



Appeal Decision

Site visit made on 10 September 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/N4720/W/19/3231411

Gorse Hill, Linton Common, Linton, Wetherby LS22 4JD

- 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 D Newett against the decision of Leeds City Council.
 - The application Ref 19/00733/FU, dated 07 February 2019, was refused by notice dated 21 May 2019.
 - The development proposed is laying of a new vehicular access track and realignment of access location.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the character and appearance of the area, including the setting of Linton Conservation Area and the countryside; and
 - iii) If the proposal 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

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is part of an agricultural field between Gorse Hill and Trip Lane on the outskirts of Linton. It is in the Green Belt in an elevated position above the valley of the River Wharfe.
4. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 directs local planning authorities to give substantial weight to any harm to the Green Belt.

5. Saved Policy N33 of the Leeds Unitary Development Plan (Review - 2006) Adopted July 2006 (the UDP) sets out that except in very special circumstances approval will only be given in the Green Belt for a limited number of specific types of development. The proposed development does not meet any of the exceptions. However, Policy N33 pre-dates the publication of the Framework and it is not entirely consistent with the Framework policies that protect the Green Belt.
6. In this respect, Paragraph 146 of the Framework state that certain forms of development, including 146 b) engineering operations, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and has both a spatial and a visual aspect.
7. There is limited information before me in respect of the precise length or width of the proposed track. However, it would be a long extent of track winding its way between the tennis court at the northern edge of Gorse Hill and Trip Lane. In terms of its construction, while the application form states that it would be finished in bonded gravel, evidence submitted with the appeal suggests that it could instead be formed using grasscrete. Irrespective of its finish, by virtue of its length and the permanent footprint of development, there would be a spatial impact on openness.
8. The track would be visible from locations in and around the area, including the immediately adjacent public right of way (the PRoW) which links Trip Lane to Linton Common. The vegetated boundary at the field edge does not form a dense screen and the track would therefore be visible from the PRoW, particularly at times of year when trees are not in leaf. It would also be visible from locations along Trip Lane, from where the view south across the appeal site is identified as a key view and vista in the Linton Neighbourhood Plan Final Draft 2014 to 2029 Adopted February 2019 (the NP).
9. Although proposed towards the edge of the field for part of its length, the track would not be very close to the boundary and it would swing out into the field before entering Gorse Hill near to the tennis court. It would therefore encroach into the open field and it would be made more conspicuous as a result of its use by domestic and commercial vehicles. Consequently, there would be a visual impact on openness in this locality. The spatial and visual loss of openness would be small in the context of the Green Belt as a whole. Nevertheless, the proposed track would not preserve the openness of the Green Belt. The track would also conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment.
10. I acknowledge that in the appeal referred to in Enfield¹, the Inspector found that the use of Ecogrid paving would reduce the visual impact of the engineering works and concluded that the scheme in that case would be not inappropriate in the Green Belt. Although full details of that scheme are not before me, it appears that the proposal was close to a boundary, resulting in a minimal degree of encroachment, and in an area with a busy urban feel characterised by many businesses, buildings and extensive areas of hardstanding. It does not therefore appear directly comparable to the appeal scheme before me, which must in any case be considered on its own merits.

¹ Ref APP/Q5300/W/18/3193944

11. I therefore conclude that the proposed access track would be inappropriate development which would conflict with saved Policy N33 of the UDP and the policies in the Framework that protect the Green Belt.

Character and appearance

12. The appeal site is beyond the boundary of Linton Conservation Area (the CA) in a special landscape area. The CA includes the core of Linton and extends westwards in a narrow ribbon between the River Wharfe and Linton Common before widening out to include Linton Common SSSI and the appeal property. While the significance of the CA derives primarily from its architectural and historic interest, its character and therefore its significance is also derived from the landscape setting of the surrounding countryside and valley side location.
13. Gorse Hill is on the steeply sloping valley side of the River Wharfe and the appeal site continues to rise from the rear of the appeal property before flattening out as the land plateaus towards Trip Lane. The area to the south of the appeal site that is within the CA, including Gorse Hill, the SSSI and the corridor of the River below, has a sparsely developed and wooded character and appearance. However, there is an abrupt change in character to the rear of Gorse Hill as the wooded flanks of the valley give way to an expansive rural agricultural landscape characterised by large open fields with hedgerows, scattered trees and patches of woodland.
14. Notwithstanding that the track would be flush with the ground, and irrespective of its construction, it would be visible from locations in the surrounding area. It would have an urbanising effect as a result of its use by domestic and commercial vehicles in what is otherwise open and undeveloped countryside. Moreover, while the presence of agricultural vehicles would be in keeping with the farmed landscape, the movement of residential and commercial vehicles across agricultural land at this point would appear incongruous and overtly domestic.
15. The proposal would encroach into the undeveloped countryside beyond the CA and it would interrupt the views looking southwards from Trip Lane across and into the conservation area. In this respect, the Linton Conservation Area Appraisal and Management Plan Approved February 2010 (the CAAMP) emphasizes the need for development around the CA to be sympathetic to its setting and to avoid detrimental effects on views towards and away from the CA.
16. Consequently, although it is not within the CA, the proposal would harm the locally important views in this location and it would not be sympathetic to the landscape setting of the CA. For the reasons stated, it seems to me that a moderate amount of harm would result to the setting and therefore the significance of the CA. This would be less than substantial in the terms set out in the Framework. In this case, the proposed track would serve a private dwelling and, notwithstanding that the field gate to Trip Lane would need to be relocated to provide a safe and suitable access, it has not been demonstrated that there would be public benefits that would outweigh the harm to the setting of the CA.
17. Therefore, the proposed track would result in unacceptable harm to the character and appearance of the rural countryside which also forms part of the setting of Linton CA. It would conflict with Policies P10, P11 and P12 of Leeds

Core Strategy Adopted November 2014, saved Policies N37, N37A and GP5 of the UDP and Policy A1 of the NP. These require, among other things, that development conserves and enhances the historic environment, townscapes and landscapes. Development is expected to be sympathetic to its setting, having regard to local distinctiveness, contributing positively to place making and protecting locally important views, the undeveloped wooded hillsides and ridgelines. It would also conflict with policies in the Framework relating to the protection of the built environment and landscape setting.

Other Considerations

18. I accept that the proposed track would enable easier access to the rear of the steeply sloping gardens of Gorse Hill, including the gardener's shed, than is currently provided from the front of the property. However, the submitted plans indicate that the track would link directly to the tennis court rather than to the gardener's shed or other such areas such as might be more appropriate for the parking and manoeuvring of maintenance and service vehicles. I am not therefore convinced that the proposal would be a particularly practical solution to the apparent problem of access to the gardener's shed. Furthermore, there is little before me to indicate that there are no alternative proposals that could deliver substantially the same benefit without conflict with the development plan. This is therefore a matter that carries little weight in my assessment.
19. I note the suggestion that the track would provide access to the wider field to the north of Gorse Hill. However, the existing field gateway from Trip Lane already provides access to the agricultural land. Moreover, most agricultural fields do not have internal access tracks and no convincing justification has been provided for an agricultural track in this location. This is therefore a matter which carries limited weight in the balance.
20. The appellant suggests that there would not be an increase in vehicle movements since the gardening team already drive across the appeal site on a regular basis. Certainly, at the time of my visit, there were several cars and tradesman's vehicles parked on the field to the rear of Gorse Hill. It does therefore appear that the appeal site is already used as a secondary access in connection with the appeal property. However, a hard surfaced track would enable vehicles to drive across the field at times of year and during periods of inclement weather when ground conditions would be otherwise unsuitable for domestic vehicles. Therefore, it seems highly likely that there would be an increase in vehicle movements and there would be nothing to prevent an intensification of use of the track in the future. The existing use of the appeal site as an access to the rear of Gorse Hill is a matter which carries little weight in favour of the scheme.
21. The field gateway to Trip Lane would be relocated further away from the field boundary and the adjacent PRow in order to address one of the reasons for refusal of the earlier refused planning application (ref 17/03860/FUL). In this respect, the absence of objection from the Highways Authority is not a benefit of the scheme and simply indicates that the proposal would be compliant with some policies in the development plan. This is a matter which carries limited weight in my assessment.

The Green Belt Balance

22. I have concluded that the proposed track would be inappropriate development in the Green Belt. It would be an engineering operation that would fail to preserve the openness of the Green Belt and it would conflict with the purposes of including land within it. This harm attracts substantial weight. The proposal would also result in an adverse effect on the character and appearance of the countryside and the setting of the CA.
23. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case, there are no other considerations that would clearly outweigh the harm the Green Belt by reason of inappropriateness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

24. For the reasons set out above, and having regard to all other relevant matters, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR