

Appeal Decision

Site visit made on 11 October 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/W4705/W/16/3153275

The Knowle, 50 Knowle Lane, Wyke BD12 9BG

- 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 Richard Pyrah against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/03237/FUL, dated 22 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is conversion of stables to dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Pyrah against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues of this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - whether sufficient information has been provided in terms of sustainable drainage; and
 - if the development is inappropriate, 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 the Proposal is Inappropriate Development

4. The appeal site consists of stables arranged in a broad 'U' shape around an area of hardstanding. The site is located on the edge of a built up suburban area and to the rear of the substantial dwelling of The Knowle. The stables are adjacent to fields extending to the south and east and are of an appearance and character associated with the nearby countryside rather than the adjacent built-up area. The site is within the Green Belt.
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5. The appellant states that the proposal is for the conversion of a building and should therefore be considered under Policy GB4 of the Replacement Unitary Development Plan for the Bradford District 2005 (UDP). This Policy states that planning permission for the conversion of buildings within the Green Belt will be granted subject to specified criteria, including that the proposal should not involve substantial rebuilding and that it should only involve minor changes to the original building.
6. The proposal would involve the replacement of the walls with rendered boarding and stone detailing as well as the use of lightweight tiles on the roof. Whilst the volume and form of the buildings would remain basically the same, the proposal would involve a substantial rebuilding of the stables and would use significantly different materials. This would conflict with the criteria of Policy GB4 and I am therefore not persuaded that the proposal can be considered as the conversion of a building under the specifications of this Policy.
7. The Council state that the proposal relates to a new dwelling. They refer to Policy GB1 of the UDP which states that planning permission will not be given for development in the Green Belt except in very special circumstances or for proposals which preserve the openness of the Green Belt and which do not conflict with the purpose of including land within the Green Belt. The aim of this Policy is therefore broadly consistent with the National Planning Policy Framework (the Framework).
8. Paragraph 90 of the Framework states that the re-use of buildings which are of 'permanent and substantial construction' is not inappropriate development within the Green Belt, provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.
9. In relation to the construction of the building, the stables are constructed from a timber frame attached to the concrete pad which gives them a degree of permanence. However, it was apparent at my site visit that the stables are basically a lightweight structure of single skin ship-lap boarding and corrugated sheet roofing. The lining of the walls within the stables varies, including kick boarding on the lower part of the walls in some of the stables, with the smallest block to the south being fully lined with painted board or similar. The roof on the main stable block was unlined and light was visible through the eaves.
10. Whilst the proposal would retain the volume and form of the original building, the proposal would involve substantial rebuilding within the building envelope to create a structure capable of serving as a dwelling. In particular, the walls and roof of the stables would be replaced as part of the proposal. I have had regard to the Structural Report submitted by the appellant, which states that the structure is capable of taking the vertical loads and wind loads resulting from the development. However, I also note that the Report states that the proposed robust cladding is required to provide lateral stability.
11. Due to the lightweight form of the existing stables, the degree of building works involved in the proposal and the works required to improve stability I do not consider that the stables can be considered to be of 'substantial construction'. I am mindful that a Senior Engineer from the Council has stated

that the structural calculations are acceptable; however, this does not alter my conclusions on this matter.

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal would involve the building of a small link between the stables and, whilst this would not be a disproportionate addition to the stables, it would reduce the openness of the Green Belt, albeit to a very limited degree. The proposal would therefore have a minor impact on the openness of the Green Belt.
13. The proposal would change the appearance of the stables from a building that is associated with the countryside to a dwellinghouse. It is also likely that the proposal would introduce a domestic character into the area around the building with features such as residential landscaping, lighting, utility areas and bin storage. There would also be increased activity around the stables, including vehicle parking, which would be likely to exceed that associated with the current use of the stables. These factors would significantly detract from the countryside character and appearance of the area and of the Green Belt. This would introduce a suburban character to the site and would be contrary to the purpose of including the site within the Green Belt for the purposes of restricting urban sprawl and safeguarding the countryside from encroachment.
14. In summary, for the reasons set out above, the stables do not fall within the type of building that Paragraph 90 of the Framework states are appropriate for reuse within the Green Belt. Whilst they have a degree of permanence they are not, in my view, of a 'substantial construction'. Furthermore, the proposal would not preserve the openness of the Green Belt and would impact on the purpose of safeguarding the countryside from encroachment. The proposal is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Sustainable Drainage

15. The Council's second reason for refusal states that no opportunity has been taken to investigate the site for the potential use of sustainable drainage techniques. In particular, the Planning Officer's Report states that hardstanding areas are not shown to have the use of porous paving, although I note from the planning application form that it is proposed to use porous tarmac for the vehicle access. I have also had regard to the comments of the Council's Building Control Officer requiring further details in relation to sustainable drainage and the provision of a septic tank.
16. However, I consider that this matter could be addressed through the use of a planning condition requiring details to be submitted and approved to ensure compliance with the policies NR16 and UR2 of the UDP in relation to sustainable drainage. This matter does not therefore represent sufficient reason for withholding planning permission.

Other Matters

17. I have had regard to the comments raised locally in relation to vehicular access to the site. However, the modest sized dwelling would generate low levels of traffic movements and I note that the Council's Highways Development Control Officer has raised no objections to the proposal. I therefore conclude that the proposal would not be detrimental to highway safety. However, the lack of

harm on this matter does not weigh in favour of the proposal and merely has a neutral effect on the overall balance.

Other Considerations

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These '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. It is for the appellant to show why permission should be granted in these circumstances.
19. I note that the appellant states that the proposal is for the conversion of an existing building within the Green Belt with cosmetic changes to its appearance. However, for the reasons stated above, I consider that the works involved in the proposed conversion are more than cosmetic and that the proposal is inappropriate development which is harmful to the Green Belt.
20. I have had regard to the potential to introduce sustainable drainage as part of the development, which is a positive element which attracts moderate weight in favour of the proposal.

If the development is inappropriate, 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.

21. The moderate weight from the potential benefit of providing sustainable drainage is far outweighed by the substantial weight that must be given to the harm arising from inappropriate development; the minor harm to the openness of the Green Belt and the harm resulting from conflict with the purposes of including land in the Green Belt.
22. Very special circumstances to justify the proposal do not therefore exist. The proposal would therefore conflict with Policy GB1 of the UDP which states that development should preserve the openness of the greenbelt and should not conflict with the purposes of including land within it. This Policy is broadly consistent with the aims of the Framework in relation to the protection of Green Belt land.

Conclusion

23. Notwithstanding my conclusion in relation to sustainable drainage, I consider that the proposal would not preserve the openness of the greenbelt and would conflict with the purposes of including land within it and that very special circumstances to justify the proposal do not exist. It would therefore conflict with the policies of the development plan as a whole in relation to the protection of the Green Belt.
24. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR