



Appeal Decision

Site visit made on 13 November 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/X4725/W/23/3324200

37 Darrington Road, East Hardwick, Pontefract WF8 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 James Ball against the decision of Wakefield Council.
 - The application Ref 23/00031/FUL, dated 8 January 2023, was refused by notice dated 6 April 2023.
 - The development proposed is for the change of use of vacant paddock land into residential garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. An updated version of the National Planning Policy Framework (the Framework) was published by the Government in December 2023. I have had regard to the updated version of the document in my consideration of the appeal.

Main Issues

4. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the Framework and the development plan policy;
 - The effect of the proposal on the setting of St Stephen's Church;
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether inappropriate development in the Green Belt

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special
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circumstances. Certain forms of development are, however, not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Paragraph 155 e) of the Framework includes material changes in the use of land. Policy CS 1 of the Local Development Framework Core Strategy (LDFCS) states that in the Green Belt development will conform to national policies relating to the Green Belt.

6. The appeal site is a paddock located immediately to the east of the residential garden of No 37 Darrington Road. Another paddock neighbours the appeal site to the south, a residential property to the east and a church to the north. There is a low rail fence that bounds the appeal site to the north, east and south. A taller fence separates the paddock from No 37's garden. The appeal site is seen in the context of open land between residential dwellings, to the south of St Stephen's Church.
7. The proposal includes the change of use of the paddock to residential garden for No 37 Darrington Road. Whilst the proposal does not include the introduction of new buildings on land, the use of the appeal site as garden area is likely to lead to the introduction of garden furniture, washing lines or play equipment and other domestic paraphernalia associated with its use. Such paraphernalia would have both a visual and spatial impact and would result in a limited loss of openness. I note that the appellant considers that the site could be enhanced through landscaping. However, this would only add to a more domestic appearance of the land, which would further affect the openness of the site. Given the scale of the development, the impact would be limited, but nevertheless would not preserve the openness of the Green Belt.
8. It is suggested that permitted development rights for incidental buildings and boundary treatments can be controlled by condition and I accept that is the case. However, such a condition would not restrict everyday domestic paraphernalia or landscaping which would not be considered 'development'. A condition would not therefore prevent such paraphernalia being brought on to the site.
9. Notwithstanding the location of the site in between residential dwellings, given the overall context in which the site is seen, the domestic appearance of the land that would result from the residential use would lead to encroachment into previously undeveloped land. This would be contrary to paragraph 143 of the Framework which identifies the five purposes of the Green Belt, and of which c) is to assist in safeguarding the countryside from encroachment.
10. Accordingly, taking all of this into account, the appeal proposal does not comply with the exception in the Framework paragraph 155 e) and would therefore be inappropriate development in the Green Belt, contrary to Policy CS 1 of the LDFCS and the provisions of the Framework.

Setting of non-designated heritage asset

11. The significance of St Stephen's Church is largely derived from its architectural interest, its age, its historic, prominent position within the village and its communal value. Accordingly, I agree with the Council's assessment of its status as a non-designated heritage asset.
12. The site is clearly within the setting of the church and its openness allows the building to be seen and appreciated from within the public realm. I understand

that the site was purposefully left open when the land around it was developed for housing, to allow views of the church. The open, undeveloped nature of the land also indicates the historic relationship between the church and the village, with open fields between. The site therefore currently makes a positive contribution to the significance of the heritage asset.

13. The change of use to residential garden would allow for domestic paraphernalia to be placed on land, as well as for the introduction of domestic planting. The appellant indicates that the field is mowed occasionally, but nevertheless it seems to me that the management of a domestic garden is likely to be more intense than that of a paddock. In addition, domestic activity on the site would be readily apparent. Whilst I understand the appellant does not wish to replace the existing fencing, which is low and open, I am unconvinced that would be the case in perpetuity as subsequent owners of the land might reasonably expect a degree of privacy within the garden.
14. Notwithstanding the difference in the land levels between the appeal site and the church, the change of use would be apparent. For the above reasons the character and appearance of the land would become domestic and potentially more cluttered and enclosed. Moreover, the historic context in which the non-designated heritage asset is experienced would be diminished. As such, although no buildings/boundary treatments are proposed, the proposal would diminish rather than preserve the positive contribution the site currently makes to the setting of the heritage asset and thereby to its significance.
15. I acknowledge that the houses have themselves been built in the setting of the church and have altered its context. However, to my mind that development serves to increase the spatial value of the site and the views of the church it affords. Given the nature of the proposal the scale of harm to the heritage asset would be limited. Nevertheless, as a result of the significance of the church, and the views of it from the public realm, that harm is not justified.
16. Therefore, I conclude that the change of use of the land to residential garden would result in an adverse impact on the setting of St. Stephen's Church. Consequently, the development would be contrary to Policy D19 of the Local Development Framework Development Policies (LDFDP), which seeks to protect buildings of local interest, including their setting.

Other considerations

17. The Framework states 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. I have not been provided with any other considerations that would outweigh the harm identified above.

Whether very special circumstances necessary to justify the proposal exist

18. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt and would be detrimental to the setting and significance of St. Stephen's Church. For the reasons set out above, very special circumstances do not exist, and the proposal would conflict with the Framework, Policy CS 1 of the LDFCS, and Policy D19 of the LDFDP.

19. There are no other considerations that indicate that permission should be granted contrary to the development plan.

Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative recommendation and on that basis the appeal is dismissed.

S. Ashworth

INSPECTOR