



Appeal Decision

Site visit made on 12 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2019

Appeal Ref: APP/N4720/W/19/3234296

Beacon House Farm, Yorkgate, Otley, West Yorkshire LS21 3DG

- 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 Keith Willis against the decision of Leeds City Council.
 - The application Ref: 19/00327/FU, dated 18 December 2018, was refused by notice dated 13 March 2019.
 - The development proposed is the renewal of the existing roof to farm buildings and minor engineering operations to create an additional grazing area.
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Decision

1. The appeal is allowed and planning permission is granted for the renewal of the existing roof to farm buildings and minor engineering operations to create an additional grazing area at Beacon House Farm, Yorkgate, Otley, West Yorkshire LS21 3DG in accordance with the terms of the application, Ref 19/00327/FU, dated 18 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:2500, Red Line Site Plan 1:500, Proposed Plan 1:200, Proposed Section 1:100, Proposed Elevations 1:200.
 - 3) No development shall commence until a scheme for the specification of the green roof and how it is to be maintained has been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be brought into use until the green roof has been completed in accordance with the approved details and shall be retained thereafter.

Procedural Matter

2. The Council adopted an amended version of the Leeds Core Strategy under the Core Strategy Selective Review (2019) (CS) during the appeal. In the interests of fairness, the Council and the appellant were given the opportunity to comment on this matter.

Main Issues

3. The main issues are (i) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy

Framework (Framework) and the development plan policy; and (ii) the effect on the character and appearance of the area.

Reasons

4. The appeal site comprises an agricultural holding. As well as farmland, it contains a number of attached buildings that are set out in a clustered arrangement. Between a bungalow type building and a larger more modern agricultural shed there are a number of smaller connected buildings that would be the subject of the proposed replacement roof. To the rear of the buildings is a short steep slope which rises to grazing land. As well as being located in the Green Belt, the site is also designated within a Special Landscape Area (SLA) under the Leeds Unitary Development Plan Review (2006) (UDPR).

Inappropriate Development

5. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves buildings for agriculture and forestry. 'Saved' Policy N33 of the UDPR sets out the types of development where except in very special circumstances approval will only be given in the Leeds Green Belt. These include the construction of new buildings for purposes of agriculture and forestry.
6. The proposal would involve the replacement of a roof over buildings that are used in association with the agricultural enterprise. For the purposes of paragraph 145 of the Framework, they constitute buildings for agriculture and forestry. As a building is defined under Section 336 of the Town and Country Planning Act 1990 to include any part of the building, this would include the proposed replacement roof. That it would be larger in size than the existing roof does not have a bearing for the consideration of agricultural and forestry buildings under paragraph 145.
7. The proposed replacement roof would not constitute inappropriate development within the Green Belt. As such, it should not be regarded as harmful to the openness or purposes of the Green Belt as these matters are implicitly taken into account under the exception. As I find it would not be inappropriate development, I do not need to consider the other exceptions under paragraph 145 that have been put to me.
8. The Framework also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. The proposal would also involve the minor regrading of the grazing land in order to tie it into a void area at the rear of the proposed replacement roof. When the fairly modest sized area of land this would involve is also considered, it would not have a discernible effect on openness and nor would it conflict with the purposes of the Green Belt. Hence, this element of the proposal would also not be inappropriate development.
9. I conclude that the proposal would not constitute inappropriate development within the Green Belt and, accordingly, it would comply with the Framework and with 'Saved' Policy N33.

Character and Appearance

10. The site lies in a landscape of predominantly agricultural fields and woodland that is close to the highest part of the Otley Chevin. It benefits from expansive views to the south. Whilst the buildings are visible, they are well set back from the road and are also partly screened by a stone boundary wall and vegetation.
11. The proposed replacement roof would be viewed within the context of the existing built form on the site and it would be set at a lower height than the buildings on either side. Accordingly, it would not be overly prominent. The overhang of the roof to the rear would unobtrusively tie into the higher ground levels in the field with the minor regrading of the land. As the levels in this field would continue to rise beyond the roof, it would also not be unduly exposed in this location.
12. Moreover, it is proposed that it would be a 'green roof' as it would be grassed. This appearance would disguise its construction. Hence, it would not be seen as an overly large structure in this landscape because its overall appearance would be akin to its surroundings, in particular the adjoining grazing land.
13. The information that has been submitted concerning the construction of the proposed roof is of a somewhat limited nature. However, this can be adequately addressed through the imposition of a planning condition concerning its specification and maintenance. On this basis, it would not be an incongruous and alien feature.
14. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. Therefore, it would comply with Policy P10 of the CS and with 'Saved' Policies GP5 and N37 of the UDPR which state that development should provide for good design that is appropriate to its location, scale and function; resolve detailed planning considerations including landscaping and design; and, in SLAs that development will be acceptable provided it does not seriously harm the character and appearance of the landscape, amongst other considerations.
15. Policy 11 of the CS is also stated in the Council's reason for refusal. As this concerns the historic environment, which does not appear to be a matter of dispute, it only has a limited bearing on my decision.

Conditions

16. As well as the time limit condition (1), I have imposed a condition in the interests of certainty in relation to the approved plans (2). I have also imposed a condition concerning the details of the proposed green roof (3). This is in the interests of protecting the character and appearance of the area. It is a pre-commencement condition because it is a matter that needs to be agreed by the start of the construction as the proposed roof largely forms the approved development that would take place.

Conclusion

17. For the reasons set out above and having regard to all matters raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR