



Appeal Decision

Site visit made on 31 October 2017

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 3rd November 2017

Appeal Ref: APP/W4705/W/17/3180018

Land west of 76 to 98 Frensham Drive, Bradford BD7 4AS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ben Green against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 16/08789/MAO, dated 7 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is residential development comprising 24 new houses and access road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - (a) Whether the proposal constitutes inappropriate development in the Green Belt, and the effect on the openness and purposes of the Green Belt;
 - (b) Whether it has been demonstrated that the site can be adequately drained
 - (c) Whether the proposed highway layout is satisfactory;
 - (d) If the development is inappropriate, whether the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations put forward in favour of the proposal so as to amount to the very special circumstances necessary to justify development (the planning balance).

Reasons

Whether inappropriate, openness and purposes

3. There is no dispute that the site is within the Green Belt as identified in the development plan. Saved Policy GB1 of the Replacement Unitary Development Plan (UDP) indicates that planning permission will only be granted within the Green Belt for specified purposes (which do not apply here) or for development which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, or where very special circumstances are demonstrated. This is broadly in accordance with the policy set out in the National Planning Policy Framework (NPPF).

4. The Appellant does not seek to argue that the site benefits from any of the purposes which are regarded as not inappropriate in the Green Belt, but argues that very special circumstances apply here. This is tacit acknowledgement that the development would fall within the definition of inappropriate development in the Green Belt. I agree that this would clearly be inappropriate development.
5. The erection of 24 dwellings would have an inevitable impact on the openness of the Green Belt. Notwithstanding the fact that the site is bounded by dwellings and their gardens to the east and a high retaining wall over much of its western boundary, openness would be lost. The loss would be perceived from part of the country park to the west, and from the north, beyond the golf course. There would be clear encroachment of built development into what is currently countryside, as well as an extension to the urban sprawl of Bradford. Hence there would be conflict with two of the purposes of including land in the Green Belt.
6. As pointed out in the NPPF, inappropriate development is, by definition, harmful to the Green Belt. There would also be harm resulting from the loss of openness and the conflict with the purposes of including the land in the Green Belt. This totality of harm carries substantial weight as advised in paragraph 88 of the NPPF.

Drainage

7. The site is steeply sloping and although the application was submitted in outline form the Lead Flood Authority sought further details, and pointed out that the stated intention to discharge surface water into an adjacent field was unsatisfactory. Furthermore it is unclear from the submitted information how the pumped foul water system would be arranged in relation to storage and siting.
8. Although it would often be possible to apply conditions to any grant of planning permission to enable such matters to be resolved at a later date, I can well understand why details were considered necessary at this stage. The topography of the site would be likely to make drainage challenging, and the requirement for detail at this stage is not unreasonable. In the absence of such detail I cannot be sure that the development could be carried out in a satisfactory manner. The NPPF makes it clear that the right information is crucial to good decision taking. In this case the information is lacking and it would not be reasonable to grant planning permission unless there was a clear indication that development could be carried out in a manner which would not lead to unsatisfactory drainage provision.

Highway Layout

9. The Highway Authority was unable to support the proposal for reasons including road alignment, sizes of parking bays/garages, highway drainage and other technical matters. I again agree that these are often matters which can be controlled by condition.
10. However, this proposal sought approval for access and layout, and as such it is not unreasonable to seek to ensure that the submitted details are acceptable. That is particularly important on sites such as this where gradients are likely to be quite steep and the alignment of the road crucial to a successful and safe

development. The degree of engineering work required on the site is clear from the site sections provided, and lends weight to the view that it is appropriate to require details of highway layout at an early stage. In this case the details have proved to be unacceptable and I cannot therefore conclude that a satisfactory road layout and configuration can be achieved on this site.

Other Considerations/Planning Balance

11. The Appellant suggests that the strong and defensible boundaries of the site, with no potential for extending development further into the Green Belt, is of sufficient importance to amount to the very special circumstances required to justify the development. It is also argued that development of the site would also be significantly less intrusive, with a reduced impact on openness, than developing other Green Belt sites. Furthermore it is pointed out that Green Belt release is being promoted elsewhere in order to meet the known housing shortfall, and release of the appeal site would be more beneficial and less contentious than other sites.
12. Green Belt boundaries are intended to be altered only in exceptional circumstances (as set out in the NPPF). I am not aware of any proposal to include this site in any future allocation of land for housing albeit I acknowledge the Appellant's representations that it has been considered. Planning Practice Guidance indicates that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development.
13. Taking these considerations and my findings on the other main issues in the round I find the following:
 - The proposal constitutes inappropriate development in the Green Belt, with a material impact on openness and conflict with the purposes of including land in the Green Belt. There is clear conflict with saved development plan Policy GB1. This carries substantial weight.
 - There is insufficient information to conclude that the proposal could be carried out in a manner which would provide satisfactory drainage. This carries significant weight.
 - There is insufficient information for me to conclude that a satisfactory highway layout can be achieved on this site. This carries moderate weight.
 - The other considerations advanced in support of the proposal, including housing shortfall, are of moderate weight but do not clearly outweigh the harm by inappropriateness and other harm.

Other Matters

14. The Council has supplied information which suggests that in the event of planning permission being granted a S106 obligation would have been necessary to address matters such as contributions to education provision and open space provision. The lack of an executed obligation adds weight against the grant of planning permission.
15. The Appellant has made reference to planning permissions granted at other locations. Those sites are not before me and I do not know the full

circumstances of them. I must make my decision based on the particular circumstances of this case. These other decisions do not alter the balance of my conclusions.

Overall Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR