
Appeal Decision

Site visit made on 5 June 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/N4720/W/17/3171317

Tumblewell Stables, Smalewell Road, Pudsey LS28 8HU

- 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 and Mrs I Bell against the decision of Leeds City Council.
 - The application Ref 16/06978/FU, dated 10 October 2016, was refused by notice dated 16 January 2017.
 - The development proposed is the change of use of stable building to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the stable building to a dwelling at Tumblewell Stables, Smalewell Road, Pudsey LS28 8HU in accordance with the terms of the application, Ref 16/06978/FU, dated 10 October 2016, subject to the conditions set out in Annex A.

Procedural Matter

2. The address given for the site on the application and appeal form is given as "Electricity Sub Station, 19m from 136 Smalewell Road, 11m from Smalewell Road, Smalewell Road, Pudsey LS28 8HU". However, the red-line boundary specifically excludes the sub-station from the site, and shows that the proposal relates to the adjacent stables. In the heading above, and my formal decision, I have therefore employed the address as used by the Council in their decision notice, as this appears to be more accurate.

Main Issues

3. The main issues in the appeal are:
 - whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
 - The effect of the proposal on the openness of the Green Belt, and the purposes of including land within it; and
 - 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.
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Reasons

4. Paragraphs 89 and 90 of the Framework set out the forms of development which are not inappropriate within the Green Belt. The appeal scheme involves the change of use of an existing stable block to a dwelling. The Framework establishes in paragraph 90 that the re-use of existing buildings is not inappropriate provided that the buildings are of permanent and substantial construction. In addition, proposals should preserve the openness, and not conflict with the purposes of including land in the Green Belt. The third bullet point of paragraph 89 also allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Policy N33 of the *Leeds Unitary Development Plan (Review 2006) (adopted July 2006)* (UDP) seeks to control development in the Green Belt, and sets out a number of forms of development that are not considered inappropriate in the Green Belt. This allows for the limited extension, alteration or replacement of existing dwellings, and the re-use of buildings where the detailed criteria of Policy GB4 are satisfied.
6. The criteria set out in Policy GB4 include that: any physical changes to the building and its curtilage should maintain or enhance the openness, character and appearance of the Green Belt; the building can be shown to be in a generally sound physical condition and is of a size, structural form and materials suitable for the intended after use without need of substantial rebuilding or extension; a safe access can be provided without harming the character and appearance of the countryside; the building is not of a scale that would create a new hamlet in the Green Belt; and it would not seriously harm the local economy.
7. In that Policy GB4 places additional restrictions, such as the impact on the character and appearance of the area, on the re-use of buildings, and Policy N33 only allows the limited extension, alteration or replacement of existing dwellings rather than buildings, they are not fully consistent with the Framework, which they predate. In such circumstances, paragraph 215 of the Framework indicates that policies in existing plans should be given less weight.
8. The stable block is an L-shaped stone building with a flat roof. The appellant has provided a "Limited Structural Report" which assesses the structural condition of the building and its suitability for conversion. This indicates that the building in its present form has been on the site since around 1983. This has not been disputed by the Council, and in my mind indicates that the building is not a temporary structure.
9. The conclusion of the report is that the building is in a reasonable structural condition and is fit for conversion to a dwelling. The Council however, consider that it is neither of a permanent or substantial construction.
10. From my observations on site, I concur with the Structural Report that the building is both permanent and substantial. It has a large internal volume that would be able to accommodate the proposed change to an internal use. Whilst the Structural Report indicates that the roof covering is in poor condition, and work will be required to the crack above the door head in the eastern elevation of the building, such work would be likely to be required even if the building was to continue in its present use.

11. The Council have noted that further investigations of the foundations and drainage are required. Be that as it may there is no structural evidence that indicates that the foundations are at present inadequate, so I am not persuaded that this shows that the building is not of a permanent or substantial construction. Moreover, whilst internal alterations and other work would be required to ensure the building would conform to the current building regulations, there is no evidence that these works would involve major reconstruction that render the existing building insubstantial for the purposes of its conversion to a dwelling. In addition, in accordance with paragraph 89 none of the proposed alterations would result in a disproportionate addition to the building.
12. Openness is an essential characteristic of the Green Belt. The proposed change of use of the building does not require any extension to the existing building, and external alterations would be limited, so overall the form, volume and profile of the host building would be little changed.
13. The proposal would result in the creation of a small domestic curtilage around the building, which would include alterations to the access to the site, parking for 2 cars, a bin store and small garden area, mainly to the front of the site. The Framework is silent on the affect that the creation of such a curtilage may have on the openness of the Green Belt. Consequently, the impact needs to be assessed on a case by case basis.
14. The use of the building for stabling would result in cars coming to, and being parked on, the site on a regular basis, often for extensive periods of time whilst owners exercise and tend to their horses. The area around the stables may also be used for the storage of feed stuffs and horse boxes, all of which would reduce the openness of the site. Moreover, the proposal would significantly reduce the size of the existing detached 2-storey barn on the site.
15. As a result, I consider that, given the reduction to the barn and the limited size of the curtilage, the creation of a more formal garden area with domestic paraphernalia within it, and the upgrading of the access and parking area would not have a significantly greater impact on the Green Belt than the use of the site for stabling. In coming to this conclusion I am mindful that conditions can be used to control the landscaping of the site, and to restrict permitted development rights on the dwelling, which otherwise could be enlarged and have a greater impact on openness. Accordingly the proposal would preserve the openness of the Green Belt.
16. Paragraph 80 of the Framework sets out the five purposes of including land within the Green Belt. The Council have argued that the proposal would fail to safeguard the countryside from encroachment. The site immediately abuts the rear gardens of houses along Smalewell Road, on the edge of Pudsey. Given the limited alterations to the building, and restricted size of the proposed domestic curtilage surrounding it, I am satisfied that the proposal would not significantly alter the character and appearance of the site. Nor would it have any detrimental visual impact on the surrounding area of open countryside. As such I consider the proposal would be neutral in respect of safeguarding the countryside from encroachment.
17. Consequently, I consider the proposal would not conflict with paragraph 90 of the Framework and with Policies N33 and GB4 of the UDP insofar as they accord with the Framework. Therefore, I conclude that the proposal would not

be inappropriate development for the purposes of the development plan and the Framework, and there is no requirement for me to consider whether or not very special circumstances exist.

Other Matters

18. A number of concerns have been raised regarding highway and pedestrian safety that may result from the proposal, but note to this end, subject to conditions, there is no objection to the scheme from highways. In the light of this, and my own observations on site, whilst I note that the road is popular with walkers, I am satisfied that the appeal scheme would not have an unacceptable impact on highway and pedestrian safety in the area. Similarly conditions would be able to ensure that the proposal does not adversely affect drainage and flooding in the area. In addition, any proposal to run a business from the site is not a matter before me at this appeal.
19. Given the limited changes the proposal would make to the building and the site, and that the landscaping of the site can be controlled by condition, I consider that the proposal would not have an adverse impact on wildlife, or alter views across the site. Furthermore there is no firm evidence that the proposal would lead to a loss of property value.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed.
21. In addition to the standard implementation condition I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area conditions are required to control materials used on any alterations to the building, and the landscaping of the site, but have amended the suggested condition regarding landscaping to include a clause requiring its future maintenance for a period of 5 years.
22. To ensure the satisfactory drainage of the site it is necessary to control details of the disposal of surface water from the site. Although the Planning Practice Guidance indicates that permitted development rights should only be removed in exceptional circumstance, in this case I consider it is necessary to protect the openness of the Green Belt and residential amenity. Also to protect the openness of the Green Belt, a condition is required to control the size of the domestic curtilage. This should be based upon the plan submitted at appeal stage but also needs to include the parking area at the front of the site.
23. I have not been given any detailed evidence regarding potential contamination of the site but given the sensitive nature of the end use, I consider it would be appropriate to have a condition to assess the potential for contamination, and to outline measures of how any contamination would be dealt with. In the interests of highway safety, conditions are required to ensure the provision of the parking area on the site and relating to the proposed gated access.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Dwg No 001; Proposed Block Plan Dwg No 100 Rev B; Proposed Site Plan Dwg No 101 Rev B; Roof Plan Dwg No 202 Rev B; Existing and Proposed GA Plan Dwg No 203; GA Elevations Dwg No 405; GA Elevations Dwg No 400 Rev B; Proposed Gate Elevations Dwg No 404; Existing Barn Elevations Dwg No 401; Proposed Barn Elevation Dwg No 402.
- 3) No development shall take place until details of all roofing materials and any materials to be used in the repair of the external walling have been submitted to, and approved in writing by, the local planning authority. Samples shall be made available on site prior to the commencement of building works, for inspection by the local planning authority, which shall be notified in writing of their availability. The building works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of both hard and soft landscaping, including an implementation programme have been submitted to, and approved in writing by, the local planning authority. Hard landscape works shall include: proposed finished levels; boundary details and means of enclosure; and details of hard surfacing areas. Soft landscape works shall include: planting plans; written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment); and schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works, and confirm this in writing to the local planning authority prior to the date agreed in the implementation programme.

The completed soft landscaping scheme shall be maintained for a period of 5 years from the date of planting. During this period any trees or shrubs which die, or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

- 5) No development shall take place until a feasibility study into the use of infiltration drainage methods has been submitted to, and approved in writing by, the Local Planning Authority. The study shall contain the results of soakaway tests – carried out in accordance with BRE Digest 365 and an appraisal of various infiltration systems that could reasonably be employed on the site.
- 6) No development shall take place until a drainage scheme (i.e. drainage drawings and summary calculations) detailing the surface water drainage works has been submitted to, and approved in writing by, the local

planning authority. The works shall be implemented in accordance with the approved scheme before the development is brought into use.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) Schedule 2 Part 1 Classes A-H inclusive and Part 2 Class A, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwelling shall be constructed other than those expressly authorised by this permission.
- 8) No development shall take place until a Phase I Desk Study assessing the risks posed by any contamination has been submitted to, and approved in writing by, the local planning authority. Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the local planning authority. Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the local planning authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports, and the site shall be remediated in accordance with the approved measures and timescales, and the Verification Report shall be submitted to, and approved in writing by, the local planning authority.
- 9) The development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge onto the highway. These areas shall not be used for any other purpose thereafter.
- 10) Any gates across the access road to the development shall at all times be set back at least 5m from the back of the footway, and shall only open inwards.
- 11) No development shall take place until full construction details of the footpath crossing and/or construction details of the reinstatement of the full height footway or any redundant crossings have been submitted to, and approved in writing by, the local planning authority. The crossing(s) must be constructed in accordance with the approved details and shall be fully implemented prior to the first occupation of the development hereby approved.
- 12) No development shall take place until full details of the curtilage for the dwelling hereby permitted has been submitted to, and approved in writing by, the local planning authority.