



Appeal Decision

Site visit made on 28 February 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/Z4718/W/22/3309528

land to rear of 215 Soothill Lane, Batley WF17 6EX

- 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 D Johnson against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/60/92297/E, dated 4 June 2021, was refused by notice dated 2 September 2022.
 - The development proposed is described as 'take down existing stable block and store building and construct new dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been submitted following the refusal of an outline application where approval of matters of access, layout and scale were sought. It is on this basis that I shall determine the appeal.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect on the openness of the Green Belt; and
 - If the development is inappropriate, whether the harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether inappropriate development

4. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it provides a number of exceptions, which includes at g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.

5. The site currently has a single storey, L-shaped, timber building located in the corner of the site. The building is on a concrete base with brick pads supporting vertical timbers to create an overhang. This contains several stables and an open storage area. Whilst the proposal would therefore accord with paragraph 149 g) in respect of it being the redevelopment of previously developed land to not amount to inappropriate development, it must, in order to accord with this exception, also 'not have a greater impact on the openness of the Green Belt than the existing development'.
6. To the front of the building is a grassed area, which is accessed via a tarmac drive, located between Nos 213 and 215 Soothill Lane. The site has on one side a small paddock in which, at the time of my site visit, a horse was grazing, and to the other, residential development. Agricultural fields are located to the rear.
7. The proposal would be partially on the site of the previous building, close to, and parallel to the rear boundary. As it would no longer wrap around one corner of the site, it would be more compact than the existing building. However, whilst there would only be a limited increase in the volume of the proposal, the building would have a greater depth. This increase, and the change in footprint, would increase the prominence of the building, particularly as it would bring the development further forward, closer to Nos 213 and 215.
8. In combination with this would be the turning and parking areas located to the front of the site. At present this area is grassed. This would encourage the parking of vehicles across the site. Therefore, in spatial terms, the proposed development of this site would have an adverse effect on the openness of the Green Belt.
9. The stables are 3.2 metres in height. The proposed dwelling would be 3.5 metres, with the building dug into the ground by 0.4 metres, which the appellant considers would result in an overall reduction in height. The proposal, whilst lower in height, would overall be taller than the existing stables and so would cause some visual harm to the openness of the site.
10. Changing the site from stabling to a domestic dwelling, would also result in a more intensive form of development. Despite the access route into the site, I saw no vehicles relating to the current use of the site as stables. Nor were there any other horse related goods to the front. Therefore, it has not been demonstrated that the paraphernalia on this site would be comparable to some other stable sites, or a future dwelling. Moreover, a new dwelling would likely result in regular vehicle movements, combined with an increase in activity within the site, and the domestic paraphernalia that would result from permanent occupation.
11. The stables are also likely to be largely dark at night, whereas a new house, despite the limited windows proposed, would as a result of lighting and the use of the building, be more visible than the present use. Therefore, collectively, the creation of a permanent residential use, would have an effect on the openness of the Green Belt in this location, in visual terms.
12. Consequently, the proposal would not meet the Green Belt exception listed within paragraph 149 g) of the NPPF. It would also not accord with Policy LP 59 of the Kirklees Local Plan Strategy and Policies, 2019, which amongst other things, seeks to ensure that the existing footprint of development is not exceeded.

Other considerations

13. The Framework confirms that the Government attaches great importance to Green Belts. Substantial weight should be given to any harm to the Green Belt, and I have found that the proposal is inappropriate, having a greater impact on openness than the existing development. This moderate harm to the openness of the Green Belt must therefore receive substantial weight.
14. The Framework confirms that inappropriate development should not be approved except in very special circumstances. It goes on to confirm that very special circumstances 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. No other considerations have been advanced in this case that outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
16. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR