



Appeal Decision

Site visit made on 7 August 2018

by Michael Moffoot DipTP MRTPI DipMgt

an Inspector appointed by the Secretary of State

Decision date: 13 August 2018

Appeal Ref: APP/Z4718/W/18/3196374

161 Bradford Road, Cleckheaton BD19 3TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Thair (Centroz) against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2017/70/93152/E, dated 6 February 2017, was refused by notice dated 30 November 2017.
 - The application sought planning permission for change of use from A1 (post office) to A5 (takeaway) without complying with conditions attached to planning permission Ref: 2007/62/93417/E1 dated 19 December 2007.
 - The conditions in dispute are Nos 3 and 4 which state:
 3. *The use hereby permitted shall not be open to customers outside the hours of 8.00am to 2300hrs Monday to Saturday and 10.00am to 2100hrs on Sundays and Bank Holidays.*
 4. *Unless otherwise agreed in writing with the Local Planning Authority, there shall be no deliveries to or dispatches from the premises outside the hours of 8.00am and 17.00hrs Monday to Friday and 8.00hrs and 13.00hrs Saturdays. No deliveries shall take place on Sundays or Bank Holidays.*
 - The reasons given for both conditions are: *To safeguard the amenities of nearby residents.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application at appeal initially sought to vary the approved opening and delivery hours (above) to 1100-0030 hours the following day on Sunday to Thursday and 1100-0200 hours the following day on Friday and Saturday. The Council's refusal was based on these hours.
3. The appellant has amended the proposed opening hours at the 'final comments' stage of the appeal to 1100-midnight on Monday to Thursday; 1100-0200 hours the following day on Friday and Saturday; and 1200-0030 hours the following day on Sunday. Whilst it is not clear from the information before me whether the public and other interested parties have been consulted on these amended opening hours, the Council has had the opportunity to comment. I shall therefore have regard to them in my decision.

Main Issue

4. The main issue in this case is whether the disputed conditions are necessary and reasonable having regard to the living conditions of surrounding residents.

Reasons

5. The appeal premises are situated at the junction of Bradford Road and Victoria Street and comprise the end unit of a two-storey terrace of commercial properties which includes a hair salon, sandwich shop, hot food takeaway and two other retail outlets. There appears to be living accommodation above a number of the units in the terrace including the appeal property. The surrounding area is characterised by a mix of housing together with leisure, retail and other commercial development consistent with the urban nature of the locality.
6. Amongst other things, the *National Planning Policy Framework*¹ states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users. These objectives are broadly reflected in saved Policies BE1 and EP4 of the *Kirklees Unitary Development Plan* (2007) which, amongst other matters, require that development proposals should seek to avoid exposure to excessive noise, and that proposals for noise generating development should take into account the effect on the occupiers of existing noise sensitive development.
7. As well as a number of flats at first floor level in the terrace there is housing to the rear of the appeal site on Victoria Street and residential development nearby at Exchange Court, Fairfield Street and Collinson Street. In relation to condition 3, the proposed opening hours would extend customer activity associated with the takeaway well into the late night period and the early hours of the following morning throughout the week, at a time when ambient noise levels generated by traffic on Bradford Road will be significantly lower than daytime levels. The coming and going of customers by car and on foot during these extended hours would include the revving of engines, slamming of car doors and high-spirited behaviour by those visiting the premises and congregating outside. These noisy activities would adversely impact upon the living conditions of the occupiers of nearby flats dwellings at a time when residents should be able to enjoy their homes in reasonable peace and quiet and many will be in bed.
8. Although the appellant has volunteered to slightly reduce the proposed opening times of the takeaway from those originally sought they would nevertheless constitute a significant increase over the approved hours. Given the close proximity of the premises to surrounding residential properties this compromise would not overcome my concerns.
9. I now turn to condition 4. The appellant advises that some 70% of trading now consists of deliveries rather than customer collection of meals. The proposal would significantly extend the existing delivery hours into the late night and following early morning periods. The resultant increase in vehicle movements, comprising the frequent coming and going of cars and motor-cycles involved in the collection and delivery of takeaways, would substantially compound the

¹ As revised July 2018

noise and disturbance generated by the business to the detriment of local residents' living conditions. This would particularly be the case for those at first floor level in the terrace and the occupiers of nearby dwellings on Victoria Street. No details have been provided about the 'strict operating guidelines' for delivery drivers cited by the appellant, and as such I attach little weight to this submission.

10. The existing opening and delivery hours represent a reasonable balance between the commercial and business interests of the appellant and the legitimate protection of nearby residents' living conditions. The proposed variation to conditions 3 and 4 would severely compromise these living conditions in conflict with the development plan policies I have referred to. Accordingly, I conclude that the present operating hours are appropriate in the circumstances of this case and the disputed conditions should therefore remain in place.
11. In coming to these findings, I acknowledge that there are other late night operations in the vicinity of the appeal site, including a public house and a social club. Whilst these premises may be licensed to trade until 0300 hours on some days they do not do not justify the variations sought to the disputed conditions in the circumstances which apply at the appeal site.

Other Matters

12. Concerns raised by local residents regarding noise from the extraction system and cooking and waste odours generated by the business are not matters before me in this appeal.
13. The proposal is accompanied by a petition containing some 150 signatures in support of the proposal. Notwithstanding arguments regarding the legal validity of the document, it is clear that the proposal garners much support, albeit that many of the signatories live some distance from the site. Nevertheless, such support does not outweigh the significant objection to the proposed extension to opening and delivery hours.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that that the appeal should be dismissed.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 7 August 2018

by Michael Moffoot DipTP MRTPI DipMgt

an Inspector appointed by the Secretary of State

Decision date: 13 August 2018

Appeal Ref: APP/Z4718/W/18/3198488
93 Stocks Bank Road, Mirfield WF14 9QB

- 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 & Mrs Knibbs against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2017/62/93470/E, dated 9 October 2017, was refused by notice dated 29 January 2018.
 - The development proposed is 'Demolition of existing garage. Erection of dwelling and associated site works'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Dean Knibbs against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular reference to outlook, privacy and daylight and sunlight.

Reasons

4. The appeal site forms the side garden of the appellants' dwelling and comprises a rectangular parcel of sloping land containing a summerhouse, greenhouse and double garage with attached lean-to fronted by a vehicle hardstanding accessed off Stocks Bank Road. The surrounding residential area is characterised by a mix of properties including traditional, tight-knit terraced housing and detached single and two-storey dwellings on generous plots.
5. The proposed dwelling would provide four-bedroomed accommodation over two floors with an integral garage and would utilise the existing access, whilst a new access and associated parking/turning space would be formed to serve No 93.
6. Amongst other things, saved Policy D2 of the *Kirklees Unitary Development Plan* (2007) ('the UDP') states that permission will be granted for the development of land provided that it does not prejudice residential amenity. Saved Policy BE12 includes minimum acceptable distances between existing

and new dwellings and between new dwellings and the boundary of adjacent land. It also provides for reduced separation distances where, by reason of permanent screening, changes in level or innovative design, no detriment would be caused to existing or future occupiers of the dwellings. The *National Planning Policy Framework*¹ ('the Framework') states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and promote health and well-being, with a high standard of amenity for existing and future users.

7. The proposed dwelling would be located some 6m from the flank wall of No 93A, which includes a secondary kitchen window and a landing/office window above. I regard these as habitable rooms for the purpose of assessing the proposal. The separation distance between these openings and the dining room windows in the proposed dwelling would be significantly less than that advocated in Policy BE12. As a result, the outlook from the office and kitchen windows in No 93A would be diminished and daylight and sunlight reaching the rooms would be reduced. The occupiers' privacy would not be materially harmed however, as boundary fencing to the appeal site would prevent undue overlooking from the dining room windows in the new dwelling.
8. The proposed dwelling would adjoin a ground floor lounge window and two first floor bedroom windows to No 93. At such close quarters the outlook from these openings would be severely curtailed by the new house and daylight and sunlight reaching the rooms would be reduced to an unacceptable extent. The occupiers' privacy would not, however, be compromised.
9. The bungalow at No 1 Ford Drive lies to the rear of the appeal site at a lower level and sits obliquely within its plot, with a well-established hedge marking the boundary between the two properties. The rear elevation of the bungalow includes a conservatory which opens out on to a patio area and lawn and there is a first floor bedroom window in the gable end of the dwelling.
10. Policy BE12 normally requires a separation distance of 21m between habitable room windows of a new dwelling and an existing facing dwelling. The proposal would fail to meet this standard by some margin. The outlook from the gable bedroom window, conservatory and adjoining lawn and patio is presently contained to varying degrees by the appellants' existing dwelling and the boundary hedge between the two properties. Due to its proximity, scale and elevated siting, the new dwelling would significantly increase the sense of enclosure for the neighbouring occupiers, and especially when using their garden/patio areas.
11. Furthermore, daylight and sunlight reaching the bungalow and its garden would be reduced to some degree and the occupiers' privacy compromised by first floor windows in the new dwelling. Whilst new tree planting and fencing on the western boundary of the appeal site may reduce overlooking of No 1, the screening benefits would be significantly reduced in autumn and winter months when leaf fall occurs. Moreover, such planting and fencing would compound the sense of enclosure for the neighbouring occupiers, and daylight and sunlight reaching their property would be further diminished.

¹ As revised July 2018

12. For these reasons, I conclude that the proposed development would materially harm the living conditions of the occupiers of surrounding dwellings in conflict with Policies D2 and BE12 of the Unitary Development Plan.

Other Matters

13. Although the Council cannot demonstrate a five-year supply of deliverable housing sites as required by the Framework, the harmful effects of this scheme are not outweighed by the limited contribution to the provision of housing in the Borough of one additional dwelling in a sustainable location.
14. As to the qualified support for the proposal given by a Council officer prior to submission of the application at appeal and the favourable recommendation to the Planning Committee, it is the decision of the Authority that is before me in this case.
15. Local concerns include the design, size and materials for the proposed dwelling and its visual impact on the street scene. However, I see no objection in principle to a contemporary design approach for this site and in this regard the dwelling would sit comfortably within its residential surroundings.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 4 September 2018

by Beverley Doward BSc BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2018

Appeal Ref: APP/Z4718/W/18/3202336

225 Drub Lane, Drub, Cleckheaton, BD19 4BZ

- 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 Simon Bould against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/90333/E, dated 1 February 2018, was refused by notice dated 24 April 2018.
 - The development proposed is erection of a new single residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. It is a material consideration in the determination of this appeal which needs to be taken into account from the day of its publication. The parties were afforded the opportunity to comment on the relevance of the revised document for this appeal. The references to the Framework in this decision reflect the revised Framework.
3. In its reasons for refusal the Council refers to policies of the Kirklees Publication Draft Local Plan (PDLP) which it indicates was submitted to the Secretary of State for Examination in April 2017. However, I am not aware of the level of any unresolved objections to these policies and the Inspector's report on the examination of the PDLP has not yet been published. Accordingly, having regard to the advice of the Framework I attribute only limited weight to the policies of the emerging Plan.

Main Issues

4. The main issues in this case are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal is 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 the development.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt. The Framework is clear that the Government attaches great importance to Green Belts. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework indicates, at paragraph 145, that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within certain specified exceptions. One of these exceptions is limited infilling in villages. Another exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
7. Saved policy D13 of the Kirklees Unitary Development Plan (UDP) indicates that within existing settlements in the green belt infill development will normally be permitted where the site is small, normally sufficient for not more than two dwellings and within an otherwise continuously built up frontage or where the site is small and largely surrounded by development and would not be detrimental to the living conditions of the occupiers of neighbouring land or to the character of the area. The UDP was adopted in 1999. Accordingly, saved policy D13 of the UDP pre-dates both the current and previous version of the Framework. It differs from the Framework in so far as it refers to 'settlements' rather than 'villages'. However, a village is a settlement and for the purposes of this appeal I consider that the term settlements should be treated as being synonymous with villages. Accordingly, saved policy D13 of the UDP, despite its age, is broadly consistent with paragraph 145 of the Framework.
8. The Council does not consider Drub to be a settlement in its own right indicating that it has no local centre with shops, churches or a school. The appellant does not comment on this matter. I saw from my site visit that there is no obvious centre to Drub rather it comprises residential development extending along Drub Lane into the countryside. However, irrespective of whether or not Drub constitutes a settlement and/or a village, the appeal site, albeit small, is not within a continuous built up frontage, there being no continuous frontage to the part of Drub Lane within which it lies. This is accepted by the appellant. Furthermore, the appeal site is not largely surrounded by development. Whilst the dwellings at Nos 223 and 225 Drub Lane lie either side of the appeal site there are open fields to both the front and the rear. Accordingly, the appeal proposal would not comprise infill development as referred to in policy D13 of the UDP nor would it comply with the exception of inappropriate development indicated in the Framework as limited infilling in villages.

9. The appeal site currently has a single storey stable block on part of it. The Council considers that the stable block is a permanent structure and I see no reason to take an alternative view. To the southwest of the stable block is an area of land which is currently overgrown and fenced off whilst the remainder of the site currently forms part of the garden area to No 225, a dwelling which in my view is outside of a built up area and within the countryside. The appeal proposal would constitute the partial redevelopment of previously developed land. Therefore, it is necessary to consider whether the proposal would comply with the exception of inappropriate development indicated in the Framework in this respect.
10. The proposed dwelling would be materially larger, in footprint, mass and height, than the existing stable block. Accordingly, there would be significantly more built development on the site than currently exists. Furthermore, despite being set back from the road the dwelling would be more visually prominent than the existing stable block on the site. Overall, therefore it would have a greater impact on the openness of the Green Belt than the existing development. There is nothing in the evidence before me to indicate that the proposal would contribute to meeting an identified affordable housing need within the area. Therefore, the proposal would not comply with the exception of inappropriate development indicated in the Framework in relation to the partial redevelopment of previously developed land.
11. In so far as the proposal would exceed the extent of the footprint and the height of the existing built development on the site and result in a greater impact on the openness of the Green Belt it would also be contrary to emerging policy PLP59 of the PDLF. However, as indicated above I attach only limited weight to this in my determination of the appeal.

Openness of the Green Belt

12. Openness has both a spatial aspect and a visual aspect. As indicated above the proposed development would have both a spatial and visual impact on the openness of the Green Belt. This impact would be greater than the existing development on the site. Accordingly, I consider that the appeal proposal would have considerable impact on the openness of the Green Belt.

Character and appearance

13. The proposed dwelling would be sited to the rear of the existing dwellings at Nos 223 and 225 Drub Lane. The appellant indicates that it is purposely of a contemporary design and I appreciate that locally referenced materials would be used in order to provide a visual link with its immediate neighbours. However, notwithstanding the attic style first floor of the dwelling which the appellant indicates allows the overall roof height of the dwelling to be minimised, it would nevertheless be of a considerable scale and height. This would result in the proposed dwelling appearing overly prominent and visually intrusive particularly when viewed against its immediate neighbours, both of which are relatively modest single storey buildings. The proposed dwelling would not only reduce the openness of the Green Belt as referred to above which contributes to the character of the area but would also be out of keeping with its surroundings. Accordingly, the proposed development would detract from the character and appearance of the area. I have found above that the development would not be infill development as defined in policy D13 of the UDP. Therefore, this policy referred to by the Council is not relevant in my

consideration of this issue. However, the proposed development would be contrary to the advice of the Framework which indicates at paragraph 127 that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

14. It would also be contrary to emerging policy PLP24 of the PDLP which seeks to promote good design by ensuring, amongst other things, that the form, scale, layout and details of development respects and enhances the character of townscape, heritage assets and landscape and emerging policy PLP59 of the PDLP referred to above. However, as previously indicated I attach only limited weight to these policies in my determination of the appeal.

Other considerations

15. The appellant does not advance any other considerations in support of the proposal.

Conclusion

16. To conclude therefore, the appeal proposal would be inappropriate development in the Green Belt which would, by definition, be harmful to the Green Belt. It would cause harm to the openness of the Green Belt. The proposal would also cause harm to the character and appearance of the area. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that '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. There are no other considerations sufficient to outweigh the totality of harm that I have found. In consequence, the very special circumstances needed to justify the development do not exist.
17. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed

Beverley Doward

INSPECTOR

Appeal Decision

Site visit made on 3 September 2018

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 18 September 2018

Appeal Ref: APP/Z4718/D/18/3206031

Woodhouse Farmhouse, Woodhouse Lane, Emley, Huddersfield HD8 9QX

- 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 and Mrs R Otter against the decision of Kirklees Council.
 - The application Ref 2018/62/90521/E, dated 9 February 2018, was refused by notice dated 23 April 2018.
 - The development proposed is extensions.
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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 proposal would result in extensions to the north and south of this large detached property. The dwelling lies within the Green Belt.

Inappropriate development in the Green Belt

4. Paragraph 145(c) of the *National Planning Policy Framework* 2018 accepts the extension or alteration of a building in the Green Belt as not being inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building. The policies of the Kirklees Unitary Development Plan 1999 (UDP) are consistent with parts of national policy set out within the *Framework* with regard to the protection of the Green Belt and design and can be afforded considerable weight. The emerging Local Plan (LP) is at an advanced stage and the Green Belt and design policies similarly reflect elements of the *Framework*. Where relevant, these can be afforded significant weight.
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5. The works proposed would result in a considerable increase in the scale of the building compared to the original. There is no dispute that the proposal would represent inappropriate development in the Green Belt.

Any other harm

6. Openness is one of the essential characteristics of Green Belts. The two storey extension to the south of the building would replace a single storey extension. The works to the north would increase the footprint of development and also introduce a greater amount of first floor development. Given this increase in scale, the proposal would reduce the openness of the Green Belt. However, as the house is within an area that includes a number of other properties and as the works would be attached to the dwelling, the harm to the Green Belt, from the reduction in openness, would be limited.
7. The Council is concerned that the scale and design of the proposed extensions, to each side of the dwelling, would be harmful to the character of the host property and the wider area. The north elevation, although to the side of the dwelling, faces the road and is clearly evident in public views. Although the loss of the distinctive chimney would not be a positive change, the increase in height of the existing gable would result in more satisfactory proportions. The addition of the second matching gable would not be out of keeping in this position. The new ground floor element would have little wider significance.
8. The extension to the south would be set away from the road and would have very limited wider prominence. It would however be of a substantial depth. The front of the house, although not clearly evident in public views, has a distinctive and pleasing appearance and is well proportioned. The side elevation of the southern extension would be a substantial new element with little design interest that would compete with the form and design of the frontage. This would also be the case with regard to the scale and position of the side elevation associated with the northern extension. The new works would represent dominant new features that would detract from the character and appearance of the frontage.
9. Although the wider impact would be limited and the development would be of a high standard in terms of materials, the scale and form of the extensions, which would be overly dominant, given their close proximity to the frontage, would represent poor design. This element of the proposal would conflict with the requirements of UDP Policies D11 and BE1; LP Policies PLP 24 and 57; and the design aspirations of the *Framework*.

Other considerations

10. The appellant has calculated the volumes of the overall property as originally built; as currently extended; and as proposed. Details have also been provided showing the volume of development that could be achieved if extensions, allowable as permitted development, were to be built. These figures demonstrate that permitted development extensions could result in a significantly greater volume of development overall than the proposed extensions.
11. The potential to extend the house to a greater extent, using permitted development rights, is a consideration that weighs in favour of the proposal.

However, for a fall-back position to be awarded considerable weight there must be a reasonable prospect that the works would be undertaken should the appeal fail. Part of the permitted development scheme would increase in size but generally reproduce the existing ground floor accommodation to the south. It would not provide any of the increased first floor bedroom accommodation that is a major feature of the appeal scheme. There is no clear evidence to suggest that all of the permitted development extensions would be built if this appeal fails.

12. The permitted development extensions would be single storey and to the west and south. Although of a larger footprint, I am not satisfied that they would materially differ, in comparison to the proposed scheme, with regard to the harm to the openness of the Green Belt.
13. Although such extensions could be built to a poor design standard and with inferior materials, I have no reason to believe that this would be the case. I am not satisfied that even if the entirety of the works shown were to be carried out, they would result in greater harm to the appearance of the property than the proposed extensions.
14. I agree with the appellant that the Council should have made reference to the potential for a fall-back position. However, I am satisfied that the weight that should be afforded to the potential for permitted development extensions, is relatively limited, in these particular circumstances.
15. The appellants have made reference to their changing accommodation needs but no further information on this matter has been provided.

Conclusions

16. The proposal represents inappropriate development. The *Framework* is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is also clear that substantial weight should be given to any harm to the Green Belt. I have also found that due to the scale of the additions, they would fail to respect the character of the existing dwelling and would represent poor design. They would conflict with the Green Belt and design policies of the UDP and LP. This also weighs against the proposal.
17. I have had regard to the considerations put forward. Some weight can be afforded to the potential for the development of permitted development extensions and although the details are limited, I afford some weight to the changing accommodation needs of the appellants.
18. 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 considerations put forward do not clearly outweigh the harm that I have identified. They do not therefore represent the very special circumstances that are necessary to justify the development. I therefore dismiss the appeal.

Peter Eggleton
INSPECTOR