



Appeal Decision

Site visit made on 19 September 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2023

Appeal Ref: APP/X4725/W/23/3320611

Paddock adjacent to No. 58 George Lane, Notton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Mirfin against the decision of Wakefield Council.
 - The application Ref 22/02509/OUT, dated 1 December 2022, was refused by notice dated 9 March 2023.
 - The development proposed is the erection of 10 new build residential units, with all matters reserved apart from access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with approval of access sought. Detailed matters relating to layout, appearance, landscaping and scale are reserved for future consideration. I have determined the appeal on this basis, treating supporting plans as illustrative.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; 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

4. Paragraph 147 of the 2023 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. Policy CS1 of the 2009 adopted Wakefield Core Strategy (the CS) states that in the Green Belt, development will conform to national policies, while Policy CS3

- only allows development of a very limited scale in the Green Belt where it conforms with national policy.
6. 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.
 7. The exception at paragraph 149 e) of the Framework allows for limited infilling in villages. Assessing a proposal against Paragraph 149 e) requires consideration of whether the proposal would be in a village; whether it would represent infilling; and, if so, whether that infilling would be limited.
 8. There is no dispute between the main parties that Notton is a village, and I have no reason to take a different view. The appeal site lies outside but adjacent to its defined settlement boundary. However, against the background of the various appeal decisions and case law¹ cited by the appellant, while a village boundary defined in the development plan is a relevant consideration, it would not necessarily be determinative in concluding whether a site is located within a village. Rather, an assessment of whether the proposal would meet the exception in Framework paragraph 149 e) is a matter of planning judgement, having regard to the situation 'on the ground'.
 9. When leaving the village in a westerly direction, due to the bend in the road and the sloping topography, the site is seen in the same context as the dwellings opposite. There are a number of properties further to the west along George Lane comprising a farm and several dwellings. Their dispersed nature together with the presence of agricultural buildings contribute to the semi-rural character of the area. However, combined with the village entrance features to their western boundary, and the street lighting, this collection of properties defines a transition from open countryside to a more built-up area. There are breaks in the built form between this collection of properties and further along George Lane towards the village which afford views of open countryside. However, in such views, the dwellings on George Lane which sit on the western edge of the village opposite the appeal site can be clearly seen and the street lighting continues as a consistent feature.
 10. Within this context, irrespective of the different character and density of the group of buildings to the west compared to that within the settlement boundary, in my judgement, and for the purposes of this appeal, the site is located within the village of Notton.
 11. The site consists of open grassland which the application form describes as a paddock. There are dwellings to the east and south and just beyond part of its northern boundary. Its western boundary abuts open land.
 12. Although the proposal is in outline, the appellant has submitted an indicative plan which shows how the dwellings could be arranged on the site. Access, the details of which are under consideration, would be in the North West corner. The access road is indicated as running along the western boundary then to the South East corner of the site. Two detached dwellings are illustrated sitting one behind the other between the access and the dwelling at 58 George Lane, with four pairs of semi-detached properties on both sides of the access.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610; Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195; appeal references APP/R0660/W/16/3156493 and APP/B3438/W/18/3214689

13. Policy D1 of the 2009 adopted Wakefield Development Policies Development Plan Document (the DPD) states that in small settlements not within the Green Belt and within the infill boundary of Green Belt settlements, housing proposals shall be limited to meeting identified local needs where it comprises, amongst other things, closing a small gap in an otherwise built-up frontage to an existing road.
14. While the northern most part of the site would front onto the road, given the extent of the space between the built form, development here would not close a small gap in an otherwise built-up frontage.
15. The terms 'infilling' and 'limited' for the purposes of paragraph 149 e) are not defined in the Framework. The concept of limited infill development referred to in paragraph 149 e) may be wider than development occupying a small gap in an otherwise built-up frontage; it could include development within the confines of a group of buildings. Nonetheless, this has to be interpreted in the context of the overall aim of Green Belt policy, which is to preserve the openness of the Green Belt, as well as the specific circumstances of the site.
16. The proposed development would extend to the west beyond the defined built extent of the settlement. The site could be described as lying between buildings. However, the gaps in between the built development that is present are varied, some extensive and irregular. The surrounding built development to the south and west would not be read as being directly adjacent to the site, with a clear visual and spatial gap remaining. Development at the site would not in my view logically complete the pattern of development here.
17. The reference to 'limited' in exception e) of paragraph 149 requires a consideration of the nature and size of the development itself, as well as the overall aim of Green Belt policy, which implies minimising the loss of significant open gaps or areas. The provision of 10 dwellings would be a moderately sized development in the context of the size of the settlement. Furthermore, the proposed development would comprise 10 dwellings across a site that has a notable open aspect in the area.
18. I note the appeal decisions highlighted by the appellant. In one case² the Inspector states that what would or would not constitute limited infill, will itself vary on a case-by-case basis. In the other scheme³, the site appears as more enclosed by built development than is the case here, and so I do not find this scheme to be directly analogous. In any event, I have evaluated this appeal proposal on its individual planning merits.
19. For the stated reasons, I find that the proposal would not constitute limited infilling, notwithstanding the residential nature of the area. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt. As such, it would, by definition, be harmful to the Green Belt.

Openness and Green Belt Purposes

20. The proposal would be located on open land where there is currently no development. In spatial terms, this would have a clear effect on the openness of the Green Belt by introducing built development to land which is presently open.

² Appeal reference APP/B1930/W/19/3225543

³ Appeal reference APP/R0660/W/17/3170279

21. Additionally, given the site's prominent position, the development would be conspicuous when viewed from George Lane and nearby properties, where it would obscure views of the countryside from certain vantage points. This would give rise to an appreciable erosion of the visual openness of the Green Belt.
22. The proposal would result in urbanising development through the built form but also the domestic paraphernalia and activities that would be associated with its residential nature. This would have something of an encroaching effect that would undermine the purpose of the Green Belt in assisting in safeguarding the countryside from encroachment. I acknowledge the appeal decision⁴ highlighted by the appellant where the Inspector concluded that the proposal would not result in encroachment by virtue of being read as part of the village. While that may have been the case with that scheme, given the particular locational circumstances here, and for the reasons given, in my judgement, there would be an encroaching effect.

Other Considerations

23. The proposal would contribute to the supply of housing which would be consistent with the Government's objective to significantly boost the supply of homes. The appellant identifies that a minimum of three of the dwellings would be affordable which tallies with the Councils identified requirement, although there is no mechanism before me to secure this. However, I do not afford such benefits very significant weight in the context of the limited services and facilities in Notton.

Balance and Conclusion

24. The proposal would be inappropriate development in the Green Belt. I attribute substantial adverse weight to this matter. There would also be conflict with one of the purposes of the Green Belt.
25. I conclude that the harm by reason of inappropriateness in the Green Belt, and the conflict with one of its purposes, would not clearly be outweighed by the other identified considerations so as to amount to the very special circumstances required to justify the proposal. The proposal would conflict with the requirements of Policies CS1 and CS3 of the CS, Policy D1 of the DPD and section 13 of the Framework as summarised above.
26. The Council has referred to paragraph 9.3 of Policy CS10 of the CS in its reason for refusal. This states that open space, recreation facilities and the openness of the Green Belt also improves the quality of life for district residents and needs to be protected and improved through LDF policies. Policy CS10 itself does not set out criteria directly related to the Green Belt. I do not therefore find this to be relevant although it does not alter my conclusions.
27. For the stated reasons, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

⁴ Reference APP/B3438/W/18/3214689