



Appeal Decision

Site visit made on 15 August 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 17th August 2023

Appeal Ref: APP/X4725/D/23/3317154

Cross Hills Farm, Goosehill Lane, Warmfield, Wakefield WF6 2JB

- 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 Dennis McGookin against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/00999/FUL, dated 9 May 2022, was refused by notice dated 16 December 2022.
 - The development proposed is described as 'Following a previous approved planning applications a new entrance and parking area was created at the property. An additional approved planning application created a new kitchen in the existing integral garage in the main house. This application is for a three bay wooden garage with a 'catslide' roof similar in style to the 'catslide' roof in the main house. The location would be on a section of the existing garden immediately behind the new parking area. The bays will be used for two family cars and new electric charging points will be installed in two of the bays. The third bay will be for storage of a tractor and trailer'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt;
- (ii) The effect of the proposal on the openness of the Green Belt;
- (iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances.

Reasons

Whether Inappropriate Development

3. The appeal relates to the generous garden area of Cross Hills Farmhouse, a Grade II listed building, which is located on the northern side of Warmfield Lane, and in the Green Belt. Although there are some houses in the locality, the surrounding area is rural, with a wider network of agricultural fields directly to the north and east of the site.
4. Policy CS1 of the Wakefield Local Development Framework Core Strategy 2009 (Core Strategy), and Policy D23 of the Wakefield Local Development Framework Development Policies Document 2009 (DPD) both reflect and require conformity with national policy when assessing development proposals

in the Green Belt. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One exception is c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. The main parties do not dispute that the proposal constitutes a new building in the Green Belt rather than an extension. My site observations confirmed that it would be positioned to the eastern side of the site and separated from the main house by a number of mature trees, some timber picket fencing as well as an extensive garden area. Given the degree of separation and lack of a close physical relationship with the main house, it would not appear visually grouped with this building. As such, I am satisfied that it would not be an extension to a dwelling for Green Belt purposes.
6. Accordingly, exception (c) of paragraph 149 of the Framework and the exception relating to extensions or alterations to existing dwellings in Policy D23 of the DPD do not apply. The proposal would also not fall within any other exceptions stated in paragraph 149 of the Framework. It would therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

Openness

7. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.
8. The footprint and volume of the proposed development would give rise to a spatial loss of openness on the site as it results in development where there was previously none. Whilst some views of it from the public domain would be filtered by mature trees and shrubbery, its form, bulk and massing would still be readily apparent from the Warmfield Lane highway. This, along with the increased area of proposed hardstanding would be visually harmful to the openness of this part of the site. The proposal would therefore reduce the openness of the Green Belt in both visual and spatial terms.

Other Considerations

9. The appellant's appeal submissions predominantly focus on heritage matters. However, the Council has not raised any objections to the impact of the proposed development on the setting of Cross Hills Farmhouse which is a Grade II listed building. I have had special regard to the statutory duty to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. Given the size, scale and design of the proposal along with the degree of separation and limited intervisibility between it and this listed building I am satisfied that it would preserve those interests. Nevertheless, the absence of harm in this respect would be neutral in the overall Green Belt balance.

10. It has been put to me that parking to the rear of the property has ceased in order to prevent the blocking of a right of way. However, the listed building has undergone a number of renovations including a new access and hard surfaced area which is currently being used for parked cars off Warmfield Lane. There is also little before me to indicate that an electric charging point could not be provided without the proposed development. Nor has it been substantiated that the proposal is the only practical means of ensuring the security of the site. These factors therefore limit the weight that I can attribute to these matters in favour of the proposed scheme.
11. I do not have the full details of the suggested additional planting and landscaping before me, and I therefore cannot be sure that it would provide effective mitigation, especially in the winter months when trees would not be in leaf. I am also mindful that submitted historical photographs indicate that a structure once occupied a similar position to the proposal. However, this building no longer forms a part of the local context. As such I attribute very little weight to these factors.
12. The appellant has referred to there being numerous other properties in the vicinity that have large brick-built garages in the Green Belt. I am also informed that permission has been granted for 5 new dwellings on land at the corner of Warmfield Lane, 2 new houses at the site of the former Pineapple Public House, and the development of a caravan site/scrapyard backing onto Boundary Lane. However, on the evidence presented I cannot be certain that any of these represent a direct parallel to the proposal. They therefore also carry very little weight.
13. The lack of objections from the Council's Conservation Officer, District Councillors and the Parish Council have also had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Green Belt balance

14. The proposal is inappropriate development in the terms set out by the Framework and results in a harmful loss of openness to the Green Belt. The Framework requires me to give these collective harms substantial weight. Even when taken together, the benefits of the scheme, referred to above, carry only limited weight. These other considerations do therefore not clearly outweigh the substantial harm I have identified due to inappropriateness and loss of openness. Consequently, the very special circumstances required to justify the proposed development have not been demonstrated. As a result, the proposal conflicts with Core Strategy Policy CS1 as set out above, and with Section 13 of the Framework which seeks to protect Green Belt land.

Conclusion

15. The appeal scheme consequently conflicts with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR