



Appeal Decision

Site visit made on 20 December 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/A4710/W/22/3306344

Outbuilding & Workshop, North of Hays Lane, Mixenden, Halifax HX2 8UL

- 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 Matthew Crompton against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/01132/FUL, dated 13 August 2021, was refused by notice dated 8 March 2022.
 - The development proposed is demolition of existing outbuilding, conversion & extension of workshop to form single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council advises that the existing garage to be converted and extended was granted planning permission in 2016 (reference 15/01443/FUL), but that the building as erected has not been constructed in accordance with the approved plans. However, I note the Council's confirmation that Building Control records indicate the building was complete as of 19 September 2018. It seems to me that there is a reasonable likelihood that it is now immune from enforcement action. Nevertheless, in reaching my decision I have assessed the development as shown on the submitted plans and not as built on site.

Main Issues

3. 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;
 - Whether the appeal site is a suitable location for the development proposed;
 - The effect on highway safety, with particular regard to visibility splays; 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

Inappropriate Development

4. The appeal site is located within the Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are openness and permanence.

5. Paragraph 150 of the Framework specifies that certain forms of development are not inappropriate development in the Green Belt, providing that they preserve its openness and do not conflict with the purposes of including land within it. These include at 150d) the re-use of buildings, provided that they are of permanent and substantial construction. Consistent with that part of the Framework, Policy NE4 of the RCUDP¹ permits the conversion of buildings within the Green Belt subject to criteria, including but not limited to, that the form of the building is in keeping with the surroundings, it is capable of conversion without major or complete reconstruction, and the conversion would not have a materially greater impact on the openness of the Green Belt.
6. It is common ground between the parties that the proposal would involve the re-use of a building that is of permanent and substantial construction. There is nothing before me, nor from what I have seen, to suggest otherwise. As such, in order to determine whether the proposal would be inappropriate, I am required to consider the effect on openness.
7. The outbuilding lies on a parcel of land to the north of Hays Lane, enclosed by dry-stone walls. This part of Hays Lane has a rural character with built form distributed intermittently and views of open, green fields prevailing.
8. To aid the conversion of the existing building it is proposed to erect an extension to the rear. The proposed extension would add more than half of the existing floor area to the building and a volume increase of 72% (112m³), as agreed by the parties. The erection of an extension where one does not exist would inevitably result in the building making a greater intrusion into its setting and a loss of openness. It seems to me that a 72% increase in the size of the building is significant, and would have a materially greater impact on the openness of the Green Belt.
9. Although at the rear of the existing outbuilding, the increased mass and scale of the proposed extension would nonetheless be apparent in views from Hays Lane, particularly those from the north-west. The simple outbuilding would take on the appearance of a bungalow following conversion, which is not a typical form of development in the immediate vicinity of the appeal site. Furthermore, the activity in the spaces around the building for parking, refuse storage and general use of the garden for domestic activities would be more intensive as a new dwelling, than that arising from the existing outbuilding. The proposed dwelling would also be lit at night, with light emitting from the windows. All of these factors would result in a more intense visual impact on the openness of the area than the existing situation.
10. The appellant has suggested that an existing outbuilding with a volume of 165.25m³ would be demolished, and that there would be a net reduction in development within the Green Belt as a result. Whilst in the appellant's ownership, this building is on land outside of the appeal site. No mechanism has been put to me to secure the demolition of this building, such that its volume could be offset against that of the proposed extension.
11. Reference is made to approvals of extensions over 80% increase in the Green Belt, specifically that of planning application reference 16/00675/HSE. However, no evidence is before me as to the circumstances of this permission including details of the site, the approved plans or the development plan context it was permitted under. I cannot therefore draw any comparisons.

¹ Replacement Calderdale Unitary Development Plan 2006

12. Consequently, I conclude that the proposal would have a materially greater impact on the openness of the Green Belt, and would result in encroachment into the countryside, contrary to Green Belt purposes. It would therefore be inappropriate development, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. The proposal does not therefore meet the provisions of paragraph 150d) of the Framework. Conflict is also found with Policy NE4 of the RCUDP.

Location

13. The appeal site is located beyond the built up area of Mixenden and predominantly occupies a rural setting, although there are some existing dwellings nearby to the east and south-west beyond what appeared to be a paddock.
14. I saw that there is a bus stop on Clough Lane to the south east which could provide an alternative means of transport for the future occupiers of the proposed dwelling. However, pedestrian access would be via Hays Lane which is narrow and single track in places with no footpath or street lighting for a good proportion of the road, particularly that nearest the appeal site. There is also a sharp bend to the east where forward visibility is poor and likely to impede the ability of drivers to see oncoming pedestrians. Walking to the bus stop and the local school and other services which are further afield within the settlement, would not therefore be easy, particularly during hours of darkness. Trips to meet every day needs are therefore more likely to be undertaken via the private car.
15. A housing development is being completed on land to the south-west of the appeal site. Whilst the details of this permission are not before me, I saw that the access road from Hays Lane is sited closer to the junction with Clough Road where there is an existing pavement. As such the locational circumstances do not appear to be comparable to those of the appeal site.
16. I find the appeal site would not constitute an appropriate location for new residential development. As such it would not comply with Policies GP1 and H9 of the RCUDP which amongst other things, seek to permit new residential development in locations that are within easy walking distance of public transport and local services. The proposal would also conflict with paragraph 105 of the Framework which seeks to maximise the use of sustainable transport and reduce greenhouse gas emissions through the location of development.

Highway Safety

17. The Council advises that the original permission for the outbuilding (application reference 15/01443/FUL) included the demolition of 2 garages, and that it was considered as a garage proposal based on the description of development. Although now referred to as a workshop by the appellant, it seems to me that the appeal site could previously have been legitimately accessed by vehicles. Moreover, there is no evidence before me to suggest that the site could not currently be accessed and used for the parking of vehicles.
18. Although the Council has indicated that the existing access does not offer adequate visibility splays, there is no evidence before me as to the degree they are considered deficient. During my visit I saw that there are dry-stone walls sited close to the road to either side of the access, and although a snap-shot in time, Hays Lane was lightly trafficked. Whilst there are bends on Hays Lane to

the east and west, they are a reasonable distance from the existing access from which passing drivers would be aware of cars emerging onto the road. Furthermore, sufficient space would be provided within the plot to allow cars to turn and leave in a forward gear.

19. Paragraph 111 of the Framework is clear that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The creation of one dwelling would result in relatively limited vehicular movements per day onto Hays Lane. Bearing in mind the site specific attributes noted above and the existing use of the appeal site, in the absence of any evidence that safety issues or disruption to traffic flow would occur as a result of the use of the current access and its associated visibility splays, I find that the proposal would not result in a severe impact on the road network.
20. The proposed development would not be harmful to highway safety, with particular regard to the provision of visibility splays. In this regard, the proposal complies with Policy NE4, BE5, BE6 and H9 of the RCUDP which seek to ensure that new development does not give rise to unacceptable traffic or safety issues. It would also comply with paragraph 110 and 111 of the Framework which aim, amongst other things, to achieve safe and suitable access and to prevent unacceptable impacts on highway safety.

Other Considerations

21. Paragraph 148 of the Framework states that very special circumstances for new development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. However, the appellant has not advanced any other considerations that I can weigh against the harm.

Planning Balance and Conclusion

22. The Council advises that it cannot demonstrate a 5 year housing land supply, with a shortfall of 3 years. As such, in the context of paragraph 11d) of the Framework, the policies most important for determining the application would be deemed to be out of date. However, the application of policies in the Framework that protect areas of particular importance including the Green Belt, provides a clear reason for refusing the development proposed. Consequently, the appeal scheme would not benefit from the presumption in favour of sustainable development.
23. The proposal would amount to inappropriate development in the Green Belt resulting in a loss of openness, through the encroachment of development into the countryside. Whilst I have found in the appellant's favour in regard to the matter of highway safety, this would be a lack of harm and therefore neutral in the planning balance. Given the substantial weight to be given to Green Belt harm combined with the other identified harm and lack of other considerations, the harm is not clearly outweighed. Therefore, the very special circumstances necessary to justify the proposal do not exist. The appeal is dismissed.

M Clowes

INSPECTOR