



Appeal Decision

Site visit made on 1 April 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/X4725/W/24/3357664

Metropolitan Demolition and Metropolitan Crushing, Green Lane, Horbury, Wakefield WF4 5DY

- 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 M Hirst of Metropolitan Demolition and Metropolitan Crushing against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 21/01359/FUL.
 - The development proposed is an ancillary office building to commercial business.
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Decision

1. The appeal is allowed and planning permission is granted for an ancillary office building to commercial business at Metropolitan Demolition and Metropolitan Crushing, Green Lane, Horbury, Wakefield WF4 5DY in accordance with the terms of the application, Ref 21/01359/FUL, and the plans submitted with it.

Preliminary Matters

2. The description of development given above is taken from the application form. I have, however, omitted the words 'retrospective application for' as it does not describe an act of development.
3. At the time of my visit the building forming the appeal scheme was in situ. I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - Whether the appeal scheme is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Inappropriate development

5. The Framework states, at paragraph 153, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Relevant to this appeal is

exception 154(g), which allows for the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

7. Policy LP62 of the Local Development Framework Development Policies (LDF) relates to existing uses in the Green Belt. It indicates that limited infilling or redevelopment of previously developed land will be permitted if it does not have a greater impact on the openness of the Green Belt than the existing development. As such, in this regard, it is no longer consistent with the Framework which now refers to 'substantial harm' to openness. Accordingly, I have relied upon the Framework in assessing whether the development would be inappropriate.
8. There is no dispute between the parties that the appeal site meets the definition of previously developed land (PDL) as set out in Annex 2 of the Framework, and I find no reason to conclude otherwise. Consequently, it is the effect of the appeal scheme on the openness of the Green Belt that will determine whether it is inappropriate development.
9. The appeal site adjoins other land in commercial and industrial uses, containing buildings that are single and one and a half storey in height. A row of dwellings and their gardens is situated between the site and Green Lane with a further, large, detached dwelling to the west.
10. The site is enclosed by a combination of breeze block wall and metal fencing at approximately 2 metres in height, and the evidence before me strongly suggests that large vehicles and stacked shipping containers affect its openness. In view of this, and in the wider context as described, the contribution of the appeal site to the openness of the Green Belt is modest even when the open fields to the north are taken into consideration and the appeal scheme is disregarded.
11. Details of the scale and permanence of the former prefabricated building have not been provided. However, as it was single storey there is no doubt that the appeal scheme has, to some extent, reduced the openness of the Green Belt both spatially and visually. Nevertheless, it has a modest footprint, and, despite its two-storey scale, it has a limited overall height and massing due to its flat roofed design. Given its position to the rear of the site and abutting the boundary on two sides, it is not prominent in views.
12. Consequently, in the context of the site and its surroundings, the appeal scheme does not substantially harm the openness of the Green Belt. That being the case, it conforms with the exception at paragraph 154(g) of the Framework. Furthermore, as a requirement to consider the five purposes of the Green Belt does not form part of the specific requirements of the 154(g) exception, impact on such purposes has implicitly been taken into account in the exemption. It therefore follows that the appeal scheme should be regarded as not undermining such purposes.
13. For the reasons given, the scheme is not inappropriate development in the Green Belt having regard to the Framework. Thus, it is not necessary for me to address whether other considerations, such as the need for a building of the size of the appeal scheme, amount to very special circumstances.

Character and appearance

14. As set out above, the site contains storage containers and vehicles and is near to pitched roofed industrial/commercial buildings of modest height as well as two-storey dwellings. Therefore, the area comprises a range of buildings of various styles, sizes and siting.
15. The appeal scheme is a two-storey building with a flat roof that is not reflective of other buildings in the area. Even so, considering the mixed character and appearance of the surrounding built environment, the contrasting and simple, utilitarian appearance of the appeal scheme is not incongruous and does not disrupt a harmonious or coherent street scene. This is particularly so given that it is not prominent in public views.
16. Accordingly, the proposal does not harm the character and appearance of the area. It would therefore accord with LDF Policies SP23 and LP56.
17. I note that the Council has also referred to LDF Policy LP67, however as this policy relates to pollution control and not character and appearance, it is not relevant to this main issue.

Conditions

18. As the development has already been carried out in accordance with the submitted plans, no conditions have been recommended by the Council and there is no evidence before me that suggests that the imposition of conditions is necessary.

Conclusion

19. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR