



Appeal Decision

Site visit made on 4 December 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/A4710/W/23/3320622

Land Rear of Raldan, Bradshaw Lane, Bradshaw, Halifax, Calderdale HX2 9XB

- 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 David Hoey against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/00284/OUT, dated 23 February 2022, was refused by notice dated 2 February 2023.
 - The development proposed was originally described as erection of self sufficient earthship house on land adjacent 19a Bradshaw Lane.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site address in the heading above from the Council's decision notice, and added the postcode from the application form and appeal form, as this provides a more accurate reflection of the site location.
3. This is an outline application with means of access and layout to be considered. Appearance, landscaping, and scale are reserved matters for future approval. I will proceed on the basis that details shown on the submitted drawings in respect of matters that are reserved for future approval are for illustrative purposes.
4. Since making its decision, the Council has adopted the Calderdale Local Plan (2023) (LP). Policy GNE1 of the Replacement Calderdale Unitary Development Plan (adopted 2006, amended 2009), referred to in the reason for refusal, therefore no longer forms part of the adopted development plan. I have considered the appeal accordingly. The adoption of the LP is confirmed in the Council's statement, and the appellant has had the opportunity to respond at final comments stage.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.

- 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

6. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. This is also reflected in LP Policy GB1.
7. The appellant has not suggested that the development meets one of the exceptions. Given the distance to Bradshaw Lane and nearby dwellings, I agree with the Council that the appeal site does not form part of a continuous frontage and would not sit in a gap between existing development such that it could be considered infill.
8. Accordingly, the proposal would not fall under any of the exceptions listed in the Framework and LP Policy GB1. The proposal would therefore be inappropriate development in the Green Belt, having regard to paragraph 149 of the Framework and LP Policy GB1.

Openness

9. Paragraph 137 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The appeal site is an area of sloped open grass land. It is located behind the dwellings situated along Bradshaw Lane and there are also dwellings towards the north. The site benefits from an existing access and there are currently buildings on the site. The Council has highlighted that some of the buildings do not benefit from planning permission.
11. A new dwelling, with associated domestic paraphernalia, would cause harm to both the visual and spatial openness of the Green Belt. Whilst appearance, landscaping, and scale are reserved matters for future approval, the appellant has provided indicative plans. A subterranean dwelling with a green sedum roof, in this location, would reduce the harm to the Green Belt. Nonetheless, views of particularly the front elevation of the dwelling would be visible from the public footpath situated to the east of the site. In addition, the proposal would encroach into an area currently free from development. For these reasons, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

Other considerations

12. The appellant has provided a sustainability statement and state that the dwelling would be highly innovative and exceptionally designed. They set out that the dwelling would be constructed from sustainable and recycled materials and would generate an individual supply of energy, manage a water supply whilst creating minimal waste. The appellant's case details features to be incorporated in the dwelling.

13. Only access and layout are being considered at this stage. Complete details of the features (such as rainwater harvesting techniques) would be provided at the reserved matters stage. Numerous of the proposed features are becoming more commonplace (such as solar PV panels, low energy white goods, low energy lighting, and green sedum roofs).
14. I recognise that even small-scale projects provide a valuable contribution to cutting greenhouse emissions¹, and LP Policy CC1 seeks to reduce greenhouse gases in order to mitigate climate change. Given the outline nature of the scheme, and based on the evidence submitted, I am not persuaded that the design of the development would be of exceptional quality in that it would be truly outstanding or innovative. For the reasons given above, and considering the holistic approach of the proposal and small-scale of the development, I attach limited weight to this consideration.
15. At the time of determining the application, the Council could not demonstrate a 5-year housing land supply. The Council has since adopted the LP which means that they can demonstrate a 5-year housing land supply. This has not been disputed by the appellant. The proposal would contribute to housing supply and would result in economic benefits. Nonetheless, given the scheme is for one dwelling and considering the Council's latest housing land supply position, I attach very limited weight to these benefits.

Whether very special circumstances exist

16. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would not preserve the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The other considerations relating to the design and environmental benefits are given limited weight. In addition, I give very limited weight to the housing supply and economic benefits. When drawing this together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The scheme would therefore conflict with Policy GB1 of the LP and chapter 13 of the Framework, which seek to protect the Green Belt, and the proposed development would amount to inappropriate development in the Green Belt.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR

¹ Paragraph 158 of the Framework