



Appeal Decision

Site visit made on 11 September 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/X4725/W/24/3344850

Gate Farm Wood Lane, Overton, Wakefield WF4 4RQ

- 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 Mr and Mrs Perrins against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 23/02337/FUL.
 - The development is described as "*Retrospective Planning Application for Boarding Cattery (Variation to Approved 13/00990/FUL)*".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal submission has been accompanied by a set of amended plans which were not considered by the Council in reaching their decision. These plans are materially different to that of the proposed development under consideration of this appeal. This revised building would be smaller in size. Initially, the internal layout was taken in the form of a residential dwelling and not a cattery building. In the submission of their final comments, this plan was amended and now appears as a cattery on the plans.
3. Nevertheless, this represents the submission of new information that neither the Council or interested parties would have had the opportunity to comment on. The Planning Inspectorate Appeals' Procedure Guide makes it clear in chapter 16 that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have not therefore considered this new information in this appeal as it would both amount to consideration of a substantially different proposal and prejudice the Council and any interested parties.
4. During the assessment of the appeal, it was noted that both parties sought for regard to be had to the stables which previously existed on the appeal site, or to the plans previously approved (application reference 13/00990/FUL) for a cattery. The information of the stables, and the previously approved plans were requested by myself during the appeal. I have had regard to these plans in my decision. During my site visit, I noted that the building had been erected and appeared to conform with the proposed plans submitted with the application. As such, I have dealt with the appeal on this basis.
5. The parties disagree whether the application permitted under application reference 13/00990/FUL benefits from extant planning permission. It is not

within my remit to come to a decision on this matter in the scope of this appeal.

Main Issues

6. The main issues are:

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any development plan policies; and,
- whether any harm by reason of inappropriateness 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 is Inappropriate Development in the Green Belt

7. The appeal site is located within the Green Belt. Policy LP62 of the Wakefield District Local Plan 2024 (LP) notes that proposals for redeveloping existing uses within the Green Belt will only be permitted if very special circumstances can be demonstrated or the proposal meets the criteria set out in national planning policy. The Framework sets out that the provision of new buildings in the Green Belt should be regarded as inappropriate other than for certain exceptions. One such exception is that where it would involve the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The appellant refers to paragraph 154c of the Framework and suggests that this appeal should be assessed against this exception. This exception discusses the situation where the proposal considered is the extension of a building, if this does not result in disproportionate additions over and above the size of the original building. This criterion is not relevant in this case as it is evident that the proposal as submitted is not an extension or alteration to an existing building.
9. The parties agree that the site is previously developed land, given its previous planning history which involved the demolition of a stables and erection of a cattery building. I find no reason to disagree and therefore, I now turn to the matter of openness.
10. Openness is an essential characteristic of the Green Belt that is capable of having spatial as well as visual aspects. Caselaw suggests that openness does not imply freedom from all forms of development. In this respect, I have had regard to the fact that there were originally structures on the site. The stables which previously existed on the site was a small, wooden structure with a slightly angled corrugated metal roof. The constructed building has a larger floor space area and overall volume to that of the original stables.
11. Furthermore, the assessment of the effect on openness should not be limited to numerical calculations. There are visual implications for the effect on openness for the development erected on site. In comparison to the stables, the erected building is a much larger structure, owing to its greater roof pitch and bulkier built form. The wider area is characterised by open fields and as a

result, the openness of the Green Belt is clearly evident around the site and wider area. When viewed in the wider context, the building appears as a prominent structure, even when viewed in the context of the adjacent farm buildings and residential dwelling. As such, the cattery building advances the built form into the Green Belt and reduces the visual and spatial openness of the Green Belt when compared to the previously constructed stables on this site.

12. Even if I was to follow the appellants' argument and compare the development to the permitted cattery, the existing building would appear discernibly larger than that previously approved, owing to its difference in overall volume and the ridge height of the roof. Therefore, this would still harmfully reduce the spatial and visual openness of the Green Belt.
13. For the reasons given above, the development is harmful to the openness of the Green Belt and so does not meet the relevant exception in the Framework. On this basis, it constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and substantial weight must be given to that harm. The Framework is clear that such development should not be approved except in very special circumstances. I turn to these matters below.

Other Considerations

14. The Council have previously granted planning permission for a cattery sited in approximately the same location within the appeal site. This is a material consideration in this appeal and in my assessment of this case. However, given the differences in the proposals and degree of harm to openness caused, I have ascribed moderate weight to this matter. The development would support a rural business, the diversification of an agricultural unit and provide employment opportunity for Gate Farm on previously developed land. Given the scale of the benefits proposed, I ascribe moderate weight to these factors.
15. The development does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it. These other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the proposed development do not exist in this case. As such, the erected building constitutes inappropriate development in the Green Belt, such that it conflicts with Policy LP62 of the LP and the Framework.

Other Matters

16. The appellants have suggested the use of a planning condition to require the amendment of the development in line with the set of amended plans provided with the appeal. As previously discussed, these plans have not been accepted as it would prejudice the Council and any interested parties. Therefore, this condition would not be relevant to the plans considered in this appeal.
17. The appellants' concerns about the council's handling of the application are a private matter between the parties. It is not for me to comment in my determination of this appeal which is focused on the planning merits of the case.

Conclusion

18. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR