



Appeal Decision

Site visit made on 3 January 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/A4710/W/23/3325837

Barn off Rudd Clough, Rudd Lane, Cragg Vale, Hebden Bridge HX7 5TD

- 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 Matt Pitchforth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/01065/FUL, dated 26 September 2022, was refused by notice dated 26 May 2023.
 - The development proposed is change of use from existing agricultural building containing a small farm office, agricultural implement storage and cattle shed to a single detached residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the submitted officer report, the Council have articulated two reasons for refusal. However, the first reason in respect of harm to the Green Belt was omitted from the decision notice. The Council subsequently confirmed that this was due to an administrative error.
3. Nevertheless, based on the evidence before me and my own observations, I am satisfied that whether the proposal would be inappropriate development in the Green Belt, its effect on openness, and whether any harm would be justified by very special circumstances, are main issues in this case. I have therefore considered the appeal on this basis. Both parties have been given an opportunity to comment on this issue and so have not been prejudiced by this.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. While there have been some changes to the numbering of paragraphs that are relevant to this appeal, this has not otherwise raised any new matters which are determinative to its outcome.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including, where appropriate, its effect on openness;
 - Whether the proposed development would provide a suitable location for housing with respect to the accessibility of local facilities and public transport; and

- If the development is inappropriate, 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 the proposal would be inappropriate development

6. The site is located within the Green Belt. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 154 of the Framework indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. These exceptions include (c) 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.
8. Paragraph 155 of the Framework indicates that, in addition to the exceptions set out in Paragraph 154, certain forms of other development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include (d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
9. Policy GB1 of the Calderdale Local Plan 2018/19 – 2032/33 Adopted March 2023 (the Local Plan) is consistent with both paragraphs 154 and 155 of the Framework.
10. Where a proposal has the potential to fall within more than one category of exceptions set out in the Framework, then it is reasonable to consider it against all exceptions that are relevant. A development need only benefit from one of the exceptions in order to not be inappropriate. I have therefore considered the proposal against each of the exceptions identified above.

The extension or alteration of a building

11. The Framework defines the “original building” as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The appellant has provided evidence of structures on this site, including an historical OS map and undated images, dating back to as early as 1894. Whether these structures were standing on the site on 1 July 1948 is not clear.
12. The appellant has also provided a “volume study” which compares the volume of the proposal to that of the existing building. Representations from interested parties suggest the existing building has already been extended in the past. However, there is otherwise no evidence before me to substantiate this. The Council have referred to the figures from the appellant’s volume study in their assessment of the scheme, and so I have likewise considered the existing building as the baseline for my assessment.
13. The Framework does not provide a definition of “disproportionate additions” and there is no evidence before me to indicate that the development plan

contains specific limits. Whether the proposal would be a disproportionate addition relative to the original building is therefore a matter of planning judgement. There are different ways of assessing the proportionality of an extension, and the reference to 'size' can incorporate volume, height, external dimensions, footprint or visual perception.

14. The appellant's volume study concludes that the proposal would result in an increase in volume of 36.8%. The plans before me indicate that the proposal would not increase the length of the building. The depth of the garage portion of the building would increase considerably. The height of the building would also increase along its entire length, and to a greater extent above the garage.
15. The increased bulk of the building would be readily apparent on the approach to the site from Rudd Lane, and particularly when approaching from the west. From this perspective, the western elevation is exposed and the extent to which the proposal extends towards the valley and above the existing roofline would appear disproportionate to the modest stature of the existing.
16. In view of the above, I find that the proposed extension would be a disproportionate addition over and above the size of the original building. It would therefore not benefit from the exception set out in Paragraph 154(c) of the Framework and would be inappropriate development when assessed against this and Policy GB1 of the Local Plan.

Re-use of buildings of permanent and substantial construction

17. The exception at Paragraph 155(d) of the Framework indicates that it is necessary to determine whether the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it, in order to establish if it would or would not be inappropriate.
18. Openness is an essential characteristic of the Green Belt. Several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.
19. The appeal site comprises a relatively modest single storey agricultural building. The land quickly slopes away from the appeal building to the south, and thus the building is in a prominent elevated position. On the opposite side, the building sits immediately adjacent to the carriageway on Rudd Lane and next to a large and predominantly unenclosed area of hard standing. There is a stone wall running alongside Rudd Lane either side of the appeal building, however its low height allows largely unobstructed views across the site and over the adjacent valley.
20. As set out above, the appeal proposal would represent a disproportionate addition over and above the size of the original building. The extent to which it would project towards the valley and above the roofline of the existing building would be readily apparent on approach to the site from the west and be a noticeable incursion into open views across the Green Belt in this location. The proposed extension would thus have a deleterious effect on the openness of the Green Belt in visual and spatial terms.
21. Paraphernalia associated with the residential occupation of the site, including formal car parking, refuse and cycle storage, and garden equipment and

furniture, would further detract from the existing openness of the appeal site and the Green Belt in this location.

22. Even if I were to conclude that the existing building were of substantial construction, the proposal would thus fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. In particular, it would fail to safeguard the countryside from encroachment.
23. In view of the above, the proposal would therefore not benefit from the exceptions set out in paragraph 155(d) of the Framework and would also be inappropriate development in the Green Belt when assessed against this and Policy GB1 of the Local Plan.

Accessibility

24. I saw on my site visit that Rudd Lane is characterised by sporadic development, including a mix of residential and non-residential uses. However, this is set within an otherwise predominantly rural landscape, with buildings often set apart from one another and separated by fields and wooded areas. The density of development increases along Church Bank Lane, within the lower part of the valley.
25. A public house, church and school for young children can be found close to one another in this area. Nevertheless, there is limited evidence before me on the accessibility of food shops, required for day-to-day living, or schools for older children, and I did not observe any in proximity of the appeal site.
26. Policy IM5 of the Local Plan indicates that all new development should ideally be located where public transport services gives at least a 30 minute direct day time service to Halifax and/or Brighouse town centres or higher order centres outside Calderdale, which is accessed from a bus stop within 400m walking distance or a railway station that is up to 750m walking distance away.
27. While there are bus stops located up the bank on Cragg Road (B6138), both parties have indicated these are more than 400 metres walking distance from the appeal site. Moreover, there is little substantiated evidence before me regarding the frequency of services. The appellant states there is a direct bus service to Huddersfield but the Council maintain that the frequency is low during daytime hours with limited services on a Sunday.
28. The topography of the area varies significantly, with steep inclines between the appeal site, local facilities and bus stops. The route is narrow with no designated footpath, and it is enclosed by walls and vegetation in places. Parts of Rudd Lane are also in poor condition, and I observed areas of surface water flooding. Combined, these factors increase the difficulty in accessing local facilities and bus stops from the appeal site by means other than the private car, particularly for those with mobility impairments or during bad weather.
29. Local Plan Policy IM5 sets out ideal circumstances, and this implies a degree of flexibility in the distance to public transport and service frequency. I have also had regard to Paragraph 109 of the Framework, which highlights that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. I recognise that the private car is likely to remain an important means of travel for future occupiers of any rural development, particularly for longer journeys.

30. Nevertheless, the poor accessibility of the site and limited availability of local services and public transport in this instance would result in undue reliance on the private car for most trips. It has not been demonstrated that the proposal would support sustainable travel or adequately take account of the public transport network as required. Notably, the Council's Highways Section raised similar concerns in respect of accessibility.
31. While the appellant may be a keen cyclist and work from home 4 days a week, these are personal circumstances that are subject to change. The dwelling would remain in perpetuity and future occupiers may be required to travel to work more frequently and the conditions of the local routes described above would be challenging for less confident cyclists.
32. Though there are numerous other dwellings already accessed via Rudd Lane, and thus the proposed dwelling would not be particularly remote in this regard, this does not in itself demonstrate that the appeal site has good access to local facilities or public transport.
33. My attention has been drawn to other decisions of the Council, albeit only limited details of each have been provided. The full circumstances of the decisions at Green Holes Farm and Blue Ball Road are not before me, though notably the position of the Council's Highways Section in both was consistent with its views in respect of the appeal case. The decisions at Swan Bank Farm and Bell House Barn related to the change of use of existing properties into separate dwellings. In both cases, the existing uses were residential in nature. Moreover, the Council acknowledged that the sites were not in a sustainable location but had regard to the impacts of the existing uses. These were thus materially different to the appeal scheme. Therefore, none of the other decisions referred to lead me to a different conclusion on this main issue.
34. I conclude that the proposal would not provide a suitable location for housing with respect to the accessibility of local facilities and public transport. It would therefore be contrary to Policies IM4 and IM5 of the Local Plan. These policies, among other provisions, seek to reduce travel demand, traffic growth and congestion and ensure development supports sustainable travel, taking account of the public transport network, mobility and accessibility.
35. The proposal would also conflict with Policy HS1 of the Local Plan which, among other provisions, states that proposals for residential development on a non-allocated site or building for conversion will be supported, provided that they complement the strategic objectives of the Local Plan, there are no physical or environmental constraints on development of the site which cannot be mitigated and the proposal complies with other relevant Local Plan policies.
36. The proposal would also be contrary to Paragraphs 108 and 109 of the Framework. These paragraphs, among other provisions, seek to ensure transport issues are considered from the earliest stages of development proposals and actively manage patterns of growth, focusing significant development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.

Other considerations

37. The proposal would provide some economic benefits, including in terms of direct and indirect jobs during the construction period, spending within the

construction industry supply chain and spending by future residents in the area. Conversions and change of use, including re-use of rural buildings, can play an important role in housing delivery, and there would be some social benefits from the provision of new housing. Given the small scale and context of the development however, these benefits would be relatively modest.

38. The proposal would also introduce green technologies on the appeal site, including air source heating, solar panels, building fabric improvements and electric vehicle charging. This could provide further environmental benefits. However, the extent to which these would provide an enhancement in terms of energy use and efficiency over and above the existing use of the site, rather than simply mitigate the effects of the proposal, is not clear from the evidence. This therefore attracts only limited weight.
39. Though the proposal would result in additional Council tax intake, this provides for Council services to support the additional residents resulting from the development and would therefore be a neutral factor.
40. Paragraph 84 of the Framework indicates that isolated homes in the countryside should be avoided unless, among other circumstances, they would re-use redundant or disused buildings and enhance their immediate setting. Paragraph 123 of the Framework states that decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment. Nonetheless, given the harm to the openness of the Green Belt identified above, it has not been demonstrated that the proposal would enhance its immediate setting or safeguard the environment.
41. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

42. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. I give this harm substantial weight as required by the Framework. The proposal would also not provide a suitable location for housing with respect to the accessibility of local facilities and public transport.
43. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
44. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR