
Appeal Decision

Site visit made on 16 September 2019 by Hannah Ellison BSc (Hons), MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 30 October 2019

Appeal Ref: APP/N4720/W/19/3232606

Pump House, Back Lane, New Farnley, Leeds, LS12 5HJ

- 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 Mrs Margaret Thompson against the decision of Leeds City Council.
 - The application Ref 19/00231/FU, dated 15 January 2019, was refused by notice dated 7 March 2019.
 - The development proposed is the conversion of outbuildings to residential dwelling.
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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.

Procedural Matters

3. The description of development set out in the banner heading above is taken from the application form and differs to that on the Council's decision notice. It is clear that the Council considered that the proposal was for the demolition of the existing buildings and construction of a detached dwelling. The appellant maintains that the original description is more accurate. From what I have seen and read, the proposal seeks to convert and extend the existing former pump house to create a new dwelling, following the removal of an existing caravan and stables. I have determined the appeal on this basis.
4. During the course of this appeal, the Council has adopted its Core Strategy Selective Review (September 2019). Although the Council have provided me with a copy of the document, on which both main parties have had the opportunity to comment, no specific policies relating to this particular case have been drawn to my attention.

Main Issues

5. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;

- If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

6. This appeal site comprises a brick built former pump house, a static caravan, stable block, open-sided barn and an area of open field. It is located on the eastern side of Back Lane, within the Green Belt. The proposal seeks to convert and extend the existing pump house, following removal of the caravan and part of the stable block.
7. Policy N33 of the adopted Leeds Unitary Development Plan, Review 2006 (UDPR) sets out various forms of development for which approval will be given in the Green Belt. They include the re-use of buildings where all the detailed criteria set out in Policy GB4 are satisfied. Policy GB4 requires, amongst other things, that any physical changes to the building and its curtilage would maintain or enhance the openness, character and appearance of the Green Belt and that the building can be shown to be in a generally structurally sound physical condition and is a size, form and materials suitable for the intended use without need of substantial rebuilding or extension. In terms of the intention of these policies, it seems to me that they are broadly consistent with the policies of the National Planning Policy Framework in relation to development in the Green Belt.
8. The Framework establishes that new buildings in the Green Belt are inappropriate. However, it sets out certain circumstances, listed in paragraphs 145 and 146, which can be considered as exceptions. There are several which could apply to the appeal proposal.
9. The exception set out in paragraph 145c relates to development that involves an extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building as set out in paragraph 145c. The Framework does not explain what a disproportionate addition means therefore an assessment of whether the proposal would be disproportionate to the original building is a matter of planning judgement.
10. The existing pump house is a modest, single storey building with a limited footprint. The submitted plans indicate that the footprint of the proposed single storey extension would be substantially larger than that of the original building. As such it would represent a sizeable increase in the floorspace, massing and volume of the structure, resulting in a disproportionate addition above the original building. The proposal would not therefore constitute an exception under paragraph 145c of the Framework.
11. Paragraph 145g is also relevant to the appeal. That exception relates to the limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than existing development. Previously developed land, as defined in the Framework,

- is land which is or was occupied by a permanent structure including the curtilage of the developed land.
12. Although there is limited evidence before me on their structural condition, the pump house and the stables appear to be permanent buildings. However, I understand that the caravan on the site is unauthorised and, whilst it may have been in situ for a few years, there is nothing before me to demonstrate that it constitutes a lawful use of the land. In any event it is not a permanent structure. In those circumstances the proposal would not result in the redevelopment of previously developed land.
 13. However, even if the site did constitute previously developed land, to meet the test of the exception in paragraph 145g, it would need to be demonstrated that the development would have no greater impact on openness than the existing. Similarly, paragraph 146d, states that the re-use of buildings that are of permanent and substantial construction is not considered inappropriate in the Green Belt, provided that it preserves openness and does not conflict with the purposes of including land within it. It is to these matters that I now turn.
 14. Paragraph 133 of the Framework states a 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.
 15. The appellant considers that the proposal would result in an overall reduction in total volume of built development on the site, taking into consideration the unauthorised caravan, and that this would also improve openness. The Council do not dispute the reduction in volume. On that basis there would be no impact on the spatial aspect of the openness of the Green Belt in terms of a purely mathematic calculation. However, there is also a visual element to considerations regarding openness.
 16. The proposal would extend the pump house significantly to the east, following removal of the stable block and caravan. It is noted the array of existing buildings, and the caravan, are clearly separated from one another, whereas this proposal, whilst it would follow a similar linear layout, would result in an elongated footprint and a single, significantly more substantial, building mass. This proposal would therefore reduce openness in visual terms, particularly when viewed from the public footpath which runs along the southern boundary of the site.
 17. In addition, the impact of a development on openness is not necessarily related to just its size but also its purpose. In this case, the existing buildings, because of their plain, functional appearance and limited scale, reflect the nature of their use and the character of the rural environment. However, on the basis of the evidence before me, the scale, domestic character and appearance of the proposed dwelling, and the activity that would be associated with a permanent house of this size, would have a considerably greater impact on openness than the existing buildings. I recognise that the caravan may have a residential use, although there is no evidence before me as to whether it is lived in as a permanent residence. Nevertheless, as set out above, although it may have been in situ since 2012, it is neither authorised nor a permanent building and is not directly comparable to the appeal proposal.
 18. Consequently, taking all the above together, this proposal would fail to preserve the openness of the Green Belt. In addition, the purposes of the

Green Belt include assisting in safeguarding the countryside from encroachment and in urban regeneration by encouraging the recycling of derelict and other urban land. Given that the site lies outside an urban area and within the countryside, the proposal would conflict with those purposes. Moreover, given that the proposal would not preserve openness it would not fall within any of the exceptions set out under paragraphs 145 and 146 and therefore constitutes inappropriate development in the Green Belt. For the same reasons the proposal would also conflict with Policies N33 and GB4 of the UDPR.

Other considerations

19. It is suggested by the appellant that the proposal would be of a good design and it is noted the Council has raised no objection on this basis. In addition, the proposal would utilise an existing access. No objections to the proposal have been raised on highway safety grounds. Whilst I find no reason to disagree with this view, these are neutral matters rather than ones which carry weight in favour of the proposal.

Green Belt Balance

20. The Framework states that inappropriate development is harmful to the Green Belt and should not be permitted except in very special circumstances. The proposed development would constitute inappropriate development in the Green Belt to which substantial weight is given.
21. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion and Recommendation

22. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR