



Appeal Decision

Site visit made on 7 April 2025

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/A4710/W/24/3357648

Stables South East of Ridgeways, Hey Lane, Outlane, Elland

Grid Reference: Easting 406063 Northing 417499

- 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 Shane Norcliffe against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00276/FUL.
 - The development proposed is demolition of existing stables to facilitate a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address within the planning application form differs from that included on the Council's decision notice and the appeal form. The appellant has confirmed that the correct address for the appeal site is that which is included on the decision notice and the appeal form. I have therefore used this address within the above banner heading.
3. The appellant's name is spelt slightly differently on the planning application form and the appeal form. The spelling of the appellant's name in the banner heading above is taken from the planning application form.
4. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

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

- the effect of the proposal on the character and appearance of the area, with particular regard to the Barkisland-Holwell Green Landscape Character Area and the Ringstone Edge and Norland Moor Fringes Special Landscape Area; and
- 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 necessary to justify the development.

Reasons

Whether the proposal is inappropriate development and effect on openness

6. The appeal site is located in the Green Belt and comprises a timber stable building with associated areas of hard surfacing and grass. Due to the natural undulating topography of the surrounding landscape the existing stable building is cut into the sloping land which rises to the south. However, the stable building is set at a slightly elevated level in comparison to the adjacent highway, onto which the site has a vehicular access point.
7. The appeal proposal seeks to demolish the existing stable building and construct a single storey 2no. bedroom dwelling in its place.
8. Calderdale Local Plan (2023) (LP) Policy GB1 states that within the Green Belt the construction of new buildings is inappropriate development except for a list of circumstances. These exceptions include, at criterion (f), the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
9. The revised Framework however, at paragraph 154 (g), states that the complete redevelopment of previously developed land is not appropriate provided the development would not cause substantial harm to the openness of the Green Belt. Paragraph 154 (g) therefore sets a higher threshold for Green Belt harm than LP Policy GB1.
10. Paragraph 232 of the Framework requires due weight be given to existing development plan policies according to their degree of consistency with the Framework. Whilst the overall approach of LP Policy GB1 to assessing development proposals in the Green Belt is broadly consistent with the Framework, the specific criterion which allows for the redevelopment of previously developed land is not entirely consistent with paragraph 154 (g) of the Framework as it imposes a more stringent test for the development of previously developed land in the Green Belt. Therefore, the weight to be afforded to LP Policy GB1 is diminished.
11. The definition of previously developed land in Annex 2 of the Framework refers to “*Land which has been lawfully developed...*”. The Council contend that whilst there is evidence to suggest the building is lawful due to the passage of time, there is no record of any planning permission being granted. As a result, the Council consider the site was developed unlawfully and does not therefore accord with the definition of previously developed land in the Framework.

12. Whether the site is previously developed land is a matter of judgement and given that the evidence, and Council, suggests that the stable building is lawful due to the passage of time, I find there is no reason not to treat it as “lawful” for the purposes of the definition of previously developed land in the Framework. To do so otherwise would be contrary to the way in which the planning system operates.
13. As such, the existing stable building, and associated hard surfacing, represents previously developed land and the proposal for a detached dwelling on this site would comprise a complete redevelopment of previously developed land.
14. Hence, it is necessary to consider what the impact upon openness would be, and whether the proposal would cause substantial harm to the openness of the Green Belt. Openness is one of the Green Belt’s essential characteristics and Planning Practice Guidance (PPG) advises that openness is capable of having both spatial and visual aspects.
15. Whilst I acknowledge that the ridge height of the proposed dwelling would not exceed that of the existing building on site, from the submitted plans it is clear that the footprint and volume of the proposed dwelling would be noticeably larger than the existing stable building. The Council state that the footprint of the proposed dwelling would be 25.7% larger, and the volume 38% larger, than the existing stable building and the appellant has not contested these figures.
16. The increase in the footprint and volume of built development on the site would result in visual harm to the openness of the Green Belt. Furthermore, the increase in footprint would introduce built development on to land where there currently is no building, thus extending the boundaries of the built development on the appeal site. This consequently also alters the spatial openness of the Green Belt in this location. Given the increase in volume and footprint I find the proposed dwelling itself would result in greater harm to the openness of the Green Belt, when compared to the existing stable building.
17. Furthermore, the submitted plans include limited detail as to the extent and type of any proposed hard surfacing and soft landscaping areas within the curtilage of the proposed dwelling. However, the plans do show the provision of 2no. car parking spaces on a section of existing grassland between the proposed dwelling and the highway. Due to the natural topography of the surrounding area this section of grassland is currently steeply sloped, with the highest part of this grassed area positioned above the floor level of the existing stable building.
18. The submission includes very limited information as to how these car parking spaces would be used. It is unclear whether this area would be hard surfaced and / or whether any excavation works would be carried out to create a level area for cars to park. Either way, the siting of cars on this land between the proposed dwelling and highway would result in them being highly prominent features, as they would be clearly visible from public vantage points outside the site, such as from the adjacent highway which runs to the south and west of the appeal site.
19. The prominence of the parked cars in this location would only be exacerbated if this area was not excavated, resulting in cars being parked at a higher land level than the adjacent highway and ground floor of the proposed dwelling. Thus, the parking of cars on this section of land between the proposed dwelling and the highway would have the effect of reducing both spatial and visual openness from nearby public viewpoints.

20. In coming to this view, I acknowledge that the existing stable use would likely generate some vehicles parked at the site. However, no evidence has been provided to demonstrate that cars currently park in the area proposed to be used for the parking of vehicles associated with the dwelling. Furthermore, the proposed residential use is likely to increase the number and frequency of vehicles potentially parking within this area, as well as the length of time that vehicles will be parked, resulting in a greater impact on openness in this area.
21. Additionally, likely associated domestic paraphernalia within the curtilage of the proposed dwelling would also inevitably reduce the visual and spatial openness of the Green Belt in this location. I am aware that items associated with the stable use of the building could also be stored at the site. However, such items are generally expected to be observed in rural locations such as this and the likely visual impacts of equipment associated with the equestrian use of the site would not be directly comparable to the domestic items that would likely be associated with the proposed residential use, such as washing lines, outdoor furniture, play equipment etc...
22. My attention has been drawn to other decisions¹ approved by the Council which relate to residential development in the Green Belt, however limited information has been provided in respect of the similarities of these decisions to the appeal scheme before me. In any case, whilst I acknowledge consistency of decision making is important to ensure public confidence, I am not bound by previous decisions of the Council and each application must be judged on its own merits. I have therefore exercised my own judgement on the appeal proposal before me.
23. I am aware that one of these referenced decisions made by the Council related to the resubmission of a scheme previously allowed at appeal². However, having reviewed this appeal decision I note that the main issue related to highway safety. Consequently, I can draw no direct comparisons between the main issue in that appeal decision letter and the Green Belt issues before me in this appeal scheme.
24. I therefore attribute very limited weight to these other approved applications for residential developments elsewhere within the Green Belt in my consideration of the appeal proposal.
25. In view of all the above, I find the proposed development would have more of an impact on both the visual and spatial aspects of openness than the existing development on site. The proposal would therefore not preserve openness. In this respect the degree of cumulative harm to the openness of the Green Belt arising from a combination of the increase in the footprint and volume of the proposed dwelling in comparison to the existing stable building; the parking of vehicles in a prominent location on the site; and associated domestic paraphernalia, would be substantial. Therefore, the appeal proposal would not fulfil the requirements of criterion 154 (g) of the Framework.
26. With the above in mind, the proposal represents inappropriate development in the Green Belt as defined by the Framework and causes substantial harm to openness. Given that I have concluded that the proposal would cause substantial harm to the openness of the Green Belt, it would also therefore conflict with LP Policy GB1.

¹ Council Ref: 22/01326/FUL; 24/00015/FUL; 24/00126/FUL and 23/00982/FUL

² APP/A4710/W/23/3318870

Sustainable location

27. The appeal site is located within a rural setting characterised by sporadic development with buildings predominantly set apart, except for a small cluster of dwellings on Berry Mil Lane to the north. The appeal site is however both physically and visually separated from this cluster of dwellings and the Council state that the nearest settlement is Sowood, some 2.5km from the appeal site when travelling along highways.
28. The proposed dwelling would therefore represent an isolated home. Paragraph 84 of the Framework states that planning decisions should avoid the development of isolated homes in the countryside unless one of five listed circumstances applies. On the evidence before me I find that the proposal would not meet any of the circumstances listed for permitting isolated homes in the countryside within paragraph 84.
29. Whilst acknowledging the rural location of the site, I have been provided with limited information by the appellant in respect of the distances to the nearest services and facilities, such as shops, schools, health facilities, public transport links, employment opportunities etc...
30. Nevertheless, I observed on site that there appeared to be no such facilities within the immediate vicinity of the appeal site, and the surrounding highways were narrow, comprised of steep inclines and did not include footpaths or street lighting. These factors result in both walking and cycling being unrealistic and unattractive options to access any such services and facilities, particularly for pedestrians with buggies and/or a disability.
31. As such, on the evidence before me, the appeal site would not represent a sustainable location for residential development in respect of access to everyday services and facilities, and therefore future residents would be heavily reliant upon the use of the private car.
32. My attention has been drawn to an approval³ by the Council, which according to the submitted Officer Report relates to a barn conversion. As such this referenced approval relates to a fundamentally different development to the appeal scheme before me, which seeks to erect a new dwelling following the demolition of a timber stable building.
33. In any case, whilst each development must be determined on its own merits, limited details of the site-specific circumstances of this approved application have been provided. I can therefore draw no direct comparison between this approval and the appeal scheme before me in terms of the sustainability of the two sites. Consequently, I attribute very limited weight to this approval, for a barn conversion, in my consideration of the appeal proposal.
34. In view of all the above, I find that future residents would be heavily reliant upon the use of the private car and the appeal site would not therefore represent a sustainable location for residential development with respect to the accessibility of local facilities and sustainable modes of transport. Given the scale of the development for one dwelling I attribute moderate harm to this matter.

³ Council Ref: 24-00484-FUL

35. The proposal therefore conflicts with Policies CC1, IM4 and IM5 of the LP where these policies together seek to reduce travel demand through the provision of sustainable development and travel modes; promote the use of other forms of transport with lower environmental impacts; and take account of the public transport network, mobility and accessibility. The proposal would also be contrary to the provisions of the Framework where it seeks to achieve sustainable development.

Character and appearance

36. The site is within the Barkisland-Holwell Green Landscape Character Area (LCA) and Ringstone Edge and Norland Moor Fringes Special Landscape Area (SLA). Whilst no evidence of the significance of either the LCA or the SLA has been provided, I observed that the wider landscape surrounding the site consists of undulating rural grassland predominately enclosed by stone walls, with sporadic, mainly stone-built, development along the narrow, winding roads. I also observed a number of timber buildings similar in appearance to the one currently located on the appeal site.
37. The appeal site, with its simple timber stable building built into a sloping field that is enclosed by a stone wall, and the open aspect provided by a post and rail timber fence which encloses the appeal site within this field, currently contributes to the scenic quality of this tranquil rural setting and area.
38. The proposed dwelling would be single storey and constructed in a mixture of natural stone and timber cladding to provide a rural appearance. Nevertheless, it would be larger in both volume and footprint than the existing stable, therefore increasing its prominence on the appeal site. Furthermore, the proposed dwelling inevitably includes domestic features, such as windows and doors, with the two large full-length openings in the proposed southeast facing elevation being particularly obtrusive and prominent when viewed from the raised highway of Hey Lane to the south. As such, the proposed dwelling would result in some harm to the visual quality of the area when compared to the existing stable building on the site.
39. In addition, as previously mentioned, parked cars on an area of the site that is currently sloping grassland, between the stable building and the highway, would represent highly prominent and alien features within the rural setting. Any domestic paraphernalia associated within the proposed residential use of the site would only further add to the visual harm to the character and appearance of the area.
40. Overall, I find the larger footprint and volume of the proposed dwelling, along with the openings within it, as well as the parking of vehicles between the building and the highway, and any domestic paraphernalia associated with the residential use of the site, would in combination result in an urbanisation of the appeal site, to the visual detriment of the area. The proposal would therefore not harmonise with the existing rural character and setting of the surrounding area.
41. For the above reasons, the proposed development would cause moderate harm to the character and appearance of the surrounding area, including the LCA and SLA. It would therefore not accord with LP Policy GN4 which amongst other things, requires development within the SLA to be carefully designed to ensure they are in keeping with their location; and where it only supports development which does not adversely affect the scenic qualities of the SLA.

42. The proposal would also be contrary to the provisions of the Framework which advise that applications should seek to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside; and that development proposals should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other considerations

43. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
44. The provision of one additional dwelling would make a positive contribution to the Council's housing land supply. Nevertheless, the social benefits arising from the provision of one dwelling would be limited given the scale of the development.
45. Economic benefits would arise from the proposal, including contributions to the local economy during the demolition and construction phases of the development. These however would be short term benefits. Further economic benefits would also arise from additional spending in the wider area by future occupants of the dwelling. Cumulatively, given the scale of development the economic support to the area arising from the appeal proposal would be relatively small. I therefore attach limited weight in respect of the economic benefits.
46. I note that the submitted species enhancement statement recommends the provision of bat and bird boxes on the proposed dwelling. Whilst I acknowledge that the appeal proposal therefore provides an opportunity to enhance biodiversity at the site, given the overall scale of biodiversity enhancement that would be created, I attribute this matter limited weight in favour of the appeal.
47. The appellant states that the dwelling would be designed to provide a modern energy efficient home of the highest quality. However, no energy statement has been provided to demonstrate the energy efficiency level that the proposed dwelling would achieve. This therefore limits the weight I can attribute to this matter in favour of the appeal proposal at this stage.

Green Belt Balance

48. The appeal proposal constitutes inappropriate development in the Green Belt and results in substantial harm to openness. By virtue of paragraph 153 of the Framework this harm attracts substantial weight. The proposal would also result in moderate harm to the character and appearance of the surrounding area, and I attribute moderate harm to the appeal site not being situated within a sustainable location for residential development.
49. The Framework makes it clear that the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, must be clearly outweighed by other considerations for planning permission to be granted. In this case, I find that although there are matters which weigh in favour of the proposal, collectively the weight of these other considerations does not clearly outweigh the totality of harm arising to the Green Belt, the character and

appearance of the area and the site not being located within a sustainable location for residential development.

50. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case.

Conclusion

51. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R Major

INSPECTOR