



Appeal Decision

Site visit made on 21 February 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/X4725/W/22/3308217

Haggshill Farm, Haggs Hill Road, Ossett WF5 0NR

- 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 Miss Jessica Brunt against the decision of Wakefield Council.
 - The application Ref 21/02823/FUL, dated 20 October 2021, was refused by notice dated 20 April 2022.
 - The development proposed is described as "Change of use is required from agricultural land (Horse Grazing) to a secure fenced Doggy Daycare facility with 2x portable cabins on site."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that plans entitled "Site Location Plan – Haggs Hill Farm, Queens Drive, WF5 0NR" and "Proposed Site Plan", originally submitted with the planning application, were subsequently superseded and did not form a part of the suite of plans on which they based their decision. On this basis, I have determined the appeal without regard to them.
3. A dog day care facility is on site. There is some disparity between that which is on site and the development shown on the plans as the appearance of some sections of erected fencing differs, whilst there is a timber shed in situ which is not on the plans. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issues

4. The main issues are:
 - Whether the development amounts to inappropriate development in the Green Belt having regard to the National Planning Policy Framework (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; 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

5. The appeal site was formally agricultural land and forms a part of a larger expanse of land to the east of Ossett which is mostly free of built development. Queens Drive borders the site to the north and to the west is an access road beyond which there is a field which separates the site from the built-up parts of Ossett.
6. Policy CS1 of the Wakefield Local Development Framework Core Strategy, 2009 (CS) states that development proposals within the Green Belt will be required to conform with national, regional and local development framework policies. On the basis of the evidence before me, no other development plan policies which relate to the Green Belt are of particular relevance to the appeal.
7. 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.
8. The Council contend that the development constitutes a material change in the use of land, and I have no reason to disagree. Paragraph 150 of the Framework sets out that such a change of use would not be inappropriate development in the Green Belt provided that the openness of the Green Belt would be preserved and provided there would be no conflict with the purposes of including land within it.
9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. In the proposal, an area of land would be enclosed by fencing and although previously there may have been 1.2m high fencing on the site, at 1.8m in height, much of the proposed fencing would be higher. I acknowledge that the mesh design of the fencing would allow for views through it but, even so, at such height and erected for the considerable stretches proposed, it would nevertheless create a substantial enclosing effect upon the land. It may also be that on an adjacent football field a higher fence has been approved, but the full details of that scheme are not before me and, therefore, I cannot make accurate comparisons between the details of that case and the appeal scheme. In such circumstances the fence at the football field is not a strong influence upon my decision.
10. Moreover, measuring approximately 10m in length, 3m in width and 2.6m in height, the two cabins proposed would be quite significant built additions to the land both in terms of their floor area, and thereby land-take, and mass. Although smaller in scale, the reception outbuilding is a third building proposed, and other paraphernalia associated with the change of use such as play equipment for the dogs or a picnic table, which were present during my visit, would add to the totality of features introduced onto the land that would result from the development.
11. A dedicated staff parking and customer drop-off point would be formed beside the road which borders the site to the north. Therefore, the proposal would also

allow for the presence of parked vehicles on the land, albeit this would be for temporary periods.

12. Trees and hedgerow do line the pavement beside the site to the north whilst no landscape features may have been, or are proposed to be, removed as part of the development. However, there are gaps within this planting which permit views through to the site and, during the months of the year when not in leaf, the planting would only filter rather than comprehensively screen views of the development. Furthermore, other boundaries of the site do not have similar landscaping and are far more open in character. As a result, there are vantage points such as from Queens Drive where the development would be clearly visible and the incursion into otherwise open land would be readily apparent.
13. As a result of the combination of these factors, the openness of the Green Belt would be reduced. One of the five purposes of Green Belt designation is to safeguard the countryside from encroachment. As the site forms a part of fields to the east of Ossett and is set away from the existing built-up parts of the settlement, the buildings, fencing, parked vehicles and paraphernalia associated with the development would result in such encroachment. Therefore, the development would not preserve the openness of the Green Belt and would conflict with a purpose of including land within it. Consequently, the development does not constitute one of the exceptional forms of development set out at paragraph 150 of the Framework nor, in turn, under the provisions of Policy CS1 of the CS, and amounts to inappropriate development in the Green Belt.

Character and appearance

14. Beside the site and serving an access road are a set of access gates with sections of palisade fencing adjacent. However, aside from these features, the appeal site is set amongst agricultural land partly enclosed by quite low timber fencing with the grassland, hedges and trees providing for a verdant character.
15. The two cabins proposed are portable cabin type buildings. Being box-like in shape they would have a temporary and utilitarian appearance. The submitted plans and application form propose that the fencing would be constructed in a combination of timber and metal, with a powder coated finish in a semi-gloss black. This material finish and the mesh design of this enclosure would be dissimilar to the simple timber fencing which prevails in the area. I therefore find that the design and appearance of these features would appear unsympathetic, jarring with the otherwise open and verdant character of the land the site is situated within.
16. Furthermore, paraphernalia associated with the proposed use of the land such as play equipment and seating on site, together with the intermittent stationing of vehicles at the roadside would contribute further to the visual effects of the development. Collectively, these buildings and features would fail to represent high quality design, result in a harmful intrusion into what would otherwise be open countryside and, in turn, harm the character and appearance of the area.
17. For these reasons the development would conflict with Policy CS10 of the CS and Policy D9 of the Wakefield Local Development Framework Development Policies Document, 2009. In summary, and amongst other matters, those policies seek to ensure that development is of a high quality of design, which

would be appropriate to the location, and which would respect and where appropriate enhance local character.

Other considerations

18. The development would provide a service to the community, providing dog owners with a day-time dog care facility and, I acknowledge that this may take place at a time when, following the COVID-19 pandemic, dog ownership levels may be high. The business may also be well recognised and appreciated within the community and attract some visitors. The service provided, together with its contribution to the economy and the provision of employment, including work experience opportunities, would each be benefits of the development. I also appreciate that this would be taking place during a period of economic recovery from the COVID-19 pandemic.
19. I accept that the scale of the dog day care enterprise may not be large and full capacity may often not be reached. However, this does not alter my findings within the main issues that the development proposed would amount to inappropriate development within the Green Belt, reduce its openness, and harm the character and appearance of the area.
20. The appellant submits that the access and parking arrangements for the development are acceptable in highways terms and, likewise, so too the effects of the development upon the living conditions of local residents, in part due to their noise management strategy. I note that the Council did not refuse the development on either living condition or highways related grounds, and I have no reason to disagree. However, that the development may be acceptable in these regards is a neutral factor in my determination.
21. The appellant makes reference to the licensing of dog day care, however, this is a separate regime to the planning process and therefore has very limited bearing upon my decision. The appellant also refers to submitting further drawings, however, no such drawings have been submitted and, regardless, the scheme which I determine should essentially be that which was considered by the Council and on which interested people's views were sought.
22. I am also mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. Consequently, I can only afford limited weight to any potential personal and financial ramifications which may be the outcome of my decision.

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 cause harm to the openness of the Green Belt. This harm receives substantial weight. Further harm would be caused by the development to the character and appearance of the area. 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. The development is, consequently, contrary to Policy CS1 of the CS which, amongst other matters, requires development proposals to accord with national policy on Green Belt land.

25. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR