



Appeal Decision

Site visit made on 8 July 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/X4725/W/24/3339166

231 Church Road (land adj.), Normanton WF6 2QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roy Gary Daykin against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/02168/OUT.
 - The development proposed is a two storey traditional brick built 3 x bedroom detached dwelling under a traditional dual pitch tiled roof.
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Decision

1. The appeal is allowed and outline planning permission is granted for a two storey traditional brick built 3 x bedroom detached dwelling under a traditional dual pitch tiled roof at 231 Church Road (land adj.), Normanton WF6 2QX in accordance with the terms of the application Ref 22/02168/OUT, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. The application has been submitted in outline with all matters reserved for future consideration except access and layout. I have dealt with the appeal on that basis.
3. Various descriptions of the development have been given on the planning application and appeal documents. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. A number of plans have been submitted with the appeal. Both the appellant and the Council have confirmed that the Council's decision was made on the basis of the Comparative Site Plans reference DWG-002.

Main Issue

5. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

6. The appeal site consists of a plot of land next to the dwelling of No 231. On the basis of the evidence before me, the plot previously contained a dwelling, although this was demolished some time ago and the site now consists of a mix of hard surfacing and grass.

7. The site is within the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings within the Green Belt is inappropriate, subject to a number of exceptions, one of which is 154(e) which relates to limited infilling in villages.
8. There is no definition of what constitutes a 'village' within the Framework. Although the address of the site is given as Normanton, the appellant contends that the site is within the village of Altofts.
9. The settlement of Altofts in which the appeal site is located is not a traditional nucleated village of the form common in rural areas. That said, although Altofts is connected to nearby built-up areas by extents of ribbon development, the extent of the built form of the settlement is apparent as a distinctly separate entity. Altofts is primarily surrounded by fields and open space, and its separate form is emphasised further by features such as a motorway and railway line. The settlement of Altofts is therefore distinct from larger nearby settlements, such as Normanton.
10. Although a relatively large settlement and with a range of services distributed through it, Altofts is larger than a hamlet and smaller than a town. The wider area in which it is located is not particularly rural, but viewed objectively and in context I conclude that Altofts should be considered to be a village within the terms of the Framework, albeit a large village.
11. Reference has been made to the Council's settlement hierarchy which groups Altofts with the nearby settlement of Normanton and defines it as an urban area. Although I have had regard to this in my assessment, this does not lead me to a different conclusion on the nature of Altofts based on the evidence before me and my own observations.
12. Based on the evidence before me, the site is outwith the defined settlement boundary for Altofts. However, the boundary of a village defined in the development plan may not be determinative for the purpose of establishing whether a site is within a village. Although the site is part of ribbon development extending from the main built-up area of the village, the extent of this frontage development is relatively short and it is viewed as being a logical part of the settlement. The site is also a gap within the ribbon of development rather than extending the footprint of development onto surrounding open land. Consequently, having regard to relevant policies and the situation 'on the ground', I conclude that the appeal site is within the village.
13. There is also no definition of 'limited infilling' in the Framework. However, the proposal relates to the introduction of a dwelling on an empty plot in an otherwise continuous extent of frontage development, and clearly represents limited infilling.
14. I therefore conclude that the proposal would represent limited infilling in a village and would not be inappropriate development in the Green Belt within the terms of the Framework.
15. The Council's reason for refusal refers to the effect of the proposal on the openness of the Green Belt. However, this is not a limiting factor when assessed against Paragraph 154(e) of the Framework. Furthermore, as I have concluded that the proposal is not inappropriate development in the Green Belt

then there is no need for me to consider whether there are very special circumstances.

16. This appeal must be determined on the basis of the development plan as it currently exists. The Council adopted the Wakefield District Local Plan (WDLP) in January 2024, and it has confirmed that it is Policies SP3, SP5 and LP1 of the WDLP that are relevant to this appeal. The appellant has had the opportunity to comment on this.
17. Policy LP1(2) of the WDLP sets out a number of cases where housing proposals in the Green Belt will not be regarded as inappropriate. This includes Policy LP1(2a) relating to limited infilling within the infill boundary of Green Belt settlements. Based on the evidence before me, Altofts is not an identified 'Green Belt settlement' within the terms of the WDLP. However, Policy LP1(2) is a positively worded policy and the criteria listed in it are not exhaustive. Although the appeal proposal would not fall within the remit of Policy LP1(2a), or indeed any of the other criteria, that does not mean that the proposal should be regarded as inappropriate. In effect, Policy LP1 is silent on the circumstances of the appeal proposal, and on that basis the proposal would not conflict with that Policy.
18. In respect of the Green Belt, the appeal proposal should therefore be assessed against the Framework. I have previously concluded that the proposal would not be inappropriate development in the Green Belt within the terms of the Framework, and would therefore not conflict with the Framework regarding protecting Green Belt land.
19. Furthermore, the proposal would comply with Policies SP3 and SP5 of the WDLP in respect of conforming with local and national Green Belt policy.

Conditions

20. The Council, consultees and third parties have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity, accuracy and conciseness.
21. I have attached conditions relating to the submission of reserved matters and the associated time limits. I have also included a condition specifying the approved plans in the interests of certainty. A condition regarding a construction method statement is required in the interests of the living conditions of nearby residents and highway safety.
22. A condition in respect of site levels and drainage is required in the interests of the living conditions of nearby residents and to ensure that the site is properly drained. This should also address the comments raised by a neighbouring resident and Yorkshire Water in respect of drainage.
23. A condition in respect of details of boundary treatments is required in the interests of character and appearance. A condition in respect of drained surfaces is appropriate in the interests of highway safety and to ensure that the site is properly drained.
24. The provision of cycle parking is required in the interests of sustainable transport. A condition relating to radon gas measures is appropriate in the interests of public and environmental safety.

25. The Council has suggested a condition relating to matters including materials and screening. However, these would be assessed as part of the reserved matters, and I have therefore not imposed this condition.
26. I have not included a condition requiring details of electric vehicle charging points as this matter is addressed by the Building Regulations. The Planning Practice Guidance sets out that conditions requiring compliance with other regulatory requirements, such as Building Regulations, will not meet the test of necessity and may not be relevant to planning.

Conclusion

27. For the reasons given above the appeal should be allowed.

David Cross

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved, in so far as it relates to the layout and access arrangements of the site, shall be carried out strictly in accordance with the following approved plan, unless required otherwise by this decision or its attached conditions: Comparative Site Plans, drawing no. DWG-002.
- 5) Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement must include scaled drawings which identify/detail:
 - (1) The parking provision for site operatives and visitor vehicles;
 - (2) The location(s) for the loading and unloading of construction plant and materials;
 - (3) Proposed access routes for construction traffic and how such traffic will be managed;
 - (4) The location(s) for the storage of all construction plant, equipment and materials;
 - (5) Measures to prevent mud and debris being brought on to the highway.The approved method statement shall be fully implemented, retained and adhered to throughout the construction phase(s) of the development.

- 6) Development shall not commence until a scheme detailing the finished slab and floor levels of the building(s) hereby approved together with corresponding existing and finished ground levels and of surface and land drainage associated with any works, has been submitted to and approved in writing by the Local Planning Authority. The construction of the building(s), levels and drainage shall be carried out in accordance with the details so approved and the occupation of the building hereby approved shall not take place until the works have been completed. The approved levels and drainage shall be so retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.
- 7) Notwithstanding the plans submitted, the development shall not be brought into use until a scheme detailing the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed. The scheme shall thereafter be retained and maintained for the lifetime of the development.
- 8) The development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.
- 9) The development shall not be brought into use until secure, covered, cycle parking facilities have been provided in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be retained and maintained for the lifetime of the development.
- 10) Construction of any building shall not commence until a scheme demonstrating how suitable 'basic' radon gas protection measures will be installed has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the approved gas protection measures have been installed which shall thereafter be retained and maintained for the lifetime of the development.

End of Schedule