
Appeal Decision

Site visit made on 8 October 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16th October 2019

Appeal Ref: APP/W4705/W/19/3234057

Site Off Holme Lane, Tong, Bradford, West Yorkshire

- 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 Maurice Willan of TGS Properties against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01791/FUL, dated 03 April 2019, was refused by notice dated 09 July 2019.
 - The development proposed is conversion of existing livery stables to dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address is given in the application form as "352-354 Holme Lane, Bradford BD4 0RJ". However, the appeal does not relate to Nos 352-354. Therefore, I have used the address given in the decision notice and appeal form in the banner heading above in the interests of clarity.

Main Issues

3. 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 countryside;
 - iii) The effect of the proposal on protected species; and
 - iv) 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

4. The appeal site is long and narrow strip of land immediately adjacent to an unadopted access track off Holme Lane. It comprises former stables, a small

- area of woodland and areas apparently used for the keeping of other small animals. It is in the Green Belt beyond the urban edge of Bradford.
5. 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.
 6. Policy GB1 of the Replacement Unitary Development Plan for the Bradford District Adopted October 2005 (the RUDP) sets out that except in very special circumstances, development including the construction of new buildings in the Green Belt will only be permitted for a limited number of specific purposes. The proposed dwelling does not meet any of the exceptions. However, Policy GB1 pre-dates the publication of the Framework and it is not entirely consistent with the Framework policies that protect the Green Belt.
 7. In this respect, Paragraph 145 of the Framework sets out that the construction of new buildings is inappropriate in the Green Belt, subject to a number of listed exceptions including 145 g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not have a greater impact on openness of the Green Belt than the existing development.
 8. The definition of PDL in the glossary of the Framework specifically excludes land that is or was last occupied by agriculture or forestry buildings. However, the evidence before me indicates that until recently the site was used as livery stables. On that basis, the site would be PDL for the purposes of the Framework.
 9. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual impacts.
 10. The existing structures on site are modest and the use of the site in connection with the keeping of horses and other animals does not conflict with the countryside location or the purposes of the Green Belt. While the evidence indicates that the proposed dwelling would have a smaller volume than the existing stable building, it would be a taller building with an overtly domestic appearance. In this respect, the effect on openness does not relate only to the size of the building but also to its appearance and its use. In this case, the proposed modern domestic form of development would not be in keeping with the countryside location.
 11. There would be a significant visual impact as a result of a residential dwelling with associated car parking, gardens and domestic paraphernalia. The site would be visible from the surrounding area, including adjacent properties and the public right of way and locations along Holme Lane and Raikes Lane. Consequently, the proposal would have an adverse effect, and a greater impact, on openness of the Green Belt than the existing development. It would not meet the exception in paragraph 145 g) of the Framework.
 12. It would also result in the encroachment of development into the countryside. In this respect, the proposal would conflict with the purposes of including land within the Green Belt set out in paragraph 134 of the Framework, which include safeguarding the countryside from encroachment.
 13. Therefore, the proposal would be inappropriate development in the Green Belt. It would conflict with Policy GB1 of the RUDP, Policy SC7 of the Local Plan for

the Bradford District Core Strategy Development Plan Document Adopted July 2017 (the CS), and policies in the Framework that protect the Green Belt.

Character and appearance

14. The appeal site is in an elevated position where the densely developed urban edge meets the open countryside. It is in the Tong Valley Landscape Character Area which is characterised in this location by undulating farmland with scattered pockets of development including farmsteads, grazing land with field boundaries formed from hedgerows, walls and fences, with scattered trees and patches of woodland.
15. Although in a relatively poor state of repair, the existing buildings are modest in scale and they are of a form that is characteristic of buildings in the countryside used for the keeping of animals. They do not appear incongruous or visually obtrusive. Conversely, while the appeal dwelling would also be modest in scale, it would have a very different appearance, being clearly domestic and with an unusual and complicated roof. Consequently, it would be a conspicuous and uncharacteristic form of development when viewed from the surrounding area.
16. There would also be a cumulative visual effect as a result of the dwelling, car parking arrangements, gardens and associated domestic paraphernalia. It would be an overtly modern development that would not have the appearance of a traditional rural dwelling. It would have an urbanising effect and it would extend the envelop of residential development into the countryside. While I accept that there is residential development nearby, the appeal scheme would not relate well to the more densely developed residential areas on the opposite side of the access track or to the traditional building group to the east.
17. I have considered whether the adverse visual effects of the proposal could be mitigated by planting. However, there is nothing before me which establishes either the extent of vegetation and tree clearance to create the main garden area or which demonstrates that any meaningful screen planting could be achieved within the proposed landscaped area. Moreover, vegetation is in any case temporary and garden planting cannot be relied upon to hide inappropriate development from view. This is not therefore a matter that could be dealt with by planning condition.
18. The proposal would result in harm to the rural character and appearance of the countryside in this location. It would conflict with Policies DS2 and EN4 of the CS. These require development, among other things, to take opportunities to link into the wider landscape and to make a positive contribution towards the conservation and enhancement of landscapes within the Tong Valley.

Protected species

19. There is evidence before me that the site is in a bat alert zone and the building that would be demolished has some potential to be used by roosting bats.
20. Paragraph 175 of the Framework is clear that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this respect, the Planning Practice Guidance advises that where a proposal is likely to affect a protected species, planning permission can be granted if an

appropriate survey has been carried out and subject to any necessary proposals for mitigation or compensation being found acceptable.

21. While I note the suggestion that this is a matter that could be dealt with by planning condition, no justification has been provided to support the granting of planning permission in the absence of information which demonstrates that the requirements of relevant legislation, planning policy and guidance would be addressed. Moreover, and irrespective of whether or not the Council requested a bat survey during the time that the application was being considered, the appeal process has provided the appellant with the opportunity to submit further information to address the reasons for refusal.
22. Therefore, there is insufficient information to assess the effect of the proposal on a European protected species, bats. Consequently, it would conflict with the biodiversity protection aims of Policy EN2 of the CS and the Framework.

Other Considerations

23. The proposal would make a minimal contribution to the supply of housing. This is a matter that carries limited weight in favour of the scheme.
24. The proposal would not result in adverse effects on the living conditions of nearby residential occupiers. There are no highway safety concerns. However, these are requirements of the development plan and they do not therefore weigh in favour of the scheme.
25. I note the suggestion that the proposals could be amended, including the extent of the curtilage and the parking areas. However, there are no amended proposals before me and I cannot therefore be certain that there are any alternative proposals that could mitigate the harm that I have found. This is not therefore a matter that could be addressed by planning condition.

Green Belt Balance

26. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. The Framework advises that substantial weight must be given to any harm to the Green Belt.
27. There would be an adverse effect on the character and appearance of the countryside resulting from a new dwelling in this location. There would also be likely harm to protected species.
28. The Framework states that inappropriate development 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 virtue of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

29. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR