



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/23/3324752

Willow Farm, Lower Ox Heys, Norwood Green, Halifax HX3 8QX

Grid Reference Easting 413659, Grid Reference Northing 427017

- 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 A Wormald against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/01343/FUL, dated 9 December 2022, was refused by notice dated 28 February 2023.
 - The development was originally described as proposed agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since making its decision, the Council has adopted the Calderdale Local Plan (2023) (LP). Policies GNE1 and BE1 of the Replacement Calderdale Unitary Development Plan (adopted 2006, amended 2009), referred to in the reasons for refusal, therefore no longer form 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

3. 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.
 - The effect of the proposal on the character and appearance of the area.
 - 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 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section

- a) of that paragraph a new building for agriculture and forestry would not be inappropriate. This is also reflected in LP Policy GB1.
5. The appellant owns 2 hectares of land to the north and west of their dwelling. They state that the building would principally be used to store a tractor and collector; trailer; mini digger; and general tools and equipment. A letter sets out that the site forms part of Willow Farm, and is used as grazing land associated with the farm's established agricultural practices.
 6. No agricultural holding number or county parish holding number has been provided. Furthermore, no substantive evidence has been provided to demonstrate that the site forms part of an agricultural business or that there is livestock or any other farming activities taking place at the site. Whilst there is no policy requirement for such evidence and the Framework and LP do not set out any limiting criteria relating to size, there is a lack of information to robustly demonstrate that the proposed building would be for agriculture.
 7. The building would be largely used for storing maintenance machinery and equipment, and no information has been provided to detail what purpose they serve. The scale of the building would be excessive considering the stated use and size of the land associated with the appeal site. Based on the evidence presented and reasons given above, I am not satisfied that the proposed building would be for agriculture.
 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.
 9. The Council have provided an extract from an appeal decision. I have not been provided with a copy of this decision or a reference number so I cannot establish whether the circumstances of the case are directly comparable to the appeal before me. In any event, I have considered the appeal proposal on its own merits.

Openness

10. 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. My attention has been drawn to a legal judgement¹. This has established that where development is found to be 'not inappropriate', it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. As I have found that the development would be inappropriate development these are relevant considerations to the scheme before me.
11. The proposed development would result in a substantial building being situated in a field which does not contain a building. There would be limited views of the building from public vantage points, including the Calderdale Way. This is due to the topography of the land, nearby outbuildings would provide some screening and distance between the proposed building and public vantage points.

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

12. The appellant asserts that the access is existing and serves an approved development for a building². I have limited information before me regarding that application. I observed on my site visit that, from the access track, there is an existing hard surfaced area which provides access to an outbuilding as well as the rear of Willow Farm. The proposal would extend from the existing hard surfaced area and result in an extensive area of permeable crushed stone.
13. Considering the proposal would encroach into an area currently free from development, the size of the proposed building and extensive area of permeable crushed stone, the scheme would cause harm to both the visual and spatial openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

Character and appearance

14. The proposed building would be of a simple design with a rectangular footprint and pitched roof. It would be constructed with green profile sheet metal cladding with blockwork to the lower level and a green aluminium roller shutter door to the south elevation.
15. The surrounding area is characterised by dwellings, outbuildings and open rural countryside. The design of dwellings and outbuildings vary but are generally in keeping with the rural character and appearance of the area. Dwellings are generally constructed of stone, whereas nearby outbuildings are constructed from a range of materials. Taking into account the characteristics of the local area, the building's simple design and proposed materials would be acceptable. In any event, materials could be secured by a planning condition.
16. The scale of the building and area of permeable crushed stone would be significant, especially in comparison to the nearby built development and considering the field does not contain an existing building. The siting of the building would also poorly relate to existing built development and surroundings. The building would not be located in a prominent position due to the topography of the land and distance to public vantage points with intervening built development, vegetation and fencing. Nonetheless, glimpsed views of the building would be possible from the Calderdale Way. For these reasons and considering my findings in relation to the first main issue, the building would constitute an incongruous feature and would fail to respect or enhance the character and appearance of existing buildings and surroundings.
17. Consequently, the proposal would cause harm to the character and appearance of the area, and would conflict with LP Policy BT1. This states that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness.

Other considerations

18. The appellant sets out that there is a need to provide secure storage facilities for the machinery. They state that it is not viable to keep the machinery outside because of security, and the building would ensure all machinery is kept in the best possible condition. It has also been suggested that the building would assist the appellant in managing their land and maintaining the Green

² 17/01525

Belt. It is unclear where the machinery and equipment are currently stored. Furthermore, the appellant currently maintains and manages the land without the building. Based on the evidence submitted, I give very limited weight to this consideration.

19. Support comments highlight a range of matters. These include that the proposal would not obscure any views for the residents of Lower Ox Heys or result in unacceptable noise, worked on Willow Farm, the appellant has adhered to rules and regulations and the buildings they have built have been acceptable. In addition, the appellant may want to cut the grass in the future, the suggestions the building would be changed into residential use are unfounded, and the proposal would create employment.
20. The absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. It is unclear how the proposal would create employment, other than during the construction process. I give very limited weight to the economic benefits given the small scale of the development. The other matters raised do not amount to a positive factor in favour of the scheme.

Whether very special circumstances exist

21. 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 and would cause harm to the character and appearance of the area. 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.
22. The other considerations relating to the need to provide storage facilities is given very limited weight. I also give very limited weight to the economic benefits of the development. When drawing this together, the other considerations advanced in support of the appeal do not clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the scheme would 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

23. 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