



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/X4725/W/25/3365129

64 Blacker Lane, Netherton, Wakefield WF4 3DW

- 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 Mrs Claire Hall against the decision of Wakefield Council.
 - The application reference is 23/02268/FUL.
 - The development proposed is a detached bungalow and associated works including upgrades to existing track and access onto Blacker Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and whether the 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

3. The proposal would result in a new dwelling beyond the enclosed rear garden and driveway of the house where there is currently a large stable block and two shipping containers. Most of the existing stable block would be demolished, leaving just one stable. The two shipping containers would be removed. It is also proposed to remove a wooden chalet structure that lies on land beyond this area, further to the rear within an area of woodland. The new dwelling would require the surfacing of an existing unmade track and the creation of a new element of driveway that would provide a new access to the road. The site is located within the Green Belt.

Whether inappropriate development

4. The Wakefield Metropolitan District Local Development Framework 2009 (LDF) includes policy LP62 which advises 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. Of relevance it refers to the provision of free standing buildings within existing developed sites. Whilst part of the existing building and the containers would be replaced, the proposal would be for a different use so would not satisfy part 2a of policy LP62 relating to replacement buildings. Part 2d allows redevelopment of

- previously developed land providing it does not have a greater impact on the openness of the Green Belt than the existing development.
5. The council dispute whether the timber building should be considered as part of this policy assessment and also question whether all of the site represents previously developed land. The council have provided figures to demonstrate that without taking account of the wooden structure, the scale of the building would be significantly greater than the removed stables and containers. I agree that the proposed dwelling, given its much wider form and greater height than the stables, would be significantly greater in scale than the stables and containers, when taken together, as is illustrated by the council's floor space and volume figures.
 6. The proposal also includes a very substantial area of surfacing to an existing un-made track and the creation of a new wider element of track. The details with regard to the access to the road are quite limited. However, given the changes in levels, in order to provide the vision splays, it appears inevitable that considerable works would be required at the new access junction. All of these elements of the proposal would reduce the openness of the Green Belt. Even if I were to take the timber structure into account, there is no doubt that overall, the scale of the works would result in a significantly greater impact on openness. I therefore find no support for the proposal from policy LP62.
 7. LDF policy LP1(2) considers new housing in the Green Belt. It advises that in the Green Belt, housing proposals will not be regarded as inappropriate if they meet specific requirements. Of relevance is part (d)(i) which allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. As the proposal, including its access, would result in a greater impact on openness, the policy does not indicate that it would not be inappropriate.
 8. LDF policy SP3(f) relates to the spatial development strategy and advises that in the Green Belt, development will conform to Local Plan and national planning policy relating to the Green Belt. Notwithstanding my findings with regard to policies LP1 and LP62, conformity with national planning policy is considered below. The updated National Planning Policy Framework postdates the development plan policies and therefore, where the policies differ, greater weight should be afforded to the national policy requirements.
 9. The Framework advises that new buildings should be regarded as inappropriate unless they fall within a specified exception. The exceptions include 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 which would not cause substantial harm to the openness of the Green Belt. This differs from the development plan as the test is substantial harm rather than a greater impact on openness.
 10. Given the scale of the proposed access works, particularly at the junction with Blacker Lane, the proposal would result in a significant amount of new development in an area of countryside where currently there is none. The area of development associated with this small group of houses is quite tightly defined and this area is clearly distinct from development associated with the former railway line and the area of the settlement beyond the railway bridge. The scale of the access works

together with the greater scale and spread of buildings to the rear of these existing houses, would result in substantial harm to the openness of the Green Belt in these circumstances.

11. There is dispute between the parties as to how much of the site should be considered as being previously developed. Given my findings, for the purposes of the development plan and Framework policies, a determination as to whether all of the land is previously developed is unnecessary as the scale of development clearly conflicts with the separate openness elements of the policies. For completeness, I have considered the matter below.
12. It is evident that the house has a clearly defined curtilage that ends at the gate associated with the stable building. The stable building and the containers similarly have a single clearly defined curtilage. That area is bounded by gates at both ends, the neighbours garden boundary to the west and a permanent post and rail fence to the east, which separates the stable building area from the adjacent paddock. The Framework definition relates to land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. The clearly defined and enclosed area associated of the stable building and containers would appear to fall squarely into this definition. Whilst the Framework does not include a definition for curtilage, I find no reason to look beyond the clearly defined land that is closely associated with the stable building and the associated containers.
13. The area of the proposed house would extend beyond the current enclosed area associated with the stables and into the area of the paddock. This would result in a different curtilage to that which currently exists. The red line of the application site for the stable building permission did include the adjoining field to the east and indeed the separate fields further to the east. It also included the house and its garden. The application was for the stable building rather than for a change of use of the associated land. I am not persuaded that it suggests that the three well defined associated paddocks should be considered as part of the curtilage of the building, in these particular circumstances. Even if I accepted that the adjoining parcels of land are lawfully used for the keeping of horses, rather than just grazing, this would not alter my view that the stable building and containers, have their own clearly defined curtilage.
14. The access works also result in significant development. The proposed surfacing of the existing un-made track falls outside the red line of the stable building permission and is on land separated from the paddocks by permanent fencing. Within this wider area of scrub and woodland, the only building is the wooden structure located to the north. The building is lawful as it has a lawful development certificate. It does not appear to have a defined curtilage other than that formed by the surrounding trees to the sides and rear. In any event, the appellant's statement supporting the lawful development certificate application described its use as being for general storage purposes in connection with the management of the mixed agricultural and forestry land holding. Previously developed land excludes land that is or was last occupied by agricultural or forestry buildings. Furthermore, I am not persuaded that the existing unmade track falls within the curtilage of the building. The existence of this timber structure within this wooded area does not suggest that the surrounding land falls within the Framework definition of previously developed land. The upgrading works would not therefore be on previously developed land.

15. The new part of the access would pass through an enclosed open area of land that is separated from the curtilage of the stable building by two intervening permanently enclosed paddocks. Although within the red line of the stable building application, I am not satisfied that this land falls within the Framework definition of previously developed land. Even if the first paddock was considered to be part of the curtilage of the stable building, this is clearly a separate area of open land with no building within its boundaries.
16. My assessment of the evidence presented is that the stables and the containers have a defined curtilage which would fall within the definition of previously developed land. Part of the new house and its garden would extend beyond this area into the adjacent paddock. I am not persuaded that this area of paddock represents previously developed land but even if it did, the upgraded track would be on land that is not previously developed. Similarly, the new section of track, through a different paddock to the east, is open land and is not within the curtilage of the stable building. All development outside the immediate curtilage of the stable building would therefore constitute new development that would not be on previously developed land. There are no exceptions within the Framework that suggest that such development would not be inappropriate development in the Green Belt. The recent Framework provisions with regard to grey belt, similarly, do not offer support.
17. The proposal taken as a whole, must be considered as inappropriate development as it is not entirely on previously developed land. I also consider that the scale of the works would result in substantial harm to the openness of the Green Belt. The proposal overall, therefore, represents inappropriate development in the Green Belt with regard to the development plan policies and those of the Framework.

Any other harm

18. Although the dwelling would be set to the rear of these houses, it would be clearly visible from the west. Its height and separation from the existing built form would increase the perceived scale of development and be at odds with the general character of residential development in the immediate vicinity. The retention of part of the stable building would increase the perceived area of development further, particularly when viewed from Blacker Lane to the west. The removal of the wooden building within the woodland area, which is not viewed as part of the developed area, would be a benefit but of very limited scale. The works to create the access would similarly extend development beyond this group of houses. Although not raised as a concern by the council, I find that the proposal overall would detract from the character and appearance of the area and the wider countryside.

Other considerations

19. Although not accepting that the development is inappropriate, the appellant has put forward a number of considerations in support of it. A new dwelling would improve housing supply within the district, re-using and making efficient use of previously developed land. The new access would improve highway safety given the closure of the current access which has poor visibility. The proposal could be required to provide significant ecological benefits including new tree and hedge planting, woodland management, wildflower planting and enhanced habitat provisions. These are all matters that provide weight in favour of the proposal. Although

residents would be likely to access services mainly by private vehicle, this is not an inaccessible location, and a range of services could be accessed by other more sustainable means. This offers some limited further weight in its favour.

20. Whilst I have considered the decision notices submitted relating to paddock land being considered as part of the curtilage of stables and associated buildings, I do not have the full details of those developments and I must in any event, consider this proposal on its own merits. In this case, the stable building has a clearly defined curtilage that is physically and permanently separated from the paddocks. Given my findings with regard to openness, these cases would not alter my conclusions in any event.

Conclusions

21. The house and access works would result in inappropriate development in the Green Belt. The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm. The Framework and development plan advise that approval for inappropriate development will not be given, 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, is clearly outweighed by other considerations. The proposal would also result in harm as a result of a reduction in openness and with regard to the character and appearance of the area.
22. I have had regard to the considerations put forward and the support offered locally. The considerations would not clearly outweigh the harm from inappropriateness, the loss of openness and the other harm. The considerations do not therefore represent the very special circumstances that are necessary to justify the development. It would therefore be contrary to the policies of the development plan, and it would conflict with the specific policies of the Framework, relating to the Green Belt, that indicate that the development should not be approved.
23. I am mindful that there is dispute as to whether the proposal represents inappropriate development. However, even if I had found that the proposal was not inappropriate, I would still have had to assess whether the harm to the character and appearance of the area would be outweighed by the benefits of the proposal. Given the scale of the works required within the countryside, I am not satisfied that the benefits identified above, would outweigh my concerns with regard to the character and appearance of the area.
24. Given my main findings, the proposal would represent inappropriate development in the Green Belt and the considerations put forward would not clearly outweigh the Green Belt harm. It would conflict with the development plan and the Framework. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR