



Appeal Decision

Site visit made on 5 September 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/X4725/W/23/3315307

Former Yorkshire Water, Spa Street, Osset WF5 0HW

- 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 John Brooksbank against the decision of Wakefield Council.
 - The application Ref 22/01598/FUL, dated 11 July 2022, was refused by notice dated 4 November 2022.
 - The development proposed is a material change of use sui generis to B8 storage for builders storage yard.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 its effects on the openness of the Green Belt and the purposes of including land in it;
 - the effect of the proposal on the character and appearance of the area; 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

3. 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.
4. Paragraph 150 e) of the Framework allows for material changes of use of land provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Policy D23 of the 2009 adopted Wakefield Local Development Framework Development Policies Document (the DPD) allows for proposals for redeveloping existing uses within the Green Belt only if very special circumstances can be demonstrated or the proposal meets the criteria set out in national planning policy.

5. While the appellant's evidence sets out that the site had structures and infrastructure in place associated with the operation of the nearby sewage treatment works, there are only very limited details before me and there are currently no buildings on the site. The site has a compacted surface that has started to revegetate in places. Although there is a palisade fence along the western and southern boundaries of the site and a metal mesh fence on its north boundary, these nevertheless allow for a degree of visual permeability through the site. The site is open along its eastern boundary, with the M1 sitting further to the east at a slightly elevated level.
6. While I note the appellant's comment about the low quantities of material he proposes to store, I am mindful that what is being sought is a B8 storage use. Consequently, it cannot be ruled out that at least some of the materials would be large or bulky items.
7. In terms of the spatial aspect of openness, the erosion of three-dimensional space arising from the storage of items on land which is presently essentially open would of itself result in an erosion of openness.
8. The fencing, combined with the existing and proposed planting along the boundary facing towards Spa Street, would provide some screening of the materials when viewed from public vantage points here. However, such screening would be markedly reduced during winter months when the trees are not in leaf. Some views into the site may be possible from the upper windows of the nearest properties albeit at some distance. Views into the site would be likely from the M1 due to its elevated position although these would be transient views. The proposal would therefore be visible from certain vantage points. Consequently, it would result in a visual as well as spatial reduction in openness.
9. The proposal would be seen in the context of existing nearby developments including the adjacent industrial unit and associated parking area and the structures at the sewage treatment works. However, the nature of the proposed use is such that the site would have a more urbanised and developed appearance. Therefore, the proposal would not assist in safeguarding the countryside from encroachment. Consequently, it would conflict with this Green Belt purpose.
10. While noting the appellant's contention that the proposal would assist in urban regeneration by encouraging the recycling of derelict and other urban land, this would not overcome the conflict identified above.
11. Although the extent of the impact in relation to spatial and visual openness and encroachment into the countryside would be limited, nevertheless, the openness of the Green Belt would be eroded. Consequently, the proposal would not fall within the exception in paragraph 150 e) of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt and would be inherently harmful to it.

Character and Appearance

12. The site adjoins or is close to other industrial and commercial developments, such as the large industrial building and parking area just to the north where I observed HGVs and storage containers, and those further to the south on Spa Street. These industrial and commercial uses are clearly visible in views of the

site. I appreciate that there is also a field between the site and Spa Street and a small number of residential properties nearby. Even so, the proposal would not appear unacceptably incongruous in its setting.

13. I therefore conclude that the proposal would not unacceptably harm the character and appearance of the area. Consequently, it would not conflict with Policies D8 and D9 of the DPD where they require proposals to protect landscape character, respect the character of the locality and provide a quality setting within the development. There would also be no conflict with the design objectives of paragraph 130 of the Framework.

Other Considerations

14. The proposal would have some limited benefits through supporting an existing small business to increase the re-use of materials. I give this benefit commensurate weight. The proposal would make use of an unused site on the edge of a settlement which I afford limited weight to.
15. The appellant states that the proposal would allow a wildlife corridor to be extended including through the planting of additional trees. While this may be considered as a benefit, the evidence before me on what is proposed is limited. Consequently, I am unable to establish the scale of any environmental benefits. Therefore, I attribute this matter a limited amount of weight.

Balance and Conclusion

16. Although the proposal would have a limited degree of impact on the spatial and visual openness of the Green Belt and would encroach into the countryside to a limited extent, it would nevertheless constitute inappropriate development, which is by definition harmful. In line with paragraph 148 of the Framework, substantial weight is attached to any (my emphasis) harm to the Green Belt.
17. 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. It would therefore conflict with the requirements of Policy D23 of the DPD and chapter 13 of the Framework as summarised above.
18. The Council refers to Policy CS10 of the 2009 adopted Local Development Framework Core Strategy and Policy D9 of the DPD in its first reason for refusal. The criteria in these policies are not specific to Green Belt matters. Consequently, I do not consider them relevant to that issue, although this does not alter my findings.
19. Although I have found no unacceptable harm to the character and appearance of the area, this would not outweigh the harm I have found to the Green Belt. Accordingly, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson BSc (Hons), MRTPI

INSPECTOR