

Appeal Decision

Site visit made on 31 October 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 24th November 2016

Appeal Ref: APP/W4705/W/16/3156897

Land at Stocks Lane, Bradford BD13 2RH

- 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 Mr Michael Dunn (Stocksfield Construction Ltd) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 15/07109/MAF, dated 1 December 2015, was refused by notice dated 8 March 2016.
 - The development proposed is residential development of 21 dwellings with associated access, parking and Landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council advise that as a Unilateral Undertaking has been received in respect of financial contributions towards education and recreation enhancements it no longer wishes to defend the third reason refusal. I therefore do not address this matter in the reasoning below.
3. In addition, the Council also advise that evidence has now been received which adequately considers the impact of the proposed development on the highway network and satisfactorily addresses previous concerns. As such, the Council has advised that it no longer wishes to defend the fourth reason for refusal and therefore I also do not address that matter in the reasoning below.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt.
 - The effect on the openness of the Green Belt and the purpose of including land within it.
 - Whether the density of the proposed development can be considered as making an efficient use of a greenfield site.
 - 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.
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Reasons

Inappropriate development

5. The appeal site is situated in the Green Belt and comprises a grass field bounded by dry stone walls and located to the south of a cemetery. To the south is a wider area of open countryside. Owing to its position, effectively on the top of a hill, the appeal site is quite visible in views from the countryside to the south. The proposed development would involve the construction of 21 dwellings which, save for a landscaping strip along the southern and western boundary, would occupy the full extent of the site.
6. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Other than for a small number of exceptions, the construction of new buildings within the Green Belt is inappropriate.
7. Saved Policy GB1 of the Bradford Replacement Unitary Development Plan (2005) (UDP) is broadly consistent with paragraph 89 of the Framework and indicates, amongst other things, that except in very special circumstances, planning permission will not be given for development within the Green Belt for purposes other than agriculture, forestry or facilities for outdoor recreation and uses of land that preserve the openness of the Green Belt.
8. In not amounting to any of the listed exceptions, the proposed development would be inappropriate development in the Green Belt and would be contrary to Saved Policy GB1. Inappropriate development is, by definition, harmful to the Green Belt.

Openness and Green Belt purposes.

9. A fundamental characteristic of Green Belts, as set out in paragraph 79 of the Framework, is their openness and their permanence. The proposed development would result in substantial built development where there is presently none. The effect of the appeal scheme would be to add to the volume of built development in the locality that would be visible from Stocks Lane and the countryside to the south.
10. Moreover, the proposal would result in the encroachment of built development into the open countryside and eliminate some views of the countryside from the residential properties to the north west and the Church and cemetery to the north. It would have an urbanising effect on an otherwise open character of the site. This would impact on one of the five purposes of Green Belts which is to safeguard the countryside from encroachment.
11. Thus, it would inevitably lead to a loss of openness of this part of the Green Belt and would not safeguard the countryside from encroachment contrary to the fundamental aim of keeping land in the Green Belt permanently open. It would therefore be contrary to the advice provided in Paragraphs 79 and 80 of the Framework.

Density

12. Saved Policy H7 of the UDP indicates that, except within the city and town centres, planning permission will only be granted if a density of 30 to 50 dwellings per hectare net is proposed. The proposed density would be approximately 27 dwellings per hectare.
13. The Council accept that it cannot demonstrate a five year housing supply. Consequently, the policies relevant to the supply of housing contained in the UDP are out of date. The weight to be attached to Policy H7 is necessarily reduced by the advice contained within the Framework insofar as the policy is effectively relevant to the supply of housing and is out of date by virtue of paragraph 49, given the recognition that a five year supply of housing land cannot be achieved.
14. The appeal site would form the transition from an urban form of development to wider open countryside beyond. Whilst recognising the need to make the best use of greenfield land, it appears to me that the proposed density and scale of development is broadly commensurate with the relatively recent residential development to the north west of the site.
15. Taking into account the reduced weight to be attached to Saved Policy H7 and the form of built development in the immediate area in the vicinity of the appeal site, I agree with the appellant that the site circumstances in this case suggest that a slightly lower density than that prescribed in the policy would be appropriate. Consequently, I do not consider that the proposed density in this case would be a sufficient reason alone on which to dismiss this appeal.

Other considerations

16. The appellant suggests that in the light of the Council's inability to demonstrate a 5 year housing land supply, the contribution that the proposed development would make to the supply of housing would comprise 'very special circumstances' to sufficient to outweigh the harm caused by reason of inappropriateness and loss of openness.
17. However, paragraph 34 of the Government's Planning Practice Guidance (PPG) advises that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt.
18. Although the Borough appears to have had an under provision of housing supply over a number of years, taking into account the advice contained within the PPG, I agree with the Council that the contribution that the proposed development would make to housing supply does not constitute a 'very special circumstance' necessary to justify the development. I also agree that the Framework does not say or imply that a shortfall in housing land is, in itself, overriding when appraising a Green Belt site. Whilst the contribution to the supply of housing is recognised as being important, the weight that can be attached to this benefit in the planning balance is at best moderate.
19. The appellant also argues that the Inspector appointed to conduct a public inquiry into the Replacement Unitary Development Plan in 2003 recommended that a number of sites be removed from the Green Belt and allocated for housing in order to accommodate the shortfall in housing land supply. However, the Council chose not to remove these sites from the Green Belt. As

the five year supply of housing is now worse than 2003 the appellant suggests that the circumstances identified by the Inspector in 2003 in recommending Green Belt release should apply now and constitute a 'very special circumstance'.

20. However, the fact remains that the site is located within the Green Belt and given the advice contained within the Framework and the PPG, as identified above, the fact that recommendations to release Green Belt land for housing in 2003 does not override the current clear policy advice. Consequently, I attach minimal weight to this matter.
21. The proposed development would make provision for car parking spaces on the boundary of the site with Stocks Lane to mitigate the impact of the expansion of the school. The Council state that as part of the planning permission to extend the school granted on 10th February 2016 the existing car park was extended and a smaller additional car park created together with improvements to footpath links. I observed the car parking problems on Stocks Lane at school opening times at my site visit.
22. I agree with the Council that whilst the provision of addition parking would be of some benefit it would unlikely fully resolve the problem of parking in the vicinity of the school. Although it would make a useful contribution to easing some of the parking problems on Stocks Lane during school opening and closing times, in my view it would actually provide more encouragement for car dependency in circumstances where footpath routes have been improved to encourage walking to school. As such, I attach moderate weight to this benefit.

Conclusion

23. Although I have found that the proposed density would be acceptable, the proposal would be inappropriate development, which the Framework states is harmful to the Green Belt and should not be approved except in very special circumstances. It would also cause harm to the openness of the Green Belt and its purpose in safeguarding the countryside from encroachment. The Framework indicates that substantial weight should be given to harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. As explained above, I have given only limited weight to each of the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the substantial weight to be given to Green Belt harm sufficient to demonstrate very special circumstances.
25. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR