



Appeal Decision

Site visit made on 12 October 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 13 December 2017

Appeal Ref: APP/W4705/W/17/3179491
Delph Farm, Coates Lane, Silsden BD20 9HH

- 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 Delph Feline Retreat against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/08392/FUL, dated 13 October 2016, was refused by notice dated 6 January 2017.
 - The development proposed is erection of worker's dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of worker's dwelling at Delph Farm, Coates Lane, Silsden BD20 9HH in accordance with the terms of the application, Ref 16/08392/FUL, dated 13 October 2016, subject to the conditions set out in the schedule below.

Preliminary Matters

2. In addition to the plans submitted with the planning application, I have been provided with drawing 1615/09 (Site plan as proposed), drawing 1615/10 (Site cross sections AA & BB), and two topographical surveys (drawings 2764-01 & 2764-02). These drawings provide additional information, but do not materially alter the appeal proposal, and so I have taken them into account in my consideration.

Main Issues

3. There is no dispute between the main parties that the appeal site is located in the countryside and outside any designated development boundary. Both parties accept the advice set out in the National Planning Policy Framework (the Framework) that isolated new homes should be avoided in such locations, other than in a limited number of defined circumstances. One such circumstance is where it is essential for a rural worker to live permanently at or near their place of work. I have had regard to the previous appeal decision¹ relating to the site, which concluded that there was an essential need for a dwelling on the site to house a rural worker in connection with the existing cattery business.
4. As the need for such a dwelling has been established, the main issues of the appeal are therefore whether the particular proposed dwelling is essential,

¹ APP/W4705/W/15/3017959

having regard to its scale, and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Scale

5. The development would create a two storey dwelling which would be located on the other side of the lane from the existing cattery building. In terms of accommodation, the development would provide three bedrooms and a bathroom on the first floor, and a sitting room, kitchen/dining room, utility room and toilet on the ground floor. Although the details of the previous scheme are not before me, I note that the proposal has been reduced in size, and that elements such as a proposed garage and office have been deleted.
6. Although no guidance is offered on size standards for dwellings in the Framework or the development plan, it is appropriate to ensure that the new dwelling would be of a suitable size to serve the identified needs of the business. The appellant states that the worker would be appointed at a managerial level, and so would be of an age where they would be likely to have a spouse or partner and children. However, any employee might require a family home, regardless of their seniority in the business.
7. The Council state that no robust case for the size of the dwelling has been advanced by the appellant, and they suggest that accommodation could be provided within a single bedroom flat or dwelling. However, such an arrangement would effectively preclude the employment of a worker with dependents.
8. In this case, I do not consider the size of the proposed dwelling or the amount of accommodation to be excessive. It would house a worker and partner plus one or two dependents comfortably, but would be unlikely to be suitable for a bigger household. Therefore, on balance, I find that its size would be compatible with the particular circumstances of the cattery business, and the need to provide accommodation for a worker permanently located at the site.
9. I therefore conclude that the proposal would be consistent with Policy UDP1 of the Bradford District Replacement Unitary Development Plan (RUDP), which aims to locate development to meet the needs of the district, RUDP Policy UR2, which seeks to permit development provided that it contributes to the social, economic and environmental aspects of sustainable development, and with paragraph 55 of the Framework.

Character and appearance

10. The Council's document entitled 'Landscape Character Supplementary Planning Document Volume 1: Airedale' (SPD) describes the area in which the appeal site lies as enclosed pasture. It states that the area around Silsden consists of gentle undulating slopes with a relatively open aspect. The SPD states that sensitivity to development in this area is moderate (para 10.3.3), and that the more traditional isolated development pattern in the open landscape is to be recognised.
11. The Council's second reason for refusal relates to the lack of information within the planning application in relation to the existing and proposed levels, including finished floor levels and cross sections. As a result, the Council is

concerned that the effect of the development on the surrounding landscape cannot adequately be assessed. As noted above, some additional documents have been submitted in response to this concern.

12. The proposed dwelling would comprise stone walling, timber windows and doors, and black aluminium guttering. In terms of design, the dwelling would have a plain, unfussy appearance, with features such as quoins, water tables, kneelers, and simple openings for windows and doors. To that extent, I am satisfied that the development would reflect the prevailing character of vernacular development in the surrounding area.
13. In terms of location, the new dwelling would be closely associated with the existing buildings at Delph Farm, which would reduce its visual impact in the surrounding area. I note from the submitted cross section AA that the ridge of the new dwelling would be higher than the roof of the cattery building. However, the height difference would be relatively small, and the development would be set back behind the line of the south gable end of the cattery building. The substantial stone walls at the entrance to the site from Coates Lane would also help to screen views towards the new building.
14. Therefore, whilst it would be visible from Coates Lane, I am satisfied that this combination of location and design would allow the development to be assimilated successfully within the existing site. I conclude that sufficient information has been provided to show that the proposal would not be unduly harmful to the character and appearance of the surrounding countryside. It would thus comply with RUDP Policies NE3 and NE3A, whose joint aim is to protect the character and appearance of the landscape, and with the guidelines contained in the SPD.
15. I have taken into account the objection of the Town Council to the proposal, but this has not led me to a different conclusion on the main issues.

Conditions

16. The Council has suggested a number of planning conditions which I have considered against the relevant advice in the Planning Practice Guidance (PPG). As a result, I have amended some of them for clarity and brevity. For certainty, it is necessary that the development is carried out in accordance with the approved plans.
17. A condition restricting the occupancy of the development is required, given the justification for the development in a location where new homes are not usually permitted, and to ensure that it remains available in the future to support the rural economy. Conditions relating to samples of materials and finished levels/heights are necessary in the interests of character and appearance. A condition relating to the provision of parking is necessary to ensure highway safety.
18. The Council has suggested a condition withdrawing a number of permitted development rights from the development in order to ensure the preservation of the landscape character of the surrounding area. I agree that such a condition is necessary, as such alterations could have a significant impact on the appearance of the area. Consequently, I consider it reasonable for the Council to retain control over such alterations in this instance. I shall therefore impose a condition withdrawing permitted development rights, insofar as they

relate to extensions and alterations to the dwelling and its roof, and development within its curtilage.

19. It is essential that the requirements of Conditions 4, 5, and 6 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

Conclusion

20. For the reasons above, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; 1615/02; 1615/03; 1615/04; 1615/05; 1615/06; 1615/07; 1615/08.
- 3) The occupation of the dwelling shall be limited to a person solely employed in connection with the business Delph Feline Retreat, Coates Lane, Silsden. Any dependents of that person would be able to occupy the dwelling whilst the person they were dependent on remained employed in connection with the business Delph Feline Retreat, Coates Lane, Silsden.
- 4) No development shall commence until the following details have been submitted and approved in writing by the local planning authority:
 - i) cross sections of the site:
 - ii) details of the existing and proposed ground levels:
 - iii) proposed finished floor levels of buildings:
 - iv) levels of any paths, drives, and parking areas;
 - v) height of any retaining walls.

The development shall be carried out in accordance with the details approved by the local planning authority.

- 5) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 6) No development shall commence until a sample panel has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and shall show the proposed walling materials and type of pointing to be used in the development. The

development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

- 7) Before the development is brought into use, the off-road car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the local planning authority. That car parking space shall thereafter be kept available at all times for the parking of vehicles.
- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A, B, C and E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.