quality of design. I also find that the development would be contrary to the advice at paragraph 130 of the Framework which states that development should be visually attractive and sympathetic to local character.

### *Access*

12. Most properties in the immediate vicinity of the appeal site do not have a vehicular access onto High Street.
13. The access proposed would mean that vehicles would either have to reverse off the drive into the road or reverse onto it in order to leave the property in a forward gear. The latter scenario would require manoeuvring within High Street. Owing to the absence of houses being accessed directly via High Street in this part of the village, the movement of vehicles either reversing onto the road or manoeuvring within it would be unexpected. The property is also located at the very end of the village and close-by to a speed limit change of 30mph within the village and 40mph beyond. The manoeuvring of vehicles within the road carriageway would be likely to lead to conflict with vehicles travelling into or out of the village. Furthermore, the reversing manoeuvres would also create hazardous conditions for pedestrians and cyclists.

14. I note the appellants submission that parking would not occur within the visibility splay for the High Street and Colliery Street junction and the inclusion of the plan from an earlier approval<sup>3</sup> in order to demonstrate this. I have no substantive evidence to the contrary and, furthermore, I note that the consultation response from the local highway authority did not raise the matter of parking within the visibility splay. Therefore, on the basis of the evidence before me, I do not find it likely that, as a result of the development, parking would occur within the visibility splay to the detriment of highway safety. Nevertheless, and for the above reasons, I find the proposed access arrangements to be unsafe.
15. Consequently, the proposal would be harmful to the safety of highway users which would be contrary to Policy D14 of the DPD which, in summary and amongst other matters, states that development proposals shall ensure the safe flow of traffic on the surrounding highway network and provide adequate layouts which allow for safe access. I also find that the development would be contrary to content within the Street Design Guide Supplementary Planning Document, 2012 (SPD). Although much of the SPD provides quite prescriptive guidance in relation to new highway layouts, it also relates to development affecting existing streets and seeks to ensure environments which are safe for all street users, and which do not result in a lower standard of road safety.

### *Parking*

16. Policy D14 of the DPD states that parking provision should be appropriate to the proposal and its location and that the agreed maximum parking standards, set-out in current guidance, should be applied. However, the submitted SPD presents minimum parking standards for residential development. Maximum parking standards are stated within the SPD as remaining applicable to industrial and commercial areas. Paragraph 108 of the Framework states that maximum parking standards for residential development should only be set where there is a clear and compelling justification. The approach within the SPD therefore aligns with the advice of the Framework and is therefore a material consideration of significant weight in the determination of the appeal.
17. The appellant indicates that the property contains 5 bedrooms. The SPD states that the minimum applicable parking provision is therefore 3 spaces. The proposed drive could most likely cater for 2 vehicles, potentially up to 3. The existing drive, accessed via Colliery Street, would provide 1 further space. The garage may provide a further space, but I have no precise details before me of its dimensions and I am conscious that the SPD discounts garages as providing parking unless a series of prescriptive criteria are met. It is therefore inconclusive that the garage provides a parking space for the property.
18. If I were to include the garage as providing a space, in the proposal, the property would be served by a maximum of 5 parking spaces and a minimum of 3. The SPD presents minimum not maximum parking standards. I have no substantive evidence before me of the harm that would materialise from the level of parking that would be provided for through the proposal.
19. Therefore, I find that the levels of parking provision that would result from the development would be acceptable and compliant with Policy D14 of the DPD in

---

<sup>3</sup> Application reference 10/02299/REM

so far as it seeks to ensure that parking is appropriate to the proposal and its location. It would also accord with the advice contained within the SPD.

*Other considerations*

20. The appellant highlights the potential fallback position where hard surfaces could be provided at the site through permitted development rights. However, I have no substantive evidence before me that the access itself does not require planning permission and there would appear little benefit in the provision of hard surfaces at the front of the property without the vehicular access itself. Accordingly, I do not find that this constitutes a fallback position to which I can give any weight.
21. Given the present parking provision at the property, parking on the adjacent estate road may well be occurring. However, I have no substantive evidence before me that this is causing any significant detriment to highway safety.
22. The provision of a parking space behind a lockable gate would be likely to have some crime prevention benefits. However, I have no compelling evidence before me that vehicle crime is a persistent problem in the area, nor has it been shown to me that the proposal is the only option to help reduce any such problems.

**Conclusion**

23. The Framework, at paragraph 147, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 explains that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
24. As set out above, the development constitutes inappropriate development and, furthermore, would harm the openness of the Green Belt. This harm receives substantial weight. The development would also cause harm to the character and appearance of the area. Whilst it would be acceptable in terms of parking provision, it would be harmful to the safety of highway users due to the access arrangements. The other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
25. For the above reasons, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

*H Jones*

INSPECTOR