The Planning Inspectorate

Appeal Decision

Site visit made on 14 March 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 31 March 2017

Appeal Ref: APP/N4720/W/16/3165545
Land off Blackmoor Lane (adjacent to No 1), Blackmoor Lane, Bardsley, Leeds LS17 9DY

- 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 & Mrs Read against the decision of Leeds City Council.
- The application Ref 16/03104/FU, dated 11 May 2016, was refused by notice dated 28 July 2016.
- The development proposed is a new family dwelling set within the contours of the existing site as part of a landscaped scheme.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - Whether the proposal is inappropriate development in the Green Belt.
   - The effect on the openness of the Green Belt.
   - 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.

Reasons

Inappropriate Development

3. The appeal site is situated in the Green Belt and comprises part of an agricultural field located immediately to the north of Blackmoor Lane and to the east of dwellings forming a ribbon development and comprising the eastern extremity of the main developed part of the village. The land slopes down away from the road boundary with open countryside and extensive views beyond. The appellant has drawn my attention to the proximity of the village boundary line and whilst this is disputed by interested parties, the fact remains that the site is located within the Green Belt.

4. 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. New buildings within the Green

Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.

5. Saved Policy N33 of the Leeds Unitary Development Review (2006) (UDP) generally accords with paragraph 89 and, amongst other things, permits limited infilling in villages. Saved UDP Policy GB2 sets out three criteria to identify infill development. The site has road frontage, satisfying the first of the criteria. However, the site comprises of a relatively large field at the end of long ribbon development. Although there is a small isolated cluster of dwellings on Church Lane to the east, these properties are some distance from the main part of the village and contrast greatly with the more built up character of ribbon development along Blackmoor Road.

6. The proposal would not occupy a small gap bounded by existing development and notwithstanding the proposed design, it would result in the encroachment of ribbon development into the open countryside. As such, it fails to satisfy the second and third criteria in Saved Policy GB2 and would not be infill development as defined in the policy nor constitute limited infilling within a village.

7. For the above reasons, I therefore find that the proposed dwelling would amount to inappropriate development within the Green Belt which would be contrary to Saved Policies GB2 and N33 of the UDP. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and character and appearance

8. A fundamental characteristic of Green Belts, as set out in paragraph 79 of the Framework, is their openness and their permanence. Whilst I note the consideration given to the design in order to integrate the new house with the character and appearance of the appeal site, the proposal would still result in a localised change to the topography of the land. It would result in the provision of a relatively lengthy arc structure that would be partly visible from the road. Whilst existing tree belts may help to reduce some views, I consider that the proposed dwelling would be visible from the wider countryside to the north.

9. The proposed development would result in significant built development where there is presently none. The current spacious and open nature of the site would be seriously undermined by the location and bulk of the new dwelling. Thus, it would inevitably significantly reduce the openness of this part of the Green Belt.

10. Notwithstanding the integration of the dwelling into the topography, the proposal would still have an urbanising impact on this open field and lead to encroachment of development into the countryside. This would result in the consequential loss of part of the existing field that contributes to the open character and appearance of the area.

11. In view of the above, I find that the development would lead to a significant loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment.

Other considerations

12. The appellant's case is founded mainly on the assertion that the proposed development would not have an adverse effect on the openness or character and appearance of the area and would constitute an exceptional and innovative house design in the countryside.

13. Paragraph 55 of the Framework identifies special circumstances where a new isolated house in the countryside might be considered appropriate and requires exceptional and innovative design to be truly outstanding, reflect the highest standards in architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

14. I recognise that both parties have considered the design merits of the scheme through Design Review Panels. There is some dispute between the main parties in this appeal as to whether the proposal satisfies the criteria identified in paragraph 55 to constitute an exceptional or innovative design.

15. I recognise that the extent to which the building may be considered exceptional and innovative is a subjective matter. Whilst the building is undoubtedly of a high quality design, I agree with the Council that the design concept is not necessarily innovative. Given my findings regarding the effect of the proposed development on the character and appearance of the area, it would not significantly enhance its immediate setting as prescribed in paragraph 55.

16. Moreover, the guidance provided in paragraph 55 relates to isolated locations within the countryside. Given the proximity of the site to exiting development to the west and south, the site cannot be considered as being an isolated location. Consequently, I attach little weight to this matter.

17. I recognise the extent to which the design has sought to reflect the local topography. However, given my findings above, I do not agree that the proposed development would not have an adverse effect on the openness or character and appearance of the area. Consequently, I also attach little weight to this matter.

Conclusion

18. The appeal proposal would be inappropriate development that would be harmful to the Green Belt by definition. Further Green Belt harm would arise due to the loss of openness and to the purpose of safeguarding the countryside from encroachment.

19. Substantial weight should be given to any 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. The other considerations in this case do not clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR