
Appeal Decision

Site visit made on 6 June 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 28 June 2017

Appeal Ref: APP/N4720/W/17/3170682

Springwell Farm, Swillington Lane, Swillington, Leeds, LS26 8QF

- 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 Costello against the decision of Leeds City Council.
 - The application Ref 16/07669/FU, dated 7 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are: whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant Development Plan policies and the *National Planning Policy Framework* (the Framework); the effect on the openness and visual amenity of the Green Belt; the effect on the character and appearance of the locality, with particular reference to built development; and, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The proposal involves the demolition of the existing detached house and the erection of a replacement. The appeal site, which fronts onto the western side of Swillington Lane, adjoins agricultural land to the north and west, and a site containing a bungalow and a stabling enterprise to the south. Whilst the appeal site is situated within the Green Belt, the main built up area of Swillington adjoins the eastern side of Swillington Lane, opposite the site.
 4. Policy N33 of the *Leeds Unitary Development Plan (Review 2006)* (UDP) indicates that, except in very special circumstances, approval will only be given in the Leeds Green Belt for, amongst other things, limited replacement of existing dwellings. *The National Planning Policy Framework* (the Framework) confirms that a local planning authority should regard the replacement of a building with a new building which is materially larger than the one it replaces as inappropriate development in Green Belt.
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5. The main section of the appeal property comprises a 2-storey pitch roofed building, the eastern gable of which faces towards Swillington Lane. A 2-storey pitch roofed annexe adjoins the eastern section of the northern sidewall of the main building, with a single-storey flat roofed annexe projecting from the remainder of that sidewall.
6. Whilst, in addition to the existing house, the appeal site contains a number of other detached buildings, they are set well apart from the dwelling and are not affected by the proposal. The appellant has suggested that he may be able to extend the existing dwelling, either following a successful application for planning permission or under permitted development rights. Furthermore, if that were done, the difference in size between an extended dwelling and the appeal proposal would be less than the difference between it and the existing house. However, no particular extension scheme has been identified and the appellant has indicated that he does not wish to pursue those options. I give the suggestions little weight. As it stands the building to be replaced is the existing dwelling, which to my mind is the appropriate baseline in this case against which to consider whether the proposal would be materially larger.
7. The Council's estimates of the footprint of the existing (128 m²) and proposed dwellings (173 m²) are broadly consistent with the latest estimates set out by the appellant in his Response to the Council's Statement of Case (RCSC) (existing 133 m² and proposed 183 m²). They indicate an increase in footprint of between around 35% and 38%. However, I consider that in this case the change in volume provides a more comprehensive and appropriate measure to inform consideration of whether the proposed building would be materially larger than the existing.
8. In his appeal statement of case, the appellant has estimated that the volume of the existing building, including the cellar, is around 920 m³. In support of that view, he has provided details, in RCSC Appendix 1, of his calculation of the volume of the dwelling, excluding the cellar, which totals 874 m³. This would suggest that the cellar has a volume of around 46 m³. However, from what I saw, it is significantly smaller than that. In any event, it appears to me that the calculations set out in RCSC Appendix 1 contain a number of errors. For example, involving the calculation of the volume of one part of the building using dimensions associated with other parts. Based on what I have read and seen, I consider it likely that the volume of the existing dwelling, including the cellar is likely to be less than 800 m³, which is broadly consistent with the Council's estimate of 783 m³. The details set out in RCSC Appendix 2 indicate that the proposed house would have a volume of 1,232 m³, which in my judgement would equate to an increase of around 50% relative to the existing dwelling.
9. I consider that the proposed building would be materially larger than the one it replaces and it would not amount to a limited replacement of an existing dwelling. It follows that the proposal would constitute inappropriate development in the Green Belt.

Openness and visual amenity of the Green Belt

10. The Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. In this context, I consider that open can be taken to mean the absence of development.

11. The appeal dwelling has a driveway along one side and is otherwise surrounded by garden. To the rear of the garden and set apart from the house, the driveway leads to three other buildings, which are situated towards the western side of the appeal site. They include: an open fronted, single-storey shed with an arched roof, which has been identified by the Council as a former Nissen hut currently used for domestic storage purposes; as well as, a large garage with a mono-pitch roof and a small stables. The land immediately to the south of the site is occupied by a bungalow and a number of larger buildings serving the stabling enterprise. Otherwise, in the vicinity of the appeal site, the western side of Swillington Lane is predominantly characterised by agricultural land.
12. The proposed pitched roofed dwelling, although similar in height to the tallest part of the existing dwelling, would be larger in terms of both footprint and volume, resulting in a noticeably bulkier building, which would be set back further from the highway and into the Green Belt, albeit by a short distance. This would diminish the openness of the Green Belt to a small extent. Furthermore, although the appeal site is screened from view from the footpath that runs alongside its northern boundary by a tall boundary hedgerow, the dwelling is clearly visible from Swillington Lane and when seen from there the bulkier building would detract from the visual amenity of the Green Belt to a small extent. I conclude that the proposal would harm the openness and visual amenity of the Green Belt, albeit the levels of harm would be low, to the detriment of the character and appearance of the Green Belt thereabouts.

Character and appearance of the locality

13. When seen from Swillington Lane, whilst the large buildings within the neighbouring development to the south give that site an agrarian character, the most prominent features of the appeal site are the house and extensive gardens, giving it a predominantly residential character. The garage and small stables building are largely screened from view by hedgerows and the visual impact of the shed is small. The replacement of one dwelling with another would not alter the predominantly residential character of the appeal site. Although the detailing of the proposed dwelling would give it a more modern appearance than the existing property, this would be broadly in keeping with built development that fronts onto the opposite side of Swillington Lane, which comprises a row of relatively modern detached houses. While the proposed dwelling would be larger than those neighbouring houses, it would not appear unduly cramped, as it would occupy a larger plot than those others.
14. I conclude that, with particular reference to design, scale and proportions, the proposal would be reasonably in keeping with neighbouring development. In that context, it would not be visually intrusive and its impact on the character and appearance of the locality, with particular reference to built development, would be neutral. In this regard it would not cause problems of environmental intrusion and would adequately respect the character and quality of surrounding buildings, in keeping with the requirements of UDP Policies GP5 and N13, Policy P10 of the *Leeds City Council Core Strategy, 2014*, and the aims of the Framework.

Other considerations

15. The appellant has indicated that the existing dwelling has a number of structural cracks and some of the internal walls show signs of dampness. However, I give those matters little weight, as to do otherwise could give

encouragement to landowners seeking a beneficial permission not to maintain their assets in a diligent manner. I have no reason to doubt that the proposed dwelling, being built to modern standards, would be likely to be more energy efficient than the existing house, in keeping with the aims of the Framework. I give this moderate weight.

16. In his appeal statement, the appellant contends that he could apply, in principle, to extend the existing building by up to 30%. Whilst that may be the case, it does not automatically follow either: that such a proposal would accord with Green Belt policy as set out in paragraph 89 of the Framework, which does not identify an acceptable or unacceptable percentage increase; or, that planning permission would be granted. It may also be that the existing dwelling could be extended to some extent under permitted development rights, although no particular scheme has been put to me. Furthermore, the appellant has indicated that these are not options that he wishes to pursue. Under these circumstances, I give them little weight as fallback positions.
17. Although there is no dispute that the proposal would be unlikely to have an unacceptable effect on the amenities of residents of neighbouring properties, highway safety or flood risk, these are normal expectations of development and so they do not weigh in favour of the scheme to any significant extent. Furthermore, objections to the appeal scheme have not been raised by anyone other than the Council. Nonetheless, in my view, a lack of objections from others, such as neighbouring residents, cannot be automatically interpreted as a sign of support, as their propensity to object can be influenced by a number of factors. I give little weight to the absence of objections from others.

Conclusions

18. Having regard to UDP Policy N33 and the Framework, the proposal would amount to inappropriate development in the Green Belt and it would harm the openness of the Green Belt, albeit to a limited extent. The Framework confirms that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I conclude on balance that the harm to the Green Belt by reason of inappropriateness together with the harm to the openness and visual amenity of the Green Belt would not be clearly outweighed by other considerations. In addition to the matters referred to above, I include in 'other considerations' my finding that the effect on the character and appearance of the locality, with particular reference to built development, would be neutral. In my judgement, the harm that I have identified could not be materially reduced through the imposition of reasonable conditions. Therefore, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist and the scheme would not amount to sustainable development under the terms of the Framework. Furthermore, it would conflict with UDP Policy N33 and the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR