



Appeal Decision

Site visit made on 4 April 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/A4710/W/22/3311800

5 Clough Head, Harper Royd Lane, Sowerby Bridge HX6 3QH

- 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 A Regan against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/01580/FUL, dated 7 December 2021, was refused by notice dated 2 November 2022.
 - The development proposed is demolition of existing buildings to facilitate development of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's assessment of the proposal refers to the Replacement Calderdale Unitary Development Plan, adopted 2006. This has been superseded by the Calderdale Local Plan, adopted in March 2023 (the Local Plan). The Council's officer report referred to the Local Plan as emerging at the time. Its statement of case, which refers to the Publication Draft Local Plan, sets out that the emerging Local Plan has reached the stage where significant weight can be given to its policies. The adopted version is not materially different insofar as it is relevant to the main issues. The appellant's comments identify that they are aware of the adoption of the Local Plan and that they do not consider that the policies in the Local Plan alter the fundamental basis on which the appeal case has been put forward or the arguments that have been made. I have referred to the Local Plan in my decision.

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 and any relevant development plan policies, including the effect on the openness of the Green Belt; and
 - whether any 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

Whether Inappropriate Development and Openness

4. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. The Framework states that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects.
5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. Policy GB1 of the Local Plan sets out that new buildings are inappropriate in the Green Belt with certain exceptions which align with the Framework.
6. The exception at paragraph 149 g) of the Framework, and criterion I.f of Local Plan Policy GB1, allows for the limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or would not cause substantial harm to the openness of the Green Belt, where the development would re-use PDL and contribute to meeting an identified affordable housing need within the area. These development types do not require a consideration of whether a proposal would conflict with the purposes of including land in the Green Belt in assessing whether it is inappropriate.
7. There is no dispute between the two main parties that the proposed dwelling would not contribute to meeting an identified affordable housing need within the area. The second exception in paragraph 149 g) of the Framework and criterion I.f of Policy GB1 would not therefore apply.
8. There is some dispute between the parties as to whether the proposal would represent development on PDL.
9. There is no firm evidence that the outbuildings are temporary. The application form identifies the existing use of the site as residential. The outbuildings that would be removed are described as a garden shed, a greenhouse and a wooden structure with a canopy. The appellant describes the location of these outbuildings as being within the established residential grounds of the host dwelling and that they are for purposes ancillary to the host dwelling. The host dwelling is part of a terrace within a cluster of dwellings that line Harper Royd Lane. The Framework defines PDL in its Glossary as excluding "*land in built-up areas such as residential gardens*". The proposed dwelling would not be located within that part of the site where the outbuildings are. With these points in mind, I am not convinced that the proposal can be considered as the limited infilling or the partial or complete redevelopment of PDL.
10. However, even if I were to accept this, under the requirements of paragraph 149 g) and criterion I.f of Policy GB1, a new building would not be inappropriate development only if it would not have a greater impact on the openness of the Green Belt than the existing development.
11. The outbuildings can be seen from parts of Hollin Lane in proximity to the site and from stretches of the Public Right of Way (PRoW) to the north, with glimpsed views from Harper Royd Lane where it meets Hollin Lane. However,

the outbuildings are quite unobtrusive given their limited height and scale and allow for open views across the site to the surrounding countryside.

12. The proposed development would, by contrast, be a two-storey dwelling together with a parking area for two cars and a garden. Both main parties have presented figures for the size of the outbuildings and proposed dwelling. The appellant states that the footprint of the outbuildings is 75 square metres (m²) and gives figures of 80.3m² and 84m² for the footprint of the proposed dwelling. The appellant also refers to an existing concrete base covering a further 35m², although it is not clear from the evidence before me as to whether this would be removed as part of the proposed development. The Council states that the existing buildings occupy an area of 52m², and the proposed dwelling would occupy an area of 124m². The Council also identifies that the outbuildings have a height of around 2.5 metres and the height of the proposed dwelling would be approximately 7.3 metres.
13. While the proposed dwelling would not have a significantly larger footprint than the outbuildings based on the appellant's figures, it would nevertheless result in a built form that would be considerably larger than the development currently on the site in terms of its scale and massing. The proposed dwelling would be a more prominent feature in the surrounding area than the outbuildings. It would obstruct views of the countryside when viewed from certain vantage points including stretches of Hollin Lane and the PRoW. It would significantly diminish the openness of the Green Belt, in both visual and spatial terms, due to its scale and massing.
14. For the above reasons, the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would therefore be inappropriate development in the Green Belt and would be inherently harmful to it.

Other Considerations

15. At the time of determining the application, the Council could not demonstrate a five-year supply of deliverable housing sites, with both main parties identifying a two-year supply, which is a large shortfall. However, the Council's evidence sets out that the emerging Local Plan, now adopted, demonstrates the Council's five-year supply going forward, which has not been disputed by the appellant. On this basis, and in the absence of any evidence to the contrary, amongst other things, policies for the supply of housing are therefore up to date and thus the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply.
16. Nevertheless, the benefit of the scheme in terms of housing provision is relevant in terms of the second main issue in this appeal, to which I now turn.
17. In that context, I note the Government's objective of significantly boosting the supply of homes including from small sites as referred to in the Framework, and the proposed dwelling would contribute to the supply of housing. The proposal would also create employment during construction and additional residents that would support local shops, businesses, and community facilities. However, the weight that I can ascribe these benefits in terms of one dwelling is inevitably limited.

18. I note the letters of support, which state that there would be no adverse effects in terms of highways considerations, living conditions of nearby residents or the character and appearance of the area. While this may be the case, a lack of harm in other respects is effectively neutral in establishing whether very special circumstances exist. Although the proposal would remove the outbuildings, which it is contended may enhance the site, these buildings sit reasonably unobtrusively in the landscape.

Balance and Conclusion

19. The proposal would be inappropriate development in the Green Belt, which is by definition harmful. In line with paragraph 148 of the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness.

20. I have taken into account the aforementioned other considerations. However, inherent in my reasoning above in terms of 'other considerations', these do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposed development would therefore conflict with the requirements of Policy GB1 of the Local Plan and chapter 13 of the Framework which have been summarised above.

21. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations that indicate the decision should be made other than in accordance with the development plan and the Framework policies. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR