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# Appeal Decision

Site visit made on 26 September 2023

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 October 2023**

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**Appeal Ref: APP/X4725/D/23/3327504**

**29 Broad Cut Road, Calder Grove, Wakefield WF4 3DS**

- 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 Mrs Kay Coxon against the decision of Wakefield Metropolitan District Council.
  - The application Ref 22/02337/FUL, dated 16 November 2022, was refused by notice dated 17 May 2023.
  - The development proposed is described as 'Shed/storage/'Mancave'.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The development applied for has been carried out.

## Main Issues

3. The main issues are:
  - (i) Whether the development is inappropriate development in the Green Belt;
  - (ii) The effect of the development on the openness of the Green Belt and the character and appearance of the area;
  - (iii) If the development is inappropriate development, 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*

4. The appeal relates to a large 'L' shaped detached prefabricated building that is sited at the eastern end of 29 Broad Cut Road's long rear garden area. No 29 is an end property in a small terrace of 5 dwellings that are situated adjacent to the Calder and Hebble Navigation broad inland waterway. The surrounding area is in mixed use, with the Navigation Inn public house located on the opposite side of Broad Cut Road, and an industrial storage yard situated directly to the north. The appeal site also lies within the Green Belt.
5. Policy D 23 of the Wakefield Local Development Framework Development Policies Document 2009 (DPD) seeks to protect the Green Belt in Wakefield in line with national planning policy.

6. 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.
7. The development is separated from the dwelling at No 29 by an extensive garden area. According to the Council's uncontested measurements this is approximately 24 metres in distance. At the time of my site visit there was also a temporary board in place that blocked any access route from the garden to the development. Indeed, the development's only openings are a set of double doors and a small window which do not front this garden area. They are positioned adjacent to the area of fencing that encloses the eastern end of the site, and a gateway that is accessed via the car parking area to the rear.
8. In light of the above, and the degree of separation and lack of a close physical relationship with the dwelling house, the development does not appear visually grouped with this building. As such, I am satisfied that it is not an extension or alteration to a dwelling for Green Belt purposes.
9. Accordingly, the development does not satisfy the exception (c) of paragraph 149 of the Framework and the exception relating to extensions or alterations to existing dwellings in DPD Policy D 23. The development does also not fall within any other exceptions stated in paragraph 149 of the Framework. As a result, it constitutes inappropriate development which is, by definition, harmful to the Green Belt.

#### *Openness and Character and Appearance*

10. 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.
11. The footprint and volume of the development gives rise to a spatial loss of openness on the site as it results in development where the appellant's photographs show that there was previously none.
12. I appreciate that the immediate context includes several sheds and outbuildings, most notably in the neighbouring storage yard. I also recognise that these buildings vary in size, scale and materials. Nonetheless, the appeal development sits approximately 1 metre above ground floor level, for flood protection purposes. The majority of its footprint also spans the full width of the plot, which in combination with its size, form and raised height appears as a bulky and conspicuous feature, particularly when viewed from the south. This impact is compounded by the use of dark grey cladding, which contrasts with the much lighter colour of neighbouring buildings, thereby drawing the eye, and further accentuating its visual prominence.
13. My site observations confirmed that the discordant nature of the development is prominent from a number of public vantage points, including from gaps in the vegetation along the nearby towpath and the adjacent car parking area to

the south and east. It would also be clearly visible from the first-floor windows of several houses in the vicinity.

14. The development therefore reduces the openness of the Green Belt in both visual and spatial terms and causes harm to the character and appearance of the area. It thereby conflicts with Policy CS 10 of the Wakefield Local Development Framework Core Strategy 2009 and DPD Policy D 9. Amongst other matters, these seek high quality design and to raise the quality of the built environment, having regard to their distinctive local characteristics. It also does not accord with the design objectives of the Framework, as advised in Section 12. However, as I have found that the development is not an extension or alteration to a dwelling DPD Policy D 10 is not applicable.

### **Other Considerations**

15. Whilst I am mindful that both main parties have referred to permitted development rights in their evidence, there is no certificate of lawful development to this effect and no plans of such schemes before me. Therefore, given this uncertainty the appellant's suggested fallback position only attracts very limited weight in the overall Green Belt balance.
16. It has also been put forward that the development does not have an overbearing or adverse impact on the residential amenity of the occupiers of neighbouring properties and that it retains a functional sized garden. However, the absence of harm in these respects is not a factor that weighs in the scheme's favour.

### **Green Belt balance**

17. The development 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. I have also found the development to cause harm to the character and appearance of the area. The harm to the Green Belt and character and appearance of the area is not clearly outweighed by the other considerations above and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. As a result, the proposal conflicts with DPD policy D 23 and with Section 13 of the Framework which seek to protect Green Belt land.

### **Conclusion**

18. 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. As such, I conclude that the scheme is not sustainable development for which the Framework indicates there should be a presumption in favour. The appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR