



Appeal Decision

Site visit made on 15 January 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2024

Appeal Ref: APP/A4710/W/23/3325788

Woodman Inn, Halifax Road, Hebden Bridge HX7 6PH

- 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 Richard Stenson of Stenson & Stenson against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/00677/FUL, dated 13 June 2022, was refused by notice dated 21 April 2023.
 - The development proposed is the demolition of the former Woodman Inn and the construction of five dwellings.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The planning application as originally submitted proposed the construction of six dwellings on the site. The scheme was amended before determination to become a development of five new dwellings. I have therefore used the description from the Council's decision notice and the appeal form in the banner heading above, as this reflects the scheme both as it was considered by the Council and as it is before me now.
3. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

4. I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site is the former Woodman Inn public house and its car park, which is set into the northern hillside of the River Calder valley on Halifax Road between the towns of Todmorden and Hebden Bridge. The proposed development is the demolition of the existing building and the construction of five new dwellings; a pair of semi-detached houses in the car park area towards the western end of the site, and three detached houses approximately on the footprint of the existing pub building towards the eastern end of the site. The entire site lies within the Green Belt.

Whether inappropriate development in the Green Belt; openness of the Green Belt

National and local policy on the Green Belt

6. The Government attaches great importance to Green Belts. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. Paragraph 154 states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Paragraph 154 g) provides for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, where it would not have a greater impact on the openness of the Green Belt than the existing development¹.
7. Policy GB1 of the 2023 Calderdale Local Plan ("the CLP") is very recently adopted and although it does not use precisely the same wording as the Framework the differences are minor. As far as determining this appeal is concerned, the policy is entirely consistent with national Green Belt policy set out in the Framework.
8. Neither the Framework nor Policy GB1 of the CLP define "limited infilling", but in my experience I consider that it generally refers to the filling of a small gap in an otherwise built-up frontage. I saw that there is a commercial building and its yard somewhere between 50 and 100 yards or so west of the appeal site on the same side of Halifax Road, and a group of dwellings a similar distance to the east. However, the appeal site's immediate neighbours are a heavily-vegetated embankment to the west, and an allotment site to the east. It is not a small gap within an otherwise built-up frontage, and the appeal scheme could not therefore be said to represent "limited infilling".
9. Previously developed land is defined in Annex 2 of the Framework as "land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure", although the Framework also notes that it should not be assumed that the whole of the curtilage should be developed. In fact, although the single reason for which planning permission was refused on the Council's decision notice described the proposal as encroaching onto "land which is in part currently free from buildings", the Council does not appear to dispute that the appeal site should be treated as previously developed land.

¹ A second possible exception under Paragraph 154 g) is where the development would not cause substantial harm to the openness of the Green Belt, would re-use previously developed land, *and* [my emphasis] would contribute to meeting an identified affordable housing need within the area of the local planning authority. There is no suggestion in the evidence before me that the appeal scheme would meet an identified affordable housing need within the borough, and therefore no suggestion that this part of Paragraph 154 g) might apply.

10. Based on all the evidence me, including what I saw during my site visit, the presence of the Woodman Inn building, its car parks and the various retaining walls which have shaped the site mean that, for the purposes of determining this appeal, it is sensible that the entire parcel of land should be considered previously developed. My findings in respect of openness will therefore determine whether or not the proposed development falls within the relevant exception described in Paragraph 154 g) of the Framework and Policy GB1 of the CLP.

Openness of the Green Belt

11. Paragraph 142 of the Framework describes “the essential characteristics of Green Belts” as being “their openness and their permanence”. The baseline for considering the effect on openness, which is the absence of development and which has both spatial and visual aspects, must be what currently exists at the site.
12. The existing Woodman Inn building has a volume of approximately 1,550m³, and the five proposed dwellings which would replace it would have a combined volume of around 1,923m²; the appeal proposal would mean there being around 24% more built volume on the site², and there would therefore be a loss of spatial openness.
13. The existing building measures around 11m from ground to ridge while the new dwellings would have ridge heights of around 9.9m, so I acknowledge that there would be some reduction in building heights on the site. However, the dwellings would be more spread out across the site and, combined with their additional built volume, the site would take on a more developed appearance. There would therefore also be a loss of visual openness. While the appearance of the site may well be “softened” to some extent by the planting and landscaping proposed as part of the scheme, it would be unlikely to disguise the overall loss of visual openness which would be a consequence of the development.
14. I agree with the appellant that the presence of “domestic paraphernalia” as a result of the proposed dwellings would, in this case, be unlikely to be more harmful to openness – either in spatial or visual terms – than the potential parking of vehicles, presence of tables and umbrellas and suchlike which might be associated with the use of the site as a functioning public house. However, this does not negate the other harm to openness which I have found would result from the development.
15. Overall, I conclude that the proposed development would lead to a harmful loss of spatial and visual openness of the Green Belt. While this would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Findings on this main issue

16. As a result of its effect on openness, the proposed development would not fall within the exception described in Paragraph 154 g) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would therefore be harmful to the Green Belt, and this is a matter to which I afford

² These figures are all taken from the Council’s officer report, but it is stated there that they were provided by the appellant, and they have not been disputed during the appeal.

substantial weight in the planning balance. The proposal would also conflict with Policy GB1 of the CLP, which seeks to prevent inappropriate development in the Green Belt.

Other considerations

17. The appellant states that the Woodman Inn has been derelict for somewhere between 10 and 20 years. It was described by local residents responding to the planning application as, among other things, “an eyesore”; based on what I saw during my site visit that is a justified label for the building in its current state. I do not know the reasons for which the Woodman Inn has been allowed to fall into disrepair, but the reuse of the site would be a positive factor of the scheme; in my judgement this would carry moderate weight in favour of the proposal.
18. There is no dispute between the main parties that the Council can demonstrate a housing land supply of more than five years. Nevertheless, there would still be benefits arising from additional housing supply, including social and economic benefits from construction, support for local services and expenditure from future occupiers. Having regard to the scale of the development, these are factors which would amount to modest benefits of the scheme, and accordingly I also give them moderate weight in favour of the proposal in the overall balance.
19. The appellant referred to the exception provided for by Paragraph 145 c) of the Framework, which allows for “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”. It was suggested that the 24% or so additional built volume proposed on the site should not be considered disproportionate as the Council has “a record of allowing extensions in [the Green Belt] of up to 30% of existing volume”. While an increase of that magnitude to an existing building may be “not inappropriate”, it is not for me to determine an alternative hypothetical proposal. The proposal before me is *not* for the extension or alteration of an existing building, and it is also notable that that Paragraph 145 c) does not require a separate consideration of effects on openness. Here, for the reasons I have set out above I have found that the proposed development would be harmful to the openness of the Green Belt, and so would be inappropriate development. The argument put forward does not therefore weigh in favour of the appeal scheme.

Green Belt Balance and Conclusion

20. I have found that the proposed scheme would cause harm to the openness of the Green Belt, and would be inappropriate development in the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 153 of the Framework. The proposal also conflicts with Policy GB1 of the CLP, which seeks to prevent inappropriate development in the Green Belt.
21. There would be some benefits arising from the development, as I have described in the previous section. However, these benefits do not clearly outweigh the substantial weight I must give to the harm I have identified. Consequently, the very special circumstances needed to justify the scheme do not exist.

22. I conclude that the proposal would be contrary to the requirements of the Framework and the development plan. The appeal should therefore be dismissed.

M Cryan

Inspector