

Appeal Decision

Site visit made on 3 September 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/A4710/W/24/3341338

**Rear Of Deanhurst Garage, St Giles Road, Lightcliffe, Brighouse,
Calderdale HX3 8BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Aceblade Ltd against the decision of Calderdale Council.
 - The application Ref is 22/01155/FUL.
 - The development proposed is the development of ten detached dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues are:

- whether the proposal is inappropriate development in the Green Belt, having regard to the development plan and the National Planning Policy Framework (Framework);
- whether the proposed development would provide satisfactory accommodation for its future occupants, with regards to noise, odour, air quality and dust; and,
- if the proposal is inappropriate development, 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

Inappropriateness

3. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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.
4. The appellant has set out that the development can be considered under the exception at paragraph 154 g) of the Framework relating to the partial or

complete redevelopment of previously developed land, which is reflected in Policy GB1 of the Calderdale Local Plan 2018/19 – 2032/33 (Local Plan). The Council accept that the site is previously developed land, but in order to meet this referenced exception, it is necessary for the proposed scheme to not have a greater impact on the openness of the Green Belt than the existing development.

5. The appeal site was used formerly for the storage of coaches and stone cutting. What is currently found on site is a hardstanding area and the storage of stone and waste material which is said to be from the neighbouring stoneyard. The appeal site therefore, apart from this external storage, is largely open.
6. The appellant considers that stone cutting and storage can continue. It is however for the proposal to be considered by way of whether it constitutes inappropriate development, rather than a comparison to an alternative fallback position, which is considered later in my decision.
7. The proposal would alter the existing largely open form of the appeal site through the introduction of ten large, detached dwellings and would therefore have a greater impact on the spatial aspect of openness. This number of proposed dwellings, together with other site infrastructure such as the internal access road, parking areas, as well as domestic paraphernalia associated with the residential use would result in a visual effect on openness that is greater than what currently exists. The proposed development, whilst being screened from distant views by trees along the eastern boundary of the site, would be clearly seen more immediately along St Giles Road.
8. Even if the proposal was considered as an infill development, the exception at paragraph 154 g) requires there to not be a greater impact on the openness of the Green Belt than the existing development, which this proposal would fail to do.
9. In relation to the purposes of the Green Belt, as the site already consists of hardstanding areas, I do not consider the proposal would conflict with the purpose that seeks to safeguard the countryside from encroachment.
10. Nevertheless, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt. The proposal is also contrary to Local Plan Policy GB1, which sets out, amongst other matters, that the construction of new buildings is inappropriate development except in limited circumstances which reflects national policy.

Living conditions

11. The neighbouring site to the north comprises of an existing stone yard and the evidence before me indicates that it is still in use, despite a currently undetermined application which seeks to develop the stoneyard site for residential purposes.
12. The Council has raised a variety of concerns that would arise on future occupiers including noise, odour and from dust. Despite the close proximity of

the proposed dwellings to the neighbouring stoneyard, there are existing residential properties nearby, including on the opposite side of St Giles Road. Although the appeal site would be closer to the stoneyard, and I note third party representations relating to noise and dust impacts, there is no substantive evidence before me that there are any unacceptable adverse impacts currently arising on nearby residential occupiers. Any potential effects on future occupiers could therefore likely be mitigated through a variety of measures, including through use of acoustic fencing and other control measures.

13. I therefore conclude that the proposal would not be unacceptably harmful to the living conditions of future occupiers with regards to noise, odour, air quality and dust. As such, there would be no conflict with Local Plan Policy EN1, which seeks, amongst other matters, to reduce the amount of new development that may reasonably be expected to be exposed to pollution.

Other considerations

14. The appellant has referenced previous planning applications¹ on the appeal site, and a wider area that included the appeal site, where the Council found very special circumstances existed. Whilst there may have not been a material change in Green Belt policy since then, I do not however have the detailed circumstances of the previous applications and note the referenced permissions have now lapsed.
15. The appeal site is currently being used for the storage of stone and other waste material by the adjoining stone yard. It has previously been used for stone cutting, but it is not clear to me whether this use could resume at any time. Although it may previously have been acknowledged by the Council on a planning application that the established use was for stone cutting, a number of years have since elapsed. Even if the previous use comprising of stone cutting could be lawfully undertaken, it has not been demonstrated that there is a reasonable prospect of the fallback being carried out, given the various applications on and including the appeal site that indicate an intention to develop the site for residential purposes, as well as the appellant's reference for proposals on the neighbouring stoneyard site to do the same. Hence, I afford little weight to this matter.
16. The proposal would make a contribution to the supply of housing on a site that is in a poor condition visually. This weighs in favour of the appeal, but given the number of dwellings proposed, I attribute this matter moderate weight.

Conclusion

17. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

¹ LPA Ref's: 11/00644/OUT and 15/01582/OUT

-
18. I have attached moderate weight in favour of the scheme to the provision of additional dwellings for the reasons set out. The lack of harm in relation to living conditions is a neutral matter. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
19. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR