
Appeal Decision

Site visit made on 19 December 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 15th January 2018

Appeal Ref: APP/W4705/D/17/3181891

Bank Bottom Laithe Farm, Turf Lane, Cullingworth, Bingley BD13 5EH

- 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 Keith Dibb against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 17/01701/HOU, dated 23 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is the construction of an oak-framed car port.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council determined the planning application, the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (Core Strategy) has been adopted. I have considered the Core Strategy in my decision.

Main Issues

3. The main issues are a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy, b) its effect on the openness and purposes of the Green Belt, c) if it is 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 the development.

Reasons

4. The appeal site is found in a rural location, with its surroundings comprising principally of fields and where other forms of built development are sparse. The site is also set at an elevated position, which allows for views to, and from, the surrounding countryside. The site contains a number of buildings including the dwelling, an attached barn and a 'lean to' building that is in a storage and garage type use, as well as ancillary domestic structures. Adjacent to the parking area, which is found at the opposite end of the complex of buildings to the house, is a hardstanding which is enclosed by retaining walls on three sides. This is where the proposal would be sited.

Inappropriate Development

5. Paragraph 89 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, subject to a number of exceptions. The Core Strategy contains no relevant planning policies and Policy GB5 of the Replacement Unitary Development Plan for the Bradford District (2005) is no longer an extant policy. The development plan does not, therefore, provide any further guidance on whether or not the proposal would be inappropriate development in the Green Belt.
6. The appellant considers the exception which should apply is that which involves the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The proposal, though, would be free standing and it would be located some distance from the dwelling. The physical separation from the dwelling would be apparent on the site with the presence of the barn, and the storage and garage building, in between. Consequently, with this separation and the intervening buildings, I consider the proposal could not reasonably be treated as an extension or alteration of a building. None of the other exceptions would apply. When judged against the Framework, the proposal would therefore be inappropriate development in the Green Belt.

Openness and Purposes

7. Openness is an essential characteristic of the Green Belt. The proposal would alter the area of the land on which it would be sited from one of a hardstanding to an elongated single storey building, with open sides and a solid roof. With regards to the visual component of openness, with the elevated nature of the site, the generally open nature of the landscape and the roof structure being higher than the retaining walls, there would be clear views from the adjoining fields, as well as from the access road into the site. Some screening would be afforded by the buildings nearest where the proposal would be sited. I consider that the effect on the openness of the Green Belt, overall, would be moderate.
8. I also find there would be conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment, as the proposal would result in a new building in a countryside location. Moreover, it would also add to the consolidation of development on the site and in a location which is noticeably set apart from more built up areas.

Other Considerations

9. With regards to the approved planning application¹ where the appellant considers the Council has treated an outbuilding as an extension or alteration of a building, this relates to a different site and whether or not a proposal would be considered under the exception requires an assessment based on each site's own characteristics and the particular merits of the proposal. For similar reasons, it also does not follow that even if a structure would normally be 'permitted development', that it should be classed necessarily as an extension or alteration for the purposes of the exception.

¹ Council ref: 16/00834/HOU

10. Concerning the Leeds appeal decision², based on the information the appellant has submitted, I note there was less physical separation apparent between the proposed garage and the house under that appeal, and, as I have set out above, it is a matter of fact and degree in each case whether or not an outbuilding can be considered under the exception. Although the barn on the site before me has historically been granted planning permission for a conversion, this has not been implemented and the barn does serve to demonstrate the physical separation between the dwelling and where the proposal would be sited. I am, therefore, satisfied that the circumstances are sufficiently different in the Leeds appeal decision from what is before me, so as not to alter my conclusions.
11. In respect of the correspondence between the appellant and the Council concerning whether or not a householder application would likely to be approved, this is not a matter for me to comment on. I have based my decision on the strong protection which is afforded to the Green Belt under national planning policy.

Conclusion

12. The proposal would be inappropriate development in the Green Belt and, in addition, there would be a moderate loss of openness and conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment. Paragraph 88 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. The proposal would not thus comply with the Framework in respect of Green Belt national policy. For these reasons, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR

² Appeal ref: APP/N4720/D/17/3173456