
Appeal Decision

Site visit made on 27 November 2013

by Ian McHugh Dip TP MRTPI

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

Decision date: 18 December 2013

Appeal Ref: APP/Z4718/A/13/2198399
Denby Lane, Huddersfield, HD8 8XZ

- 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 Gerard Fisher against the decision of Kirklees Council.
 - The application Ref 2012/62/92106/E, dated 10 June 2012, was refused by notice dated 17 January 2013.
 - The development proposed is erection of subterranean dwelling and creation of new woodland and wildlife habitats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework).
 - The effect of the proposal (including parking and servicing arrangements) on the openness of the Green Belt, and on the character and appearance of the area.
 - 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

Inappropriate Development

3. The appeal site comprises a large grassed field and an associated yard area. The field is currently used for the grazing of horses. The site is situated in open countryside within the Green Belt, and is screened from view from Denby Lane. A large section of the site is on a downslope, but the yard and part of the field sits at the top of the slope, giving wide panoramic views across the surrounding area. The existing yard contains a hardstanding area and some built development, including a single-storey barn, concrete sectional garage, storage sheds and a container. These are used in connection with the equestrian use.
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4. The proposal is to construct a subterranean dwelling, with a single aspect facing northwards across the valley. It would involve cutting into part of the existing yard area. The existing barn would be re-clad with solar panels added to a "green roof". In addition, the proposal includes the creation of new woodland and wildlife areas within the existing field. These would provide livestock grazing areas, badger setts and rabbit warrens. The proposal would also incorporate environmentally sustainable and energy efficiency measures in the construction of the dwelling.
5. As a matter of principle, the construction of new buildings is regarded as inappropriate development in the Green Belt, other than for a number of exceptions as stated in paragraph 89 of the Framework. The appeal proposal i.e. (a new dwelling) does not fall within any of these exceptions, and is therefore inappropriate by definition. Paragraph 87 of the Framework states that inappropriate development should not be approved except in very special circumstances.

Openness and Character and Appearance

6. The proposed dwelling would be largely built underground and it would not be readily visible from outside of the site. Although the Council contends that it would be visible from Barnsley Road to the north-west, given the distances involved I am not persuaded that the visual impact of the new dwelling would be significant.
7. The Council also expresses concern that insufficient detail has been provided to assess the effect of any vehicle parking and servicing arrangements on the openness of the Green Belt or on the character of the area. Whilst the plan does lack detail in this regard, I consider that there would be sufficient space between the proposed dwelling and the retained barn (within the existing hardstanding area) for domestic and service vehicles to park and manoeuvre. This area is already used for these purposes and consequently, I am satisfied that there would no adverse effects resulting from this element of the proposal on the openness or character of the site. Therefore the proposal would not conflict with Policy T10 of the Council's adopted Unitary Development Plan. This seeks to ensure that new development does not add to highway safety or environmental problems.
8. However, although the proposed dwelling itself would not have a significant effect on the openness of the site or its surroundings, the creation of a residential use would undoubtedly change the character of the site. At present, the uses taking place and the buildings on the site are compatible with its rural location and with the existing equestrian use. In my opinion, the domestic paraphernalia and activities associated with a dwelling would be at odds with, and harmful to, the existing rural appearance and character of the site.

Very Special Circumstances

9. Whilst the proposal would only have a limited effect on the openness of the Green Belt, that in itself is insufficient justification for granting planning permission. It is a requirement of national planning policy that very special circumstances must be demonstrated before inappropriate development can be approved.

10. In this regard, the appellant points to the design of the dwelling and to the environmental and sustainable benefits arising from the proposal. It is also argued that the local landscape would be enhanced as a result of the development. In addition, reference is made by the appellant to Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) and, in particular, to the support that is given to new houses in the countryside where the design is "outstanding and ground breaking". PPS7 has been replaced by the Framework but nevertheless allowance is made in paragraph 55 of the Framework for new dwellings in the countryside which are (amongst other things) of "exceptional quality" or the design is of an "innovative nature".
11. Although there would be extensive works to the landscape and ecology of the area, the existing site does not, in my opinion, demonstrate any significant adverse effects on the local environment, nor is it harmful to the appearance of the area. Consequently whilst the proposals would bring about some environmental and ecological benefits, these are not overriding or of such significance as to justify inappropriate development in the Green Belt.
12. With regard to the dwelling, earth sheltered houses that incorporate energy efficiency measures are not, in my opinion, especially innovative, nor is the design of such exceptional quality as to justify the granting of planning permission in this case. In reaching my decision, I have taken into account the appellant's references to other new dwellings that have been granted planning permission in the local area (within Barnsley Metropolitan Borough). During my site visit I viewed two of these at Hog Close Lane, Holmfirth, and at Upper Maythorn Lane, Holmfirth. Whilst I accept that there appear to be some similarities between these developments and the appeal proposal in terms of their countryside location, scale and design, I am not persuaded that the existence of development elsewhere should create a precedent for further inappropriate development in the Green Belt. It also adds weight to the argument that such proposals are no longer innovative or exceptional.
13. It has been put to me that the proposal would enable the appellant to work from home, and that the site could be used for educational purposes by local schools and colleges. However, no further details on these matters have been provided, and consequently, they can only be given limited weight in my decision.
14. For the reasons given above, I consider that the proposal is inappropriate development and that the harm identified above is not outweighed by other considerations. Consequently the very special circumstances that are required to grant planning permission do not exist, and the proposal would conflict with the Framework as referred to above.

Other Matter

15. I note that the appellant has expressed concern regarding the manner in which the planning application was dealt with by the Council. This is a procedural matter between the two parties which I am unable to consider as part of the appeal.

Conclusion

16. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR