
Appeal Decision

Site visit made on 23 May 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/W4705/D/17/3170878

Farmhouse, Raines Farm, Glovershaw Lane, Baildon BD16 3AR

- 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 Mrs Elaine Walton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/09599/HOU, dated 30 December 2016, was refused by notice dated 24 February 2017.
 - The development proposed is modifications to roof and upper floor of farmhouse (variation 1).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Elaine Walton against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appellant has made reference to the Council's failure to demonstrate a five year housing land supply and to the Court of Appeal judgement in *Suffolk Coastal v Hopkins Homes Limited, Richborough Estates Partnership LLP v Cheshire East Borough Council*. It is argued that the judgement concludes that Paragraph 49 of the National Planning Policy Framework (the Framework) should be interpreted widely and that it applies to all policies which relate to housing supply and distribution. As the Council cannot demonstrate a five year supply of housing, the appellant argues that Policy GB5 of the Bradford Unitary Development Plan (UDP) which relates to the Green Belt, and therefore concerns the restriction and distribution of housing, should be considered as not up-to-date and have significantly reduced weight.
4. Notwithstanding this, the Supreme Court has now ruled in this case¹ and explained that the primary purpose of Paragraph 49 of the Framework is to trigger the operation of the 4th bullet point of Paragraph 14 where a local planning authority cannot demonstrate a five year supply of deliverable housing sites.

¹ *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* [2017] UKSC37

5. Furthermore, the Supreme Court considered that Paragraph 49 must be seen within the context of Paragraph 47, which sets the objective of boosting the supply of housing. The phrase “policies for the supply of housing” is an indication of a category of policies in the development plan, these being the housing supply policies. The Supreme Court indicated that these are likely to be policies relating to the provision of dwellings such as housing allocations. I find that these policies are distinguished from other categories of policies such as those for the supply of employment land or for the protection of the countryside, including the Green Belt. The Supreme Court has also confirmed that the weight to be given to development plan policies is a matter of planning judgement for the decision maker.
6. The above does not reduce the weight to be given to Green Belt policy which, in my view, relates more to the protection of the local environment rather than the distribution of housing. Furthermore, the protection of the Green Belt is given great significance in the Framework. As indicated by the Court, it remains for the decision maker to make a planning judgement on the impact of a proposal on the Green Belt and that where harm is found it should be given significant weight. As a result, having due regard to the appellant’s argument, I find Policy GB5 of the UDP to be broadly consistent with the Framework. Therefore, I have given it due weight and determined the appeal on this basis.

Main Issues

7. As the appeal site is within the Green Belt, the main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt and the purposes of including land within it;
 - the effect on the character and appearance of the surrounding area; and
 - if the development is inappropriate, 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

8. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. This includes 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 and also limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
9. As I have considered under ‘character and appearance’ below, I find that the proposed alterations and extensions to the original dwelling would be disproportionate to the original building. As a result, the proposed development is considered to be inappropriate development in the Green Belt, as set out in the third bullet of Paragraph 89 of the Framework.

Openness and Green Belt purposes

10. Paragraph 79 of the Framework states that a fundamental aim of Green Belt policy is to keep land permanently open. Furthermore, I note in Paragraph 89 of the Framework that development on previously developed land in the Green Belt would be not inappropriate provided that it would not have a greater impact on the openness of the Green Belt, and the purpose of including land within it, than the existing development.
11. Having regard to the above, I find that the construction of the proposed modifications to the appeal property would result in a built development which would have a significantly larger bulk than currently exists. Whilst the footprint of the property would remain the same, the scheme would introduce an entirely new second storey. I appreciate that the ridge height of the building would rise by only a small amount due to the shallow pitch of the proposed roof. However, I find that the overall increase in scale, massing and bulk of the property, particularly at first floor level, would inevitably have an adverse impact on Green Belt openness.
12. The resulting loss of openness would be particularly apparent from the west as the appeal property is highly visible when travelling east along Spring Lane. From this direction, the property and site contributes to a long range view across fields with trees and hedges as part of the backdrop. As a result, I find that the effect of the proposal on Green Belt openness would be exacerbated.
13. I appreciate that the proposal must be considered in the context of the consented development to the north of the appeal site. Notwithstanding that the approved buildings were not constructed at the time of the site visit, from the evidence before me, I have had due regard to their impact on the context to the appeal scheme. However, I must also consider that any harm to the Green Belt, including openness, must be given substantial weight.
14. On the basis that I have characterised the site as being in open countryside, as set out below, I find that the scheme would lead to an increase in development in the countryside and would introduce alterations and extensions which would be disproportionate to the original dwelling. As a result, it would have an adverse impact on openness and the related Green Belt purpose of safeguarding the countryside from encroachment.
15. The appellant has referred to a High Court decision² which considered the definition of previously developed land within the Framework. I acknowledge that the findings of the judgement would likely render the appeal site, a house and garden in the Green Belt, as being previously developed land. However, given my findings regarding the significance of Green Belt policy, the disproportionate additions to the original dwelling and the impact of the proposal on Green Belt openness, the proposal would be inappropriate development as set out in Paragraph 89 of the Framework. As a result, I find that such considerations relating to the Dartford decision are not substantively relevant or determinative in this case. Therefore, I have given them limited weight.
16. Consequently, I conclude that the proposal would lead to a significant loss of Green Belt openness and would have a significant harmful impact on the Green

² Dartford Borough Council v Secretary of State for Communities and Local Government (CO/4129/2015)

Belt purpose of safeguarding the countryside from encroachment. Therefore, it would be contrary to Policy GB5 of the UDP and the Framework.

Character and appearance

17. The appeal site is situated within an area of open countryside which has a range of traditional farmhouses and outbuildings scattered widely across the surrounding area. The immediate area surrounding the site slopes to the south and as a result, the appeal property is positioned on slightly lower ground than the consented development to the north. A group of trees screen the appeal property from the public highway as it passes the site. However, open views of the group of buildings around the appeal site can be had from the surrounding area, particularly from the west and northwest.
18. Policy GB5 of the UDP states that the extension or alteration of dwellings within the Green Belt will not be granted unless the proposal satisfies several criteria. These are where the scheme would not adversely affect the character of the Green Belt, the original dwelling or surrounding buildings and would not result in disproportionate additions over and above the size of the original dwelling.
19. I note from the visualisations of the consented development that the proposal would result in substantial property which would contribute to a significant and visible group of buildings. As a result, I find that this would have an adverse impact on the open and rural character and appearance of the area where such a sizeable grouping of buildings is not be prevalent.
20. The appellant states that the design, scale, massing and materials of the proposal would bring the character and appearance of the appeal building more in keeping with that of its surroundings. Furthermore, the roof profile of the proposed dwelling has been designed to have no materially greater impact on the Green Belt than the existing building. I acknowledge that the proposal would remove detracting characteristics from the existing property and that innovative design would be used to reflect the more traditional character of the local area and the buildings within it. However, whilst these are undoubtedly benefits of the proposal, I find that the increase in scale and massing of the property would constitute disproportionate additions to the original dwelling and would be harmful to its character and appearance.
21. I appreciate that the proposed modifications would allow the appeal building to sit more comfortably with the adjoining consented development. However, given the topography of the area around the appeal site which slopes away to the south of the property, the scale and massing of the scheme would be more apparent and have a greater visual impact from various viewpoints to the west of the site. As a result, I find that the cumulative visual impact of the consented development and this proposal would have a significant adverse effect on the character and appearance of the locality.
22. I note that the Council does not refer to the Rombald's Ridge Supplementary Planning Document (SPD). Instead, it refers to the Householder SPD (HSPD) which contains a specific section on extensions and alterations to properties in the Green Belt. The Council indicates that the HSPD is more relevant to the determination of the proposal. From what I have seen and read, it seems to me that both the HSPD and the SPD have some relevance to the assessment and determination of the proposed development. However, I note the specific section of the HSPD which applies to proposals of the nature being considered

in this appeal within the Green Belt. Whilst the SPD refers to all development with the relevant designated area, I find that the content of the HSPD is more applicable to the appeal scheme. Therefore, based on what I have seen and read, I have applied moderate weight to the HSPD and limited weight to the SPD in determining the appeal.

23. Consequently, I conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area and would result in disproportionate additions to the original dwelling. Therefore, it would be contrary to Policy GB5 of the UDP.

Other considerations

24. The appellant has referred to the potential for upper floor accommodation in the roof space of the appeal property through permitted development (PD) rights were the appeal dismissed. I note that this development would be achieved using rooflights and dormer windows which the appellant states would detract from the characteristics and traditional built form of the area. Moreover, it is argued that the PD scheme would not represent as significant a visual improvement as would be the case with the appeal scheme.
25. However, I note that PD rights could be exercised regardless of the outcome of this appeal and therefore the scheme could be undertaken in any event. Notwithstanding this, in my view, the PD scheme would be less apparent than the appeal scheme in terms of scale and massing and would therefore have less of an impact on Green Belt openness. Therefore, I find that the likely harm from the indicated PD scheme would be less significant than the proposed development and I therefore give this matter limited weight.

Conclusion

26. The Framework indicates that where a proposal would be inappropriate development in the Green Belt or where it would have adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment, substantial weight should be given to the harm caused.
27. The proposed modifications to the appeal property would result in a larger dwelling. Notwithstanding this, its design and the use of materials would be in keeping with the consented development adjacent to the site. Having had due regard to all of the above, I conclude that whilst the proposal would provide benefits to character and appearance, due to its disproportionate alterations and extensions, it would be inappropriate development in the Green Belt. As a result, the proposed benefits must be assessed against the harm to determine whether very special circumstances exist to make the development acceptable. When considered cumulatively or individually, I find that none of the identified benefits or other considerations would outweigh the Green Belt harm I have identified and to which I must give substantial weight.
28. Consequently, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR