
Appeal Decision

Site visit made on 13 February 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/W4705/W/16/3164166

Bradup Farm, Ilkley Road, Riddlesden BD20 5RD

- 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 D Abbott against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/03347/FUL, dated 26 April 2016, was refused by notice dated 17 August 2016.
 - The development proposed is demolition of existing house and construction of new 2 storey house with stables.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt and the purposes of including land within it.
 - The effect of the proposal on the character and appearance of the area.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site comprises a detached single storey dwelling and stable block within a generous plot. The site lies within the Green Belt. The appeal encompasses the demolition of the existing dwelling and to build in its place a 2.5 storey dwelling and the demolition of the stable block with the erection of an L-shaped stable block to the south west of the dwelling.
-

4. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Paragraph 89 of the Framework establishes the construction of new buildings as inappropriate in the Green Belt subject to a list of exceptions. Bullet point 4 of paragraph 89 allows for the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces. Bullet point 2 of paragraph 89 allows for the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
5. Policies GB6 and GB1 of the Replacement Unitary Development Plan for the Bradford District (2005) (RUDP) similarly seeks to protect the Green Belt. However, Policy GB6 predates the Framework and refers instead to PPG2 and the replacement of dwellings rather than buildings and is generally more prescriptive than the Framework referring to height, siting and site coverage rather than what is materially larger. Likewise, Policy GB1 allows for the provision of facilities for outdoor sport and recreation but instead refers to essential rather than appropriate facilities. Therefore, the policies are not wholly consistent with paragraph 89. As the Framework is more recent, much greater weight has to be given to its provisions and I will consider the appeal on this basis.
6. Turning first to the replacement dwelling. There is considerable disagreement between both parties over the resulting numerical increase in both floor space and volume. The Council states that the volume of the existing dwelling is 597m³ and the volume of the proposed dwelling is 845m³. The appellant puts these figures at 620m³ and 732m³ respectively. Neither party has provided any detailed information that would show their measurements to be reliable. Nevertheless, it is clear from the plans that the proposed dwelling would be some 3 metres taller in height than the existing dwelling. The existing dwelling is a flat roof box-like house which would be replaced with a 2.5 storey pitched roof dwelling. In my view, when compared to the existing property, although the footprint would not be materially larger, the proposed dwelling would be considerably taller and materially bulkier than the existing dwelling. Thus I consider that the proposed dwelling would, when it's increased height and mass is taken into consideration, be materially larger than that which it would replace.
7. I cannot be certain from the information before me whether the appellant intends to demolish the existing stables and replace them with the proposed stables. The proposed site layout plan¹ shows both stables in situ although I note that the appeal statement refers to the demolition of both the existing dwelling and stables. In considering the replacement of the stables against bullet point 4 of paragraph 89, there is a significant difference between the resulting percentage increase in volume given by the parties. The Council state that the proposed stables would have volume 353m³ and the appellant states 162m³. The original volume of the stables is given as 138m³ by the appellant which the Council has not disputed. Therefore, going by the Council's calculations, it would represent an approximately 60% increase and according to the appellant an approximately 15% increase. Again, neither party has provided any detailed information that would show their measurements to be

¹ Drawing No: (10) 02 Rev A

reliable. However, having regard to the submitted proposed site layout plan and my observations on site I am not persuaded that the volume of the proposed stables would represent only a 15% increase as given in the evidence by the appellant. Consequently, in my view, the bulk of built development would be considerably larger than the existing stables and the slight reduction in height would not offset or outweigh the impact of the additional bulk.

8. Although there are no guidelines within the Framework or Planning Practice Guidance as what constitutes materially larger, the general intention of the Framework is to allow the replacement of a building with another of a similar size. For the above reasons, I consider that the replacement of the dwelling and the replacement of the stables would represent a material increase in the size over and above the existing situation.
9. In considering the proposal against bullet point 2 of paragraph 89, the appellant states that the proposed stables are to house their five horses. In my view, to qualify as 'appropriate facilities' any facilities must be commensurate in size to the reasonable requirements of the use to which they are put. Having regard to the above and the submitted plans I consider that the size of the stables would meet the specific needs of 5 horses plus storage for hay/straw and therefore constitutes an appropriate facility.
10. However, bullet point 2 of paragraph 89 also requires that the facility preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In this context, the stables would occupy a parcel of land that is currently free from development thereby reducing the openness of the Green Belt and resulting in an encroachment into the countryside.
11. I am mindful that there are two extant permissions granted by the Council² for the replacement of the dwelling and the stables. I have also had regard to the appellant's assertions that the dwelling previously had a first floor and that much larger stables existed on the site. However, the test in the Framework is whether or not the proposed replacement building would be materially larger than the building to be replaced. The extant permissions and any potential previous buildings at the site are clearly not part of the existing property and cannot be counted as such. I shall though, in any event examine these matters under the 'other considerations' section below.
12. I therefore consider that the proposed dwelling and stable block would be materially larger than the existing, and that the stables would have a harmful effect on the openness of the Green Belt and conflict with the purposes of including land within it. The proposal would therefore be inappropriate development which is by definition harmful to the Green Belt, contrary to the second and fourth bullet point of paragraph 89 of the Framework. I attach substantial weight to this harm.

Openness and purposes

13. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. In considering whether proposals would have a greater impact on the openness of the Green Belt, both the spatial and visual impact must be considered.

² Planning application refs: 15/01811/FUL & 16/07500/FUL

14. I have concluded above that the proposed stables would have a harmful effect on the openness of the Green Belt and conflict with the purposes of including land within it. The materially larger building, by reason of its increase in height and bulk would inevitably have an adverse impact on the openness of the Green Belt.
15. Nevertheless, not only would the increase in height and overall bulk of the proposal have a greater physical impact, resulting in a loss of openness (insofar as it may be considered to be an absence of development), the proposed dwelling would also be more visually prominent than the extant buildings as a result of its increased scale. It would thereby contribute further to the erosion of the openness of the Green Belt. By virtue of the considerable increase in height and bulk, the proposal would result in significant harm to the openness to the Green Belt.

Character and appearance

16. The site lies on the edge of the Rombalds Ridge Landscape Character Area and the Council have concerns, with the stables in particular, on the impact of the proposed development on the visual amenity of the surrounding area.
17. The existing dwelling is a rendered flat roof property of no particular design merit and the existing flat roof stables are constructed in breezeblock. In my view neither building provides a positive contribution to the visual amenity of the surrounding area. The proposed dwelling would be of a simple and traditional design constructed in high quality materials of stone and slate with timber windows and doors. The stable block, constructed in timber with a low pitched roof would be an appropriate and characteristic building suited to its purpose. Taking the above into account, I consider that the proposed dwelling and stables would represent a more sympathetic development to their surroundings than that which exists at present.
18. Therefore, despite the concerns raised above in relation to whether the proposed dwelling and stables would be materially larger, which is a specific Green Belt test, and my findings on openness, the appeal scheme would maintain the overall character and appearance of the area and I find no conflict with Policies NE3 and NE3A of the RUDP which seek, amongst other things, to ensure development does not adversely affect the landscape character areas. This positive finding has limited weight in favour of the proposal.

Other considerations

19. I note that permission was granted by the Council in 2015 for a replacement dwelling and a further permission was granted following the submission of this appeal for the replacement of the dwelling and a stable block. I acknowledge that the approved scheme includes a larger dwelling and a larger stable block than that which exists at present. However, although the approved scheme would involve both the erection of a larger dwelling and stable block, there would be material differences between the approved and appeal schemes. The proposed house would be larger than the approved scheme by reason of its height by approximately 1.5 metres and the approved stable block is a single block rather than an L shaped block. The proposed house and dwelling would be a further increase in size when compared with the existing property and stable block. Therefore, in view of the difference between the schemes, I give only limited weight to the approved scheme.

20. The dwelling on the site could be extended or added to as a result of permitted development. However, there is no suggestion that additions or extensions to the dwelling are likely. The appellants clearly have a desire for a new larger house of a particular style and layout and there are no plans submitted that demonstrate that permitted development extensions would achieve this aim. As such the permitted fall-back position has only limited weight.
21. The appellant has drawn my attention to the previous commercial use of the site and the presence of a considerably larger stable block. I also note that the appellant understands that the dwelling previously had a first floor prior to a fire at the property. However, very limited evidence has been submitted to support these claims and in any event, I do not consider that this weighs in favour of the proposal, particularly now that the commercial use has ceased and the alleged buildings no longer exist.
22. I acknowledge the appellant's desire for a larger family home. However, such personal circumstances seldom outweigh general planning considerations and in any case, the two extant permissions would also achieve this aim. I note that some Members of the Planning Committee showed support for the scheme. Nevertheless the decision of the Council as a whole was to refuse permission. I note that there have been no objections from neighbouring residents and petition of support for the scheme was submitted. The lack of objection and petition carries some weight in favour of the proposal.
23. The appellant has drawn my attention to other appeal decisions for dwellings within the Green Belt. However, I note that the majority relate to extensions and are all from other local authority areas. I am not aware of the particular circumstances of the appeals and in any event they would have been assessed under a different local policy context. Thus, they are not directly comparable. Reference has also been made to extensions to other houses or the presence of stables in the Green Belt, although no particulars of such sites have been given. This limits the weight I can give to this matter. In any case, every appeal is determined on its own merits.
24. I note that the Council has not raised any concerns in relation to highway safety, impact on living conditions of neighbouring residents, flood risk, contaminated land and wildlife and I have no reason to take a different view. However, the lack of harm in relation to these matters is a neutral factor neither weighing for or against the proposal.

Conclusion

25. The Framework indicates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight. In this case, I have found harm from inappropriateness as well as a loss of openness to the Green Belt. I give little weight to the impact on character and appearance of the area and the other considerations referred to above. I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt.

26. For the reasons set out above and taking into account all other matters raised, I conclude the appeal should be dismissed.

Caroline Jones

INSPECTOR