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# Appeal Decision

Site visit made on 20 November 2017

**by S Jones MA DipLP**

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

**Decision date: 5 February 2018**

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**Appeal Ref: APP/N4720/W/17/3181539**

**Swallows Barn, Wike Lane, Bardsey, Leeds LS17 9EB**

- 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 and Mrs P Gray against the decision of Leeds City Council.
  - The application Ref 17/02295/FU, dated 6 April 2017, was refused by notice dated 16 June 2017.
  - The development proposed is detached garage and granny flat including extension to existing residential curtilage (amended scheme).
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - a) whether the proposed development would be inappropriate in the Green Belt
  - b) the effect of the development on the openness of the Green Belt and on the character and appearance of the area including the East Keswick Special Landscape Area
  - c) if the development were inappropriate in the Green Belt, whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations resulting in very special circumstances justifying the development.

## Reasons

3. The appeal site lies outside East Keswick, in a largely rural area within the Green Belt (GB) and a Special Landscape Area (SLA) on the outskirts of Leeds. It lies alongside two other properties that also form part of the same complex of former agricultural buildings, making a total of 3 converted dwellings. A steep field runs into the back of the 3 properties and the landform descends at the same sloping gradient to form the rear gardens of the three dwellings. The rear gardens have one or two retaining terraces and are mainly enclosed by fences and walls.
4. Swallows Barn lies on the corner of Wike Lane and Keswick Lane, and the entrance is directly off Wike Lane. There is an open courtyard in front of the enclosed garden. This includes a sloping bank of grass at the edge of the field

that continues along part of the front boundary with Wike Lane where it has a large tree in it. The proposal is that the rear section of the sloping bank would be excavated out by the field boundary and replaced with a granny annexe on top of 3 garages.

5. The appeal site is within part of the Green Belt and the Special Landscape Area and I must have particular regard to the effect of the proposed development upon them. The Green Belt serves five purposes, and Paragraph 87 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is harmful to the Green Belt, and should not be approved unless very special circumstances exist. However, there are a number of instances where development is not inappropriate. The appellant contends that the development falls under paragraph 89, where extensions or alterations to existing buildings in the Green Belt may be not be inappropriate provided they are not disproportionate to the size of the original building.
6. However, the proposed development would not simply comprise an extension or alteration to the existing building. It is clear from the plans and the appellant's submissions that a new self-contained detached residential unit would be created over the garages, accessed up an external stairway to the side. I conclude that under paragraph 89 and 90 of the Framework the proposed development would be a new building that would not fall under any of the exceptions listed there and it would therefore be inappropriate in the Green Belt. Accordingly, it would be harmful to the Green Belt.
7. The effect on the Green Belt would be to develop a further area of open land measuring approximately 220m<sup>2</sup> in area. This would enclose more of the land, encroach further into the countryside, and permanently reduce the open area surrounding the site. It would thereby harm the Green Belt characteristic of openness as set out at paragraph 79 of the Framework.
8. The appeal site is also within an area designated as a SLA, whose landscape features should be maintained avoiding harmful development. As regards concerns about the tree by the front boundary, it is not protected by a Tree Preservation Order or other means, and a single tree is by itself unlikely to make a significant contribution in terms of general landscape assessment. In terms of character and appearance, although the rear grass embankment would be developed, the new building would follow the same rear boundary line as the existing rear garden boundary walls and would not extend beyond that.
9. The current buildings onsite reflect their former agricultural nature and follow the rise and fall of the landform, with the attached single storey double garage leading into the two storey residential conversion. From Wike Lane, boundary treatments (whether hedging or wall) and the remaining high embankment would largely obscure the ground floor level in general. However, the two storey new pitched roof would be prominent enough to be visible from most vantage points. It would truncate the landfall of the hill and the height, bulk and distinctive design would be unsympathetic in contrast with the residential conversions and be significantly harmful to the character and appearance of the surrounding area including the SLA. I conclude that the development would therefore be contrary to saved Policies N33 and N37 of the Leeds Unitary Development Plan Review and Policy P10 of the Leeds Local Development Framework Core Strategy Development Plan Document and the Framework, which together amongst other things seek to protect the Green Belt and the

Special Landscape Area and ensure high quality development that reflects its surroundings.

10. Harm to the Green Belt should be accorded substantial weight under paragraph 88 of the Framework. Having concluded above that it would be inappropriate development in the GB, I next must consider whether there are any other considerations that would otherwise justify it. I have had due regard to the reasons why the appellant seeks more accommodation for family members. The older generation need close attention due to becoming elderly with associated medical conditions, and the younger generation need space for cars and storage. I consider these factors have moderate weight.

### **Green Belt Balance**

11. The development would be inappropriate development in the Green Belt and harm the openness of the Green Belt, and substantial weight must be attached to that harm. In addition, I have identified the harm to the character and appearance of the area and the SLA. The totality of the harm does not clearly outweigh the moderate weight attached to the family's need for a granny annexe and more garaging to accommodate wider family needs and so these would not constitute very special circumstances to justify the proposal.

### **Conclusion**

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

*S Jones*

INSPECTOR