

Appeal Decision

Site visit made on 17 October 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/W4705/W/16/3153366

Spring Bank House, Menston Old Lane, Burley in Wharfedale, Ilkley LS29 7QQ

- 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 Aldan Ibbetson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/01973/FUL, dated 9 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is the conversion and reconstruction of the existing outbuildings to Springbank House to form a single new residence.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework), taking into account the effect on the openness of the Green Belt; and
 - (ii) 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

3. The appeal site is located within the grounds of Spring Bank House, which is of a traditional two-storey stone design. Spring Bank House is accessed off Menston Old Lane via substantial solid gates. The site is enclosed on all boundaries by a combination of mature vegetation, fencing and stone walls.
 4. The proposed appeal site is located in proximity to the gates and is occupied by a flat roofed stone garage and also a concrete base which, from the evidence before me, I understand was previously the location of a stable block which was demolished in spring 2016.
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Whether or not the proposal is inappropriate development and the effect on openness

5. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is to be regarded as inappropriate development, subject to the express exceptions outlined in paragraphs 89 and 90.
6. Amongst others, these exceptions include the re-use of buildings provided that the buildings are of permanent and substantial construction, and the re-development of previously developed land, excluding temporary buildings.
7. The existing garage on the site is of a permanent and substantial construction. However, due to the limited scale of the garage, in order to provide adequate living space, it is also necessary to build on the footprint of the former stable block. From the evidence submitted by both parties it is evident that the stable block was not of a substantial construction. It was some years old, but I consider that it was not a permanent structure. It was mostly of light timber walls strapped to a low plinth and with a concrete fibre roof, and it was demolished due to its poor condition and likely safety risk.
8. The Framework is clear that temporary buildings are excluded from consideration in connection with the redevelopment of previously developed sites. Consequently the replacement of the stable block to create a new dwelling cannot be considered as an exception to the usual presumption against the construction of new buildings in the Green Belt. The scheme would result in the construction of a new, permanent building on the site which would amount to inappropriate development in the Green Belt. Moreover, the signs of domestic living and increased activity that would go with it would also affect openness and add to the harm to the Green Belt.
9. The scheme would therefore be contrary to the objectives of the Framework to protect the Green Belt, and would conflict with Policy GB1 of the Replacement Unitary Development Plan for the Bradford District 2005 (the UDP), which states that development within the Green Belt will only be allowed if, amongst other things, it preserves the openness of the Green Belt.

Very special circumstances

10. I have taken into account the three planning approvals¹ within the Green Belt referred to by the appellant, which made use of local redundant structures. However, in the present case only part of the scheme would make use of an existing structure; the remainder would be on the site of a temporary building which has been demolished. These approvals do not constitute any precedent for the present scheme and each case must be considered on its individual planning merits.
11. I have also taken into account the appellant's arguments regarding the simple design, the potential for low energy consumption, the absence of highway concerns and the fact that the proposal would not harm any notable habitats, protected species or trees. However, these matters fall far short of constituting

¹ Council references 13/03240, 10/05987/FUL and 11/02347/FUL

the very special circumstances sufficient to overcome the presumption against inappropriate development in the Green Belt.

Conclusion

12. In light of the above, and having regards to all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR