



Appeal Decision

Site visit made on 27 August 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/W4705/W/19/3229917

Land At County Bridge, Denholme, BD13 4HA

- 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 Kevin Lord against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/00386/OUT, dated 28 January 2019, was refused by notice dated 25 March 2019.
 - The development proposed is a residential development.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. This is an outline application with all matters reserved except for access and layout. I shall proceed on this basis.

Main Issues

4. In agreement with the Council, the appeal would not give rise to any concerns in respect of access and highway safety. The main issues in this case are: (1) whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy, (2) the effect of the proposal on the openness of the Green Belt, (3) the effect on the character and appearance of the area, and (4) if the development would be inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

5. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is limited infilling in villages.

6. Saved Policy GB3 of the Bradford Replacement Unitary Development Plan (2005) (RUDP) sets out the requirements for a development to be classed as infill development. It essentially states infill development will be acceptable where: the site is within the infill boundary of the settlement, it fills a small gap in a small group of buildings, it is related to the scale of the settlement and does not harm the character and appearance of the settlement or its surroundings. The appellant considers the Policy is not compliant with the Framework and therefore should attract little weight in the planning balance.
7. Framework paragraph 213 indicates that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Although the phraseology of Policy GB3 is not the same as the Framework, it is broadly consistent with it as it essentially seeks to ensure development is located within a settlement, limited in size and compatible with the character of the area.
8. Whilst the settlement of boundaries may have altered since the proposals map was produced, the Council acknowledge that the site lies within the village boundaries. The terms 'limited' and 'infilling' will be essentially a question of fact and planning judgement for the planning decision-maker having regard, for example, to the nature and size of the development itself, the location of the application site and its relationship to other, existing development adjoining and adjacent to it.
9. The appellant considers the site to be a small gap in the existing built up frontage. When approaching the village from Denholme the character of the street alters once the former industrial and commercial uses are reached. This section comprises a hard-surfaced area and building set back from the highway. Consequently, there is a break in residential development and sense of openness. After the pair of semi-detached dwellings, to the south of the site, there is also a large gap before a cluster of buildings.
10. Whilst the site is located between a pair of semi-detached dwellings and a row of terraces, the distance between these properties represents a wide gap. The site is substantially larger than neighbouring residential plots and the proposal would not form an infill development in an otherwise developed frontage along this section of the road. The proposal would not represent, in principle, limited infilling.
11. The proposed development would therefore be inappropriate development. Accordingly, the proposal would conflict with the Framework and RUDP Policies GB1 and GB3.

Openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The site fronts a main road with a low boundary wall and is open in nature. The development would be small scale but there are currently no buildings within the site and the development would be visible from the highway. The proposed dwelling and garage would therefore have both a significant visual and spatial impact upon the openness of the Green Belt. Consequently, the scheme would result in significant harm to the Green Belt's openness. Additionally, the scheme would not safeguard against the encroachment of development into the countryside, which is contrary to the third purposes of including land within the Green Belt as set out at paragraph 134 of the Framework.

Character and Appearance

13. Properties within the immediate street scene comprise a pair of semi-detached dwellings and a row of terraces. Whilst not a designated area, the currently undeveloped site makes a positive contribution to the character of the street scene. The site is agricultural in nature and reflects the rural character of the locality. It is clearly visible when approaching the A629 from Thornton Road due to the openness of the surrounding area.
14. The layout proposed results in one dwelling with a detached garage which would appear at odds with the neighbouring properties. Appearance, landscaping and scale are reserved matters which could make the proposal less or more favourable in this regard. Nevertheless, the property and plot would be significantly larger than those in the street scene and it would not reflect the character and appearance of the neighbouring properties.
15. For the above reasons, the proposal would harm the character and appearance of the area and conflict with Policies DS1 and DS2 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) and the Framework.

Other Considerations

16. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Very little has been advanced by way of other considerations to weigh in favour of the proposal. The appellant refers to other developments located to the south of the site which they consider have extended the village boundary. The circumstances of these cases are unknown to me and they do not represent a direct parallel as it appears these permissions relate to conversions. Furthermore, as stated above the Council consider the site to be located within the village boundaries.

Conclusion and Recommendation

17. The development constitutes inappropriate development and would cause harm to openness of the Green Belt. This is a matter to which substantial weight is given. Additional weight is given to harm to the character and appearance of the area. As cited above, there is conflict with local and national planning policy. Minimal weight is given to the argument regarding other developments and the village boundaries extending. The advanced considerations in support of the appeal do not, on balance, clearly outweigh the conflict with planning policies designed to protect the Green Belt. There are no very special circumstances to justify the development.
18. For the reasons given above, I conclude that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghaffoor

INSPECTOR