

Appeal Decision

Site visit made on 23 February 2016

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 March 2016

Appeal Ref: APP/Z4718/W/15/3129492

720 New Hey Road, Outlane, Huddersfield, Kirlees, HD3 3YQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Queenscourt Development against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2014/60/93692/W dated 26 November 2014, was refused by notice dated 10 April 2015.
 - The development proposed is 2 no. executive luxury family homes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was submitted in outline with all matters reserved for determination at a later stage. I shall deal with the appeal on that basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the development proposed on the openness and character of the Green Belt;
 - Whether future occupants of the development proposed would have acceptable living conditions with particular regard to air quality and noise; and
 - If the proposal would be 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 it.

Reasons

Whether inappropriate

4. The appeal site is within the Green Belt. The appeal proposal would see the construction of two dwellings. Several planning applications for different types
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- of development on the appeal site have previously been refused planning permission by the Council for reasons similar to those given for the refusal of this appeal proposal.
5. Policy D13 of the Kirklees Unitary Development Plan (UDP) states that within existing settlements in the Green Belt infill development will normally be permitted were: i. The site is small, normally sufficient for not more than two dwellings, and within an otherwise continuously built-up frontage, or ii. The site is small and largely surrounded by development, and iii. No detriment will be caused to adjoining occupiers of land or to the character of the surrounding area.
 6. Paragraph 89 of the National Planning Policy Framework (Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. The paragraph goes on to list exceptions to this, including limited infilling in villages.
 7. Whilst paragraph 89 of the Framework does not specifically define the meaning of 'infill development' for the purposes of Green Belt policy, the local policy approach in seeking to permit limited infill within villages in the Green Belt is generally consistent with that of the Framework. I therefore attach weight to policy D13 in my determination of this appeal in accordance with paragraph 215 of the Framework.
 8. The appeal site is a steeply sloping area of greenfield land that is partly open heathland and partly covered by trees. The site is adjacent to the M62 motorway and is accessed off the junction 23 slip road from a small section of New Hey Road.
 9. There is a row of residential dwellings close to the site. However the appeal site is situated at the end of the existing development between the houses and the M62. There are no dwellings or buildings situated to the east of the site and open fields lie directly to the north. The appeal site is not therefore within an otherwise continually built up frontage nor surrounded by development.
 10. The main built up area of Outlane village lies to the south east of the appeal site further along the main A640 road. The appeal site is seen as visually and functionally separate from the main built up area of the village due to the separation distances involved, the fact that it is set back behind the main road and the presence of intervening open space.
 11. Whilst I note that there is a pub and a youth training centre within walking distance from the appeal site, future occupants would be required to travel to Outlane or other nearby settlements in order to meet their day to day needs. Although the Design and Access Statement submitted with the application indicates that transportation routes and other local facilities such as shops and local schools are present, no specific examples are identified nor the distance that future occupants of the proposed dwellings would need to travel in order to access them.
 12. The total area of the site is approximately 1.13 acres. Although due to the constraints of the site the appellant states that only 0.16 hectares is developable, the overall site area is large. Although I note that the appellant has indicated that large, luxury family homes have been proposed due to financial viability, the appeal site would be capable of physically

- accommodating more than two dwellings. The appeal site is not therefore small for the purposes of policy D13 of the UDP.
13. For these reasons, I consider that the development proposed would not represent limited infilling in a village for the purposes of policy D13 of the UDP or paragraph 89 of the Framework.
 14. Openness is an essential characteristic of the Green Belt. It can be considered as meaning an absence of built or otherwise urbanising development. The appeal site is currently free from visible signs of built development. Therefore in seeking to construct two dwellings on the site, the appeal proposal would by definition be harmful to the openness of the Green Belt. I note that the scale of this proposal has been reduced from that of a previous apartment scheme proposed at the site. However that was refused by the Council for reasons including the harm to openness that would occur. Therefore the reduced scale of this appeal proposal when compared to that previously refused cannot be considered a benefit.
 15. The appeal site, being free from development, has an open and rural appearance that serves as a visual barrier between the housing along this part of New Hey Road and the surrounding busy road network. Although I am mindful that the proposal was submitted in outline with all matters reserved, the information submitted with the appeal does indicate that two large, three storey family homes are proposed. This would not reflect the modest scale of the existing two storey semi-detached and terraced dwellings close to the appeal site. The proposal would therefore be harmful to the character and visual amenity of the Green Belt at this point. For these reasons, I consider that the appeal proposal would fail to safeguard the countryside from encroachment and would therefore conflict with one of the purposes of including land with the Green Belt (paragraph 80 of the Framework refers).
 16. I note the appellant's reference to the inclusion of the appeal site is a Strategic Housing Land Availability Assessment undertaken by the Council. However, as indicated by the Council this assessment was done on a policy neutral and therefore did not take into account the appeal sites Green Belt designation which is a relevant consideration that I must take account of. Whether or not the appellant considers that the appeal site should not be designated as Green Belt, the fact remains that it is and the relevant local and national policies therefore apply.
 17. Drawing matters together, I conclude that the development proposed would not amount to limited infilling in a village for the purposes of local or national Green Belt policy. The proposal would therefore conflict with policy D13 of the UDP and paragraph 89 of the Framework. The development proposed would therefore be inappropriate development in the Green Belt in this regard. The proposal would also be harmful to the openness of the Green Belt and would conflict with one of the purposes of including land within it.

Living conditions of future occupants

18. A noise report and air quality report was submitted with the original application in light of the proximity of the appeal site to the M62 motorway.

19. The noise report states that the general noise climate for the site is traffic noise from the M62 and that traffic noise is high and constant through the day with little respite. The actual measurements ranged between 40 and 110dB.
20. The report refers to guidance which recommends internal noise levels to achieve reasonable resting/sleeping conditions for occupants of dwellings. For living rooms 30dB is judged as 'good' with 40dB being 'reasonable'. For bedrooms, 30 dB is assessed as 'good' with 35dB being 'reasonable'. The report states that general daytime outdoor noise levels should be less than 55dB to prevent significant annoyance.
21. The air quality report refers to various National and European guidance, standards and objectives regarding air quality. The report states that a site visit was carried out and that existing conditions showed acceptable air quality. However, no specific measurements or empirical evidence on which this assessment is based is before me.
22. Both reports refer to suitable mitigation measures that could be secured to address noise and air quality issues. These include the installation of enhanced glazing, with windows preferably closed (with an option to be openable), mechanical ventilation and by designing a suitable layout of the internal accommodation proposed. Landscaping is also proposed where additional evergreen trees would supplement existing trees between the appeal site and the motorway so as to act as a barrier to mitigate both noise and air quality impacts.
23. It may well be possible to incorporate design measures into the proposed dwellings to mitigate some of the noise and air quality issues as a result of the proximity of the appeal site to the M62. However, no specific evidence is before me to show what anticipated noise levels within the internal accommodation could be achieved if these measures were implemented. Furthermore, no specific evidence is before me that shows what the air quality measurements were that were taken at the site and what levels might be expected within the dwellings proposed even taking into account the mitigation measures referred to.
24. In such circumstances, I cannot be certain that the living conditions for future occupants would be acceptable. It is also likely that future occupants would wish to open windows in their living rooms or bedrooms, particularly during the summer to benefit from additional fresh air and natural ventilation. Should this occur, then they would be exposed to the traffic noise and air quality issues associated with the nearby motorway.
25. I am also mindful that when using their rear garden areas, options for mitigation measures to alleviate the effects of the motorway in order to provide acceptable living conditions for future occupants are limited. No specific evidence has been provided to show what practical effect the proposed landscaping would have and whether this would successfully mitigate noise or air quality concerns. It is therefore uncertain as to whether future occupants could use their garden areas to relax in without experiencing the unacceptable effects of noise or air quality issues on their living conditions. Even if the rear gardens were to be laid out at the furthest point from the motorway, they would still be close to it.

26. The appeal site is also occupied by an area of acid grassland / heathland which has been identified as being a habitat of principal importance for ecological purposes. This habitat is situated where it has been indicated that the additional evergreen trees that are intended to act as a noise and air quality buffer would be planted. The Council's ecologist has raised concerns that the proposed conifer planting would not be appropriate or conducive to maintaining this habitat. Landscaping is a matter reserved for determination at a later stage, however the provision of some form of landscaping barrier does form part of the package of mitigation measures proposed to ensure that the living conditions of future occupants would be acceptable. There is therefore some uncertainty as to whether the additional landscaping proposed could be incorporated into the appeal scheme in order to successfully achieve the intended effect.
27. Any reduction in emissions that may be achieved in the future as a result of the implementation air quality targets is equally uncertain and cannot reasonably be considered to act as direct mitigation measures for this proposal.
28. The reports go on to state that as the application was submitted in outline, a detailed noise and impact assessment can be carried out to address any concerns at a later date. However, whether the proposal would provide acceptable living conditions for future occupants does form part of the assessment as to whether or not the principal of the development proposed would be acceptable. It is therefore a relevant consideration before me at this stage.
29. Information submitted with the appeal also refers to the existing dwellings along New Hey Lane and that there are Victoria terraced homes closer to the M62 than the appeal site. On that basis, both reports state that other proposals have therefore been considered to be acceptable with regards to noise and air quality issues. However, the existing houses to which the report refers will have been constructed prior to the motorway. This situation is not therefore directly comparable with the appeal site.
30. Accordingly, I conclude that the development proposed would not provide acceptable living conditions for future occupants, with particular regard to noise and air quality. The proposal would therefore conflict with policy EP4 of the UDP which states that proposals for noise sensitive development in proximity to existing sources of noise, will be considered taking into account the effects of existing noise levels on the occupiers of the proposed noise sensitive development. The proposal would also conflict with paragraphs 17 and 109 of the Framework which state, among other things, that planning should always seek to secure a good standard of amenity for all future occupants of land and buildings; and prevent new development from being adversely affected by unacceptable levels of air or noise pollution.

Other considerations

31. I acknowledge that the appellant seeks a financially viable use for the site and attach limited weight in favour of this consideration.
32. The appellant has referred to the housing land supply situation in the Council area and that there is a demand for executive homes. The appeal proposal would contribute two additional dwellings to the supply. However, the presumption in favour of sustainable development as set out paragraph 14 of

the Framework states that this applies except where specific policies indicate that development should be restricted for example, land designated as Green Belt (footnote 9). This is not therefore a matter that weighs in favour of the appeal proposal.

33. Notwithstanding the appellant's comments in the grounds of appeal, the Council did not object to the proposal due to highway safety concerns or parking provision, subject to conditions. Based on the information before me the proposal would be acceptable with regard to highway safety, access, parking provision, drainage, infrastructure provision, climate change mitigation and the living conditions of neighbouring occupants. Whilst the proposal would therefore comply with some local elements of the relevant UDP policies in this regard, these are all neutral considerations whereby a lack of harm does not weigh in favour of the appeal scheme.
34. As landscaping and layout are reserved matters, it may be possible to design a suitable scheme to ensure that the proposal would not be harmful to the ecology present at the site. This is also a neutral consideration.
35. Although the site may have no specific use and is steeply sloping, it is a greenfield site and outside of a clearly defined urban area. It is therefore not clear to me in what way the proposal would contribute to urban regeneration objectives.
36. Even though previous development proposals on the appeal site have been refused permission by the Council, there is no specific evidence before me to indicate that the Council officer did not determine the original application to which this appeal relates on its own merits.

Conclusion

37. By reason of the proposed construction of a new building outside of an existing village, the proposal would be inappropriate development in the Green Belt and would not meet the definition of infill development in the Green Belt for the purposes of policy D13 of the UDP. It would also conflict with paragraph 89 of the Framework. The proposal would also be harmful to the openness of the Green Belt and would conflict with one of the purposes of including land within it. Substantial weight should be given to any harm to the Green Belt according to the Framework (paragraph 88).
38. I have also concluded that the development proposed would not provide acceptable living conditions for future occupants, with regard to noise and air quality. The proposal therefore conflicts with policy EP4 of the UDP and paragraphs 17 and 109 of the Framework. This adds to the Green Belt harm that I have identified.
39. There are also several neutral factors that I have acknowledged in my decision where a lack of harm does not weigh in favour of the appeal proposal. Furthermore, whilst the proposal would provide two additional dwellings this would be in a Green Belt location where National policy indicates that development should be restricted.
40. On the other hand, I give limited weight to the appellants wish to secure a financially viable scheme for the appeal site.

41. I conclude that this other consideration does not clearly outweigh the totality of harm I have identified. Accordingly, very special circumstances necessary to justify the development do not exist and the proposal would conflict with policies D13 and EP4 of the UDP and paragraphs 17, 88, 89 and 109 of the Framework overall.

42. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR

Appeal Decision

Site visit made on 26 January 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2016

Appeal Ref: APP/Z4718/W/15/3136213

The Old Vicarage, 124 Rowley Lane, Lepton, Huddersfield HD8 0EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Herrick against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/90851/W, dated 14 February 2015, was refused by notice dated 11 September 2015.
 - The development proposed is erection of detached dwelling and rebuilding of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - i) the character and appearance of the area, including the setting of St. John's Church which is listed Grade II,
 - ii) the living conditions of the residents of 124A Rowley Lane in terms of outlook and,
 - iii) highway safety.

Reasons

Character and Appearance

3. The varied scale and appearance of buildings along Rowley Lane dilutes any strong sense of visual uniformity in the street scene. Notwithstanding this there is a clear contrast in scale, layout and appearance between the Old Vicarage with St. John's Church behind and the more recent residential development in the surrounding area.
 4. The appeal site is part of the spacious and verdant setting of St. John's Church and the Old Vicarage and contributes a sense of proportion to these larger buildings. By comparison the wider area is predominantly made up of various types of smaller, relatively modern dwellings on more compact plots.
 5. I acknowledge that the proposed use of stone and slate tiles would be in keeping with the traditional materials used in the construction of the donor property, church and adjacent bungalow. In addition, the dwelling would not
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tend to dominate its plot with reasonably sized private amenity areas to the front and rear and space between the building and side boundaries. However, the site characteristics mean that the scale and position of the dwelling would appear as an imposing development harmful to the open spacious setting of the church and Old Vicarage.

6. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of the nearby Grade II listed building of St. John's Church. However for clarification I disagree with the Council that the listing extends to the Old Vicarage, as it appears to me that this building lies outside the curtilage of the church.
7. It is clear that the special interest of the listed church lies in its architecture. The height and mass of the church tower and its associated buildings make it a strong and imposing landmark on the edge of the settlement.
8. The church and Old Vicarage are large buildings, centred in their respective plots with spacious surroundings and lines of mature boundary trees.
9. From Rowley Lane across the appeal site a significant portion of the church is visible with the rooflines of the various component parts of the building falling progressively forward from the summit of the tower in the background. This tiered relationship of the rooflines framed by mature trees with the smaller Old Vicarage building in the foreground creates a visually deep and elegant vista. This view makes a very important contribution to the setting of the listed building from which the significance of the church can be appreciated.
10. The location and scale of the proposed dwelling would obscure a substantial amount of this view, whilst appearing to cramp the immediate open surroundings of the church. Accordingly it would fail to preserve the setting of the listed building and result in less than substantial harm to the asset.
11. The National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of heritage assets. Where less than substantial harm is identified to the significance of a designated heritage asset, it requires that the harm is weighed against the public benefits of the proposal. In this case the development would provide a unit of additional living accommodation. However, a single unit would make only a very small contribution to the supply and choice of housing and would not be sufficient to outweigh the harm I have identified.
12. The development would therefore be in conflict with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan 2007 (UDP) and with the Framework which seek to promote good quality design that responds to local character and identity and avoids over-development.
13. I have no reason to disagree with the Council that the proposed replacement garage to the donor property would be acceptable in visual terms.

Living Conditions

14. The gable elevation of the dwelling would be close to the side of the adjacent bungalow, No 124A. There are various windows in the side of the bungalow and whilst one would be offset from the footprint of the dwelling, and another

appears to be fitted with obscured glazing there would be potential for residents to look directly onto the gable elevation from a remaining window.

15. Whilst it was not clear from my site visit or from the information before me which areas are served by the side windows and whether they would be classed as 'habitable' rooms, having regard to the proximity, height and scale of the proposal I have no reason to disagree with the Council that the development would result in an overbearing impact that would be harmful to outlook for residents of the bungalow.
16. Accordingly the development would conflict with Policies BE1, BE12 and D2 of the UDP and the Framework which seek to avoid over-development and secure separation between buildings and a good standard of amenity for existing residents.

Highway Safety

17. I acknowledge that the Council is concerned about the capacity of the site to accommodate sufficient off-street car parking and turning space in the interests of highway safety due to the limited size of the proposed integral garage. However from the information provided it seems to me that that the garage would be of a size capable of accommodating many types of car.
18. Notwithstanding this there would be sufficient space at the front of the property to enable off-street parking for three vehicles, as sought by the Council, whilst allowing for a turning area to ensure vehicles were able to leave in forward gear.
19. The development would not therefore result in highway safety issues and would not be in conflict with Policies T10 and T19 of the UDP.

Other Matters

20. In support of his case the appellant has referred to an identical dwelling to that proposed being permitted on a different site. I have no reason to doubt this statement, however it does not justify the harm I have identified in this case to the character and appearance of the area and setting of the listed building.
21. Furthermore I acknowledge that there is a nearby bus stop that may encourage future occupiers to use public transport which would be in the interests of environmental sustainability. However, similarly, this would not outweigh the harm I have identified above.

Conclusion

22. I have not found harm in terms of highway safety. I have also taken into account that the development would provide a new family house. However, these factors are outweighed by my negative findings relating to the character and appearance of the area and the setting of the listed building. I have also found harm to the living conditions of existing residents. Consequently, having had regard to all other matters raised, I conclude that the appeal should not succeed.

Roy Merrett

INSPECTOR

Appeal Decision

Site visit made on 21 January 2016

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2016

Appeal Ref: APP/Z4718/W/15/3138826

Shepherds Thorn Lane, Bradley, Brighouse HD6 3TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Lofthouse against the decision of Kirklees Metropolitan Borough Council.
 - The application ref 2015/62/91455/W, dated 12 May 2015, was refused by notice dated 9 October 2015.
 - The development proposed is the erection of a storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant advises that an earlier application for prior approval for a storage building on the site had been rejected by the Council on the grounds that the use of the building would not be for "forestry" and would not therefore benefit from permitted development rights. Hence the submission of the planning application that ultimately led to this appeal.
3. The appellant also advises that the site has been used in conjunction with his forestry and arboricultural business for around 12 years. He controls and works in several acres of woodland near the site, and carries out tree surgery and other arboricultural activities within a three mile radius. The building would be used to securely store a trailer, digger, wood-chipper, cherry-picker and other machinery, plant, equipment and materials for the business. On the basis of the information before me, I agree with the Council that the storage use would be associated with arboricultural activities that go beyond "forestry". Furthermore, in the absence of a planning permission or lawful development certificate relating to the site, or any other definitive information, I have to regard the use, and existing structures on the land, as being unauthorised.

Main Issues

4. There is no doubt that the site is in the Green Belt, and therefore the main issues are:
 - whether the proposal is inappropriate development for the purposes of national and development plan policy relating to Green Belts;
 - the effect that the proposal would have on the openness of the area; and

- if the proposal represents inappropriate development in the Green Belt, 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 it.

Reasons

The Site, its Surroundings, and the Proposal

5. The appeal relates to a small field in the countryside to the east of a rural lane from where access is provided via an unadopted track. In one corner stands a shed constructed of timber and metal sheeting, and two substantial metal storage containers. To the north is woodland; to the east Bradley Wood Scout Camp and Jubilee Centre; and to the south, largely hidden by a tree belt and rising ground, the M62 motorway.
6. The proposal would entail the removal of the existing shed and containers and the erection of a secure storage building constructed of green profiled steel sheeting approximately 12 metres long, 8 metres wide, and 5.5 metres to the roof ridge.

Whether the Development would be Inappropriate in the Green Belt

7. There are no relevant extant development plan policies relating to this issue. However, the National Planning Policy Framework ("NPPF") makes it clear that development in the Green Belt should be regarded as being inappropriate other than for a number of defined purposes¹. These include the erection of buildings for agriculture and forestry, and the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
8. The Council is of the opinion that the proposal would be inappropriate development in the Green Belt, and this is accepted by the appellant. As I have already found that the building would not be used solely for "forestry", and that the existing building and containers on the site are unauthorised, I agree with this assessment as the proposal would not represent one of the exceptions referred to in NPPF paragraph 89.
9. I therefore conclude on this issue that the proposal would represent inappropriate development for the purposes of national planning policy which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances².

Openness of the Green Belt

10. Openness is an essential characteristic of Green Belts³ that is largely dependent on the quantity of built development in the area in question. Given that the existing building and containers are unauthorised, there is a reasonable prospect that they would have to be removed if that were deemed to be appropriate by the Council.

¹ NPPF paragraph 89.

² NPPF paragraph 87.

³ NPPF paragraph 79.

11. On the other hand, if planning permission were to be granted for the current proposal it would result in a permanent building on the site. Whilst this would not be excessive in scale for its intended purpose, nor visually prominent, it would mean that the site would be less open in the long term than could otherwise be the case. Furthermore, even if the existing building and containers were considered to be permanent structures to be replaced, the proposal would have a larger footprint according to the submitted block plan. This, and the height of the proposal, would mean that it would have a greater impact on openness than the existing structures.
12. I conclude on this issue that the proposal would lead to a material loss of openness to the area, thereby undermining one of the essential characteristics of Green Belts as defined in the NPPF.

Other Considerations

13. Vehicles, machinery, equipment and materials required for the appellant's arboricultural and forestry business are partially stored in the existing open-fronted shed and containers on the site, and partially at home meaning that additional time has to be spent at the start and end of each working day. The proposal would allow everything to be stored in one place thereby improving operational efficiency, and also provide a covered area where an apprentice or additional worker could receive the rigorous training that is required for tree surgeons. It would also provide space to store woodchip meaning that it could be sold as a biomass product, generating additional revenue for the business.
14. The appellant advises that as the existing storage facilities on site are not secure, logs are often stolen and machinery damaged. Due to the lack of space in the existing shed, the cherry-picker has to be stored on a trailer meaning that it could be easily stolen. Whilst an alarm is fitted, this is activated around five times every week and the appellant has had to frequently confront intruders, some of whom have been armed with guns and crow bars. Incidents have been reported to the police, but security problems persist meaning that the appellant is, quite understandably, seriously concerned for his health and safety. He is also worried that someone could set fire to the logs, thereby putting the wider area at risk.
15. The proposal would, therefore, support a rural business and contribute positively to the economy of the area, objectives that are encouraged by the NPPF. Furthermore, the proposal would improve the security of the site, and thereby reduce financial costs associated with theft and vandalism, and, importantly, be likely to reduce the frequency of such events which would have significant benefits in terms of the health and safety of the appellant. I attach considerable weight to the social and economic benefits that the proposal would be likely to deliver in these respects.
16. The appellant has investigated potential alternative means of obtaining a secure storage building for his business. However, he has been unable to find any suitable premises close to his woodland and customers, and in any case he considers that the cost of renting a light industrial unit with a yard would be disproportionate to the turnover of the business. Whilst I have no reason to doubt that it would be economically advantageous to erect the proposed building rather than rent or buy an alternative, I have only limited information

about the implications for the viability of the business meaning that I can attach only limited weight to this financial benefit to the appellant.

17. The appellant has spent a considerable amount of money tidying up the site, and implemented landscaping and ecological improvements. If permission were to be granted, additional environmental enhancements would be made. Whilst this would be beneficial, given the scale of the proposal and site, additional landscaping could only be required to be limited in nature. The building itself would be of a type that is typically found in rural areas, and sited such that it would not be at all prominent in the wider landscape. It would however, as I have already found, detract from the largely open nature of the countryside.

Overall Assessment

18. The proposal, by supporting an established rural business and enhancing security, would deliver significant social and economic benefits. Whilst these would be limited in scale, given the circumstances that I have described I attach considerable weight to them. The proposal could also deliver some environmental benefits through additional landscaping, although these would be limited.
19. However, I have found that the proposal would be inappropriate in the Green Belt, and that it would be likely to materially harm the openness of the area. The substantial harm that this would cause would not be clearly outweighed by the benefits that I have identified, and therefore very special circumstances to justify the proposal do not exist⁴.

Conclusion

20. For the reasons given above, I conclude, on balance, that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

⁴ NPPF paragraph 88.

Appeal Decision

Site visit made on 29 December 2015

by Elizabeth Pleasant BSc(Hons)DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2016

Appeal Ref: APP/Z4718/W/15/3133875

1 Yew Green Avenue, Huddersfield HD4 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Inderpaul Singh Birk against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/91541/W, dated 1 May 2015, was refused by notice dated 14 July 2015.
 - The development proposed is new detached residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect on:
 - The living conditions of 23, 25 & 27 Yew Green Road, with particular regard to outlook and sunlight; and
 - The character and appearance of the area.

Reasons

Living conditions

3. The proposed dwelling would be sited approximately a metre and a half away from the boundary of the site where it adjoins the rear back yard/amenity areas of the neighbouring residential terrace on Yew Green Road. The rear elevations of Nos. 25 and 27, which include habitable room windows at ground and first floor level, would face the flank wall of the appeal proposal. In addition No 23 Yew Green Road forms one half of a back to back property and thus its entire windows also face directly onto the proposed dwelling's flank wall.
 4. Policy BE12 of the Kirklees Unitary Development Plan, 1999 (UDP) advises that new dwellings should be designed to provide privacy and open space for their occupants, and physical separation from adjacent property and land. It normally requires, and pertinent to this appeal, a minimum separation distance of 12m between a habitable room window of a dwelling and a blank wall or a wall containing the window of a non habitable room. It also advises that distances less than these will be acceptable if it can be shown that, by reason
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- of permanent screening, changes in level, or innovative design, no detriment would be caused to existing or future occupiers of the dwellings or any adjacent properties.
5. The flank wall of the proposed dwelling, which has a single first floor bathroom window in it, would be at its closest some 8.5m away from the rear elevation and facing habitable room windows of 23 Yew Green Road. This distance increases by approximately a metre where the site adjoins the rear of Nos. 25 and 27. There would be no significant difference between the properties ground floor level. The proposed dwelling has been designed with a hipped roof and provides a cat slide roof and dormer to the projecting rear element to try and minimise its bulk and massing. However, given its proximity to No 23 in particular, whose sole aspect is towards the appeal site, it is considered that the proposed dwelling would dominant the outlook from this property and be overbearing to its occupants. Furthermore, the proposed dwelling would be sited directly to the south of Nos. 23, 25 and 27. I noted on my site visit that the existing dwelling, 1 Yew Green Avenue already casts a shadow over the amenity areas of these properties. It is therefore reasonable to expect that the proposed dwelling, which would be sited in much closer proximity to them, would result in significant overshadowing of these properties.
 6. I have considered the appellant's reference to Bradford Council's Household Supplementary Planning Document. However, the appeal site lies within Huddersfield, and I can therefore only consider the proposal in accordance with Kirklees Council's development plan. Furthermore, each proposal must be considered on its own merits and on the basis of the application plans which were before the Council when they made their decision. It is those which form the basis of this appeal.
 7. My attention has been drawn to the relationship between other properties on Yew Green Avenue; however I did not see any that were directly comparable to the proposal before me. Although the appellant does not consider the external areas to Nos. 25 and 27 to be formal garden areas and to have little privacy, they do provide valuable outdoor space for sitting, playing and drying clothes as well as parking cars. I consider that the occupants of these properties are entitled to have a reasonable level of outlook and access to sunlight. The absence of objections from the existing occupants of these properties to the proposed development, nor the modest increase in privacy that it may provide to their rear gardens, does not justify the significant harm I have identified in terms of effect on their living conditions.
 8. I therefore conclude that the proposal would cause significant and demonstrable harm to the living conditions of Nos. 23, 25 and 27 Yew Green Road, by reason of loss of outlook and sunlight. It would be contrary to Policies BE12 and D2 of the UDP which seek to ensure that new development does not prejudice residential amenity and which are consistent with one of the core planning principles of the National Planning Policy Framework (the Framework), which seeks to provide a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

9. Yew Green Avenue is a small cul-de-sac of predominantly semi- detached houses, with a couple of short terraces and a single detached infill property. The majority of the properties have hipped roofs and parking is provided on

driveways to the front or side of the properties. The properties have a fairly consistent building line and plot width.

10. The appeal proposal is for a detached dwelling which would be similar in height to the neighbouring property, 1 Yew Green Avenue and sited immediately adjacent to it. The proposal has been designed with a hipped roof and projecting front bay windows to reflect the design characteristics of the existing properties in Yew Green Avenue. Although the plot tapers in width towards the rear of the site, it has a frontage similar in width to the majority of the properties on the cul-de-sac. Given the mix of properties on the street it is not considered that the proposal would be out of character, neither would it appear cramped. Furthermore, the presence of the existing terrace on the corner of Yew Green Avenue and Yew Green Road, obscures views of the site as you enter the street so that it would not be a dominant feature in the street scene as a whole.
11. I conclude that the proposal would not cause significant harm to the character or appearance of the area and would not therefore conflict with Policies BE1 (i) (ii) or D2 of the UDP together with Section 7 of the Framework, which seek to provide a good standard of design and protect the character of the area and local identity.

Conclusion

12. Although I have found that the proposal would not adversely affect the character or appearance of the area, I have found that the development would have a significant and harmful effect on the living conditions of the occupiers of 23, 25 & 27 Yew Green Road. Therefore, for the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Elizabeth Pleasant

INSPECTOR

Appeal Decision

Site visit made on 26 January 2016

by Matthew Birkinshaw BA(Hons) Msc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th March 2016

Appeal Ref: APP/Z4718/W/15/3139811

Rear of 17 Darnley Close, Meltham, Holmfirth, HD9 4BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Chris Smith against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/91317/W, dated 30 April 2015, was refused by notice dated 17 November 2015.
 - The development proposed is a detached dwelling with integral garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling with integral garage at the rear of 17 Darnley Close, Meltham, Holmfirth, HD9 4BT in accordance with the terms of the application, Ref 2015/62/91317/W, dated 30 April 2015, subject to the conditions in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal relates to a section of garden at the rear of 17 Darnley Close. As part of the proposal a new access would be formed from Mill Bank Road and a detached house erected in between Bank Cottage and Upper Mount. Due to the significant change in level part of the existing retaining wall would be removed in order to create a new driveway and lower ground-floor garage.
 4. Although the retaining wall is a distinctive feature of Mill Bank Road it does not extend the full length of the street. Instead, the adjacent terraced row has been cut into the hillside as evidenced by the exposed stone at the rear of no.12. The retaining wall is also fragmented by Bank Cottage which has a broadly level access onto the street and a driveway leading to raised land behind. As a result, whilst this part of the street has remained largely unchanged since the mid-1800s, the partial loss of a section of the retaining wall would not detract from its appearance. On the contrary, by building into the hillside the proposal would reflect some of the examples of Victorian engineering which characterise the immediate surrounding area.
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5. In addition to the significant level change between the garden and the roadside there is also a natural fall along Mill Bank Road from south-west to north-east. Accordingly, Bank Cottage steps down to 12 Upper Mount, which in turn is higher than no.11 and so on. However, the submitted streetscene drawings illustrate that this relationship would be maintained by ensuring that the eaves and ridge height of the appeal scheme would sit slightly lower than the adjacent cottage. In doing so the continual reduction in buildings heights, which is a feature of the streetscene, would be largely preserved. Although the step-down to Upper Mount would be pronounced, based on the evidence provided by the appellant, which includes a 3D assessment, I am not persuaded that this would necessarily be a harmful or incongruous addition.
6. Furthermore, due to the change in level the garage would be cut into the side of the site whilst the majority of first-floor living space would be contained within the roof space. Despite having accommodation across three floors the main bulk and mass of the dwelling would therefore be broadly level with the ground surrounding it and the proposal would have the appearance of a 1.5-storey house from public vantage points further up and down the street. For these reasons, when compared to the size of Bank Cottage and Upper Mount I consider that the height and scale of the dwelling would adequately reflect its surroundings. The final ground and finished floor levels could also be controlled and enforced by a suitably worded planning condition to ensure that the development sits comfortably in the side of the sloping site.
7. In terms of its width the proposal would not extend up to the site boundary on either side. Instead, a gap of between roughly 0.9m and almost 2m would be maintained, with the principal access taken down the side of the dwelling. It would also be set-back from the roadside behind a large driveway and the front elevation includes a generous recess which would help to further break up its size, scale and bulk. Moreover, due to the area of garden at the side of Bank Cottage, and the embankment adjacent to no.12 a reasonable degree of separation would be maintained between the appeal scheme and its immediate neighbours.
8. In summary therefore, because the eaves and ridge heights of the scheme would be slightly lower than Bank Cottage, combined with the inclusion of accommodation in the roof space, the set-back from the roadside, recessed front elevation and the separation from properties on either side, I consider that the proposal would not appear cramped or out of proportion.
9. Concerns have also been raised that the design is not in keeping with local heritage and would result in the loss of green space when there are several former industrial sites available nearby. However, despite the use of modern materials such as glazing and render, the front elevation and garage surrounds would be primarily constructed from coursed stone. Subject to the use of high quality appropriate local materials the design would therefore provide a modern family dwelling whilst managing to successfully reflect its more traditional context. Furthermore, because the appeal site forms part of a garden set above the roadside, and given the large wooded area broadly opposite the site, the erection of a dwelling in this location would not result in the loss of an important area of green open space. There is also nothing to substantiate comments that brownfield land is available close by, or that the principle of development would conflict with any local or national planning policies.

10. I therefore conclude that the proposal would be visually attractive and its split-level design, height, scale, width and proportions would not prejudice the character or appearance of the area. As a result there is no conflict with *Kirklees Unitary Development Plan (UDP)* Policies BE1 or BE2 which, amongst other things, require development to be of a good quality design which creates or retains a sense of local identity, is visually attractive and is in-keeping with its surroundings in terms of its design, materials, scale, density, layout, height, and mass. There is also no conflict with UDP Policy D2 which states that planning permission for new development will be granted provided that it does not prejudice visual amenity or the character of its surroundings. Similarly, the scheme accords with the National Planning Policy Framework ('the Framework') which seeks to secure high quality design and requires planning to take account of the different roles and character of different areas.

Other Matters

11. In reaching my conclusions against the main issue I have also taken into account concerns regarding the proposal's effect on the privacy, daylight and outlook of neighbouring residents, the construction process, highway safety and car parking, the setting of the 'Bank Buildings', biodiversity and drainage.
12. It is noted that the plans include ground and first floor windows on the side elevations of the scheme facing towards Bank Cottage and Upper Mount. Nonetheless, the section of glazing directed towards Upper Mount would only serve a staircase and hallway, which, given their intended use would not cause any harmful loss of privacy in the garden below. Elsewhere bedrooms 1 and 2 would be served by rooflights and therefore non-opening or top-opening windows with obscure glazing could be used on the side elevations. This would also restrict any harmful overlooking of either adjacent property.
13. Similarly, although balconies are included in the scheme only a small area of the front garden serving Bank Cottage would be overlooked from the first floor Juliet balcony, and the existing hedge would restrict any views from the larger ground floor projection. Subject to the use of screening on the north-east facing side of the balcony, which could be secured by a planning condition, no overlooking of no.12 Upper Mount would occur.
14. In terms of the size and proximity of development to neighbouring properties the Council has not raised any concerns. At the planning application stage the Planning Officer confirmed that "*...the scale and siting of the dwelling would not lead to undue loss of light or overbearing impact.*" Due to the generous area of garden at Bank Cottage, the relative height and position of the appeal scheme and the degree of separation to Upper Mount, I find no reasons to justify a different conclusion.
15. With regard to the construction process details of ground works and retaining walls could be controlled by the Council through the approval of a Construction Method Statement prior to work commencing. This would ensure that appropriate construction practices were put in place and adhered to at all times. Although excavation of the site and construction of a dwelling would result in a significant amount of additional vehicle movements compared to the existing situation, it would only be temporary. Whilst I empathise with the disruption that would be caused it therefore does not justify refusing planning permission. Ensuring that works are carried out to appropriate standards, including Health and Safety standards, are covered by separate legislation.

16. Concerns regarding the future health and well-being of the boundary hedge with Bank Cottage have also been raised. However, the Council's Tree Officer has not objected to the scheme in terms of its effects on trees or hedgerows either on, or close to the site boundary. Details relating to their retention and protection could also be secured by a suitably worded pre-commencement planning condition.
17. In terms of highway safety the driveway would not be large enough for a vehicle to enter the site, turn around and leave in a forward gear. The visibility of approaching traffic would also be restricted by the position of the retaining wall. Nonetheless, the Council confirms that Mill Bank Road is not classified, and at the time of my mid-morning site visit traffic was very quiet. It is also noted that no.12 Upper Mount has a similar driveway leading to a garage yet no details have been provided to suggest that it has led to any safety problems or accidents in the past. In the absence of any objections from the Highways Officer I am therefore satisfied that the scheme would not prejudice safety.
18. During my site visit I also observed several spaces that were available up and down Mill Bank Road within the vicinity of the appeal site, which is primarily unrestricted. Moreover, as part of the scheme a large garage would be provided and the driveway would be able to comfortably accommodate a family car. When bearing in mind that only a single dwelling is proposed the scheme would therefore not give rise to any hazardous on-street parking or significant congestion on the local highway network, even during peak hours.
19. Reference has also been made to the Grade II listed 'Bank Buildings' located to the south of Mill Bank Road. I have therefore had special regard to the desirability of preserving or enhancing their setting. However, the large 3-storey terrace is at a much lower level to the appeal site on the other side of the road. It is also further to the south-west broadly level with Bank Cottage. Given the substantial degree of separation the scheme would not affect the setting of the Grade II listed terrace. For the same reasons there would also be no effect on the use of, or views over 'The Pleasure Grounds'.
20. Finally, no detailed evidence has been provided to indicate that any protected species would be affected by the development, or that there are any local flooding or drainage issues. The provision of bat and bird boxes would therefore provide new opportunities for wildlife on the site. Specific details of foul and surface water drainage could also be secured, controlled and enforced as part of a pre-commencement condition to ensure that no harmful flooding or other impacts on groundwater occurs.

Conclusion and Conditions

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.
22. Aside from the standard time limit it is necessary to list the relevant plans to ensure that development is carried out as approved. In the interests of the character and appearance of the area it is also necessary to require the approval of material samples. Because this relates to the construction of the dwelling it is required prior to works starting on site. For the same reasons, and in the living conditions of adjacent residents, it is also necessary to require the approval of the finished floor and ground levels, albeit I have reworded the Council's suggested condition as drainage is covered by other requirements.

23. Although not suggested by the Council the interests of the character and appearance of the site and surrounding area, and the living conditions of neighbouring residents also necessitate a condition requiring the approval of hard and soft landscaping works, and their implementation thereafter. The condition also requires the approval of details relating to the protection of existing trees and hedgerows. Because this relates to the construction of the dwelling it is necessary to approve the details before works commence. It is also necessary for any landscaping to be replaced as required for five years.
24. Due to the significant level change and proximity of neighbouring residents the approval of a Construction Method Statement is required to address any ground works, excavation, retaining walls and boundary treatments. The nature of the condition also means that it is required prior to commencement of any development.
25. In order to prevent flooding and harmful surface water run-off details of the drainage of the site are required. However, I have reworded the Council's suggested condition by requiring the details to be approved prior to the start of development as initial construction works may relate to the provision of drainage infrastructure.
26. In the interests of highway safety a condition is necessary to ensure that the proposed access and parking area is laid out and retained free from obstruction for its intended purpose thereafter. Nonetheless, because the approval of hard surfacing and drainage are requirements of other conditions, it is not necessary to stipulate that it shall be laid out with a 'hardened and drained surface'. This also lacks precision.
27. To ensure that the biodiversity value of the site is maintained and where possible enhanced a condition is required for the erection of bat and bird boxes. For clarity I have reworded the Council's suggested condition to ensure that the measures are installed prior to the occupation of the dwelling.
28. Finally, in the interests of the living conditions of the occupants of Bank Cottage and 12 Upper Mount a condition is required in order to ensure that only obscure glazed, top or non-opening windows are installed on the side elevations at first floor level, and that no other windows are used in the future. For the same reasons, and given that there is a side-facing window on the south-west elevation of no.12, a condition is required in order to ensure that a screen is provided on the side of the ground floor balcony. Due to the position of the boundary hedge with Bank Cottage, and bearing in mind conditions relating to the retention, protection and provision of new landscaping, it is not necessary to refer to screening on both sides of the balcony.

Matthew Birkinshaw

INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated 30/04/15, Drawing No.1, unnumbered proposed site layout, Drawing No.2 insofar as it relates to the first floor layout, Drawing No.3 and Drawing No.4.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the finished floor levels of the proposed dwelling, together with corresponding finished ground levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the approved finished floor and ground levels shall be retained as such at all times thereafter.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the size, species and spacing of planting; areas to be grassed; any trees or hedgerows to be retained and measures for their protection; and all materials to be used for hard surfaced areas.
- 6) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of the dwelling hereby permitted or in accordance with a programme agreed with the local planning authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict accordance with the Method Statement, which shall include details of all necessary ground works, excavation, retaining walls and boundary treatments. The approved retaining walls and boundary treatments shall be retained at all times thereafter.
- 8) No development shall take place until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the site shall be developed with separate systems of drainage for foul and surface water on and off site.

- 9) Prior to the occupation of the dwelling hereby approved the access and parking areas shall be constructed in accordance with the details shown on drawing nos.02 and 03. The approved access and parking areas shall be kept clear from obstruction and retained for their intended purposes at all times thereafter.
- 10) Prior to the occupation of the dwelling hereby approved the following measures shall have been provided:
- One bat box, in the form of a Schweglar Type 1FR bat box, or similar, installed integral to the dwelling within the site on the south-west facing wall at least 4 metres from the ground, and not located above any windows or doors; and
 - One woodcrete sparrow terrace nest box, installed integral to the dwelling within the site on the north-east facing wall at least 3 metres from the ground, and not located above any windows or doors.

The bat and bird boxes shall be retained at all times thereafter.

- 11) All first floor windows in the side elevations of the new dwelling shall be non-opening or top-opening only, and shall be fitted with obscure glazing prior to first occupation of the dwelling hereby approved. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), only windows of this type shall be used at all times thereafter.
- 12) No development shall take place until details of screening to be used on the north-east facing side of the ground floor balcony have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the balcony screening shall be retained at all times thereafter.



Appeal Decision

Site visit made on 9 March 2016

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

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2016

Appeal Ref: APP/Z4718/W/15/3138243

Carlin Farms, Oldfield Road, Honley, Holmfirth HD9 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Carlin Farms Ltd against the decision of Kirklees Council.
 - The application Ref 2015/62/90804/W was refused by notice dated 28 May 2015.
 - The development proposed is a replacement building.
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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; the effect on the character and appearance of the area; 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 description of development on the application form relates to a replacement building. What is proposed is a new dwelling. This would replace a range of agricultural buildings. There is a permission in place that allows part of these buildings to be converted into a dwelling.

Inappropriateness

4. The proposal would result in a new building in the Green Belt. The *National Planning Policy Framework* advises that new buildings should be regarded as inappropriate unless they fall within an exception set out in paragraph 89. This proposal does not fall within the scope of these exceptions. The proposal would therefore represent inappropriate development in the Green Belt.

Openness

5. The appellant has provided figures relating to the areas and volumes of the existing agricultural building and the proposed dwelling. It is clear that there would be a reduction in volume of development overall.
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6. The footprint calculations are less helpful. The dwelling would be surrounded by new surfaced areas and retaining walls. The driveway would represent a significant area of new development as would the rear patio areas. The two storey element and the substantial depth of the built form along the side boundary and close to the footpath, together with the additional retaining and enclosing walls, would result in the works overall, having a substantial perceived scale.
7. I am not persuaded that the proposal would represent a considerable reduction in the area of development. The building works and surfaced area closer to the road and the greater scale of development close to the footpath, would increase the perceived prominence of development. However, given the substantial reduction in volume, I accept that the proposal would not reduce the openness of the Green Belt. It would not therefore conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Any other harm

8. By stepping the development down, the two storey element of the house would have little prominence from the road. It would be quite dominant in views from the footpath to the rear because of its proximity to the rear boundary but the quality of the design would ensure that it would sit satisfactorily within the landscape. When viewed from Oldfield Road, the dwelling would have a simple design and good quality materials.
9. The attached garage would sit forward of the main building line and this would result in it being a prominent feature. The layout also involves a substantial area of drive and a large surfaced area to the side of the garage. These elements would result in the property having a very suburban appearance that would be at odds with the very rural character of this area. I find that the frontage of the property would represent poor design and would be contrary to Policies BE1 and BE2 of the Unitary Development Plan 1999 as these seek proposals that are visually attractive and in keeping with surrounding development. These policies accord with the design requirements of the *Framework*, which also advises that permission should be refused for development of poor design.

Other matters

10. I note the concerns with regard to the scale and costs associated with the permitted conversion of part of this range of buildings but I am not persuaded that the permission could not be implemented. Although representing a new dwelling, this proposal would offer an alternative to the existing permission. The conversion would result in a dwelling which would have little architectural quality or interest and although of more limited prominence, it would not make a positive contribution to the character of this area. This is a consideration that provides weight in favour of the principle of a new dwelling of high architectural standards and more traditional materials. The weight I afford it is however reduced given my concerns with regard to the character and appearance of the frontage of the dwelling proposed.
11. The volume of the proposed dwelling would be considerably less than that of the existing buildings. I am satisfied that conditions could provide some

controls with regard to additional development. This is a consideration that also weighs in favour of the proposal. However, given the actual area of the site that would remain developed and the perceived scale of the new works from public vantage points, although there would be some benefit, the reduction in volume would not result in a substantial benefit with regard to openness.

12. The appellant has suggested that a unilateral undertaking could be submitted to require the removal of other buildings on the holding. An undertaking has not been submitted so I have considered the proposal on the basis that only the buildings within the red line on the plans would be removed.
13. The Council accept that they are unable to identify a five-year supply of land for housing. Although not a highly sustainable location, this site is not isolated as it has development to three sides, including an accepted replacement dwelling on the adjacent site. A bus service operates along this road. In these circumstances, the addition of a new dwelling with good sustainability credentials in terms of its design, is a consideration that gains some support from the *Framework*. However, as an extant permission for a dwelling exists, this reduces the weight I afford to the contribution the proposed dwelling would make to housing provision in the area.

Conclusions

14. The proposal represents inappropriate development. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt. Substantial weight must be given to any harm to the Green Belt. In addition, the appearance and layout in relation to the frontage would represent poor design. Accepting poor design would cumulatively result in harm to the character and appearance of the area.
15. Inappropriate development 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, is clearly outweighed by other considerations.
16. The proposal would not result in harm to openness and would reduce the volume of development on the site. The extant permission would not result in a dwelling of the highest quality and this proposal would offer some improvements compared to that development. The proposal could also secure improved sustainability credentials compared to the permitted conversion. These considerations provide considerable weight in favour of the proposal.
17. Overall, although I have had regard to all the considerations put forward by the appellant, they do not clearly outweigh the harm from inappropriateness and the other harm I have identified. They do not therefore represent the very special circumstances necessary to justify the development. The specific policies with regard to the Green Belt, referred to in paragraph 14 of the *Framework*, indicate that development should be restricted. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR