



Appeal Decision

Site visit made on 3 December 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/W4705/W/19/3236923

Knowle Farm, Knowle Lane, Wyke, Bradford BD12 9BG

- 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 Ashley Deacon against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/02599/FUL, dated 14 June 2019, was refused by notice dated 15 August 2019.
 - The development proposed is storage shed and workshop area in connection with use of the land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of the proposal to 'Retrospective change of use of land to residential garden that incorporates a gravel drive and turning area and for a retrospective outbuilding to be used for domestic purposes in association with the dwelling house of Knowle Farm Knowle Lane Wyke Bradford.' However, the appellant did not agree to this change. I will therefore determine the appeal on the basis of the description given on the application form which relates only to the storage shed and workshop area in connection with the use of the land.
3. Information in support of the appeal, including reference to a certificate of lawfulness at the adjacent property of 'The Knowle' for 'retention of existing fence and extension of part of rear garden curtilage into Green Belt¹', implies that the use of the land within the curtilage of the dwelling may have become lawful through the passage of time. However, it is not for me, under a section 78 appeal, to determine whether or not that use has become lawful. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal.
4. The appellant has submitted a plan dating from circa 1970 that shows a rectangle in the same position as where the appeal building is located, which he states is 'probably a building' which was either 'existing or intended' that 'could be for farm storage or a garage'. No substantive evidence has been provided of the existence of a building in this location. Consequently, on the balance of probability, I do not think that a structure has ever previously been

¹ 15/03678/CLE

erected in this location. Even if I were to accept that there was a building in this location, it is not clear what it was used for. I have therefore determined the appeal on the basis that the land on which the appeal building is built is agricultural, and that the appeal building is proposed to support that use.

5. I observed on my site visit that a building has already been erected. I was able to view inside the building during my visit and I have taken this into account when coming to my decision. I have determined the appeal on the basis that the development has already occurred and on the basis of the plans submitted with the application.

Main Issues

6. The appeal site is located within the Green Belt and therefore the main issues are:
 - a) Whether the development is inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework);
 - b) The effect of the development on the openness of the Green Belt;
 - c) The effect of the development on the intrinsic character and beauty of the countryside; and
 - d) If it 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 very special circumstances required to justify the development.

Reasons

Whether inappropriate development

7. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions, including buildings for agriculture². Although pre-dating the Framework, Policy GB1 of the Replacement Unitary Development Plan for the Bradford District (RUDP) (adopted 2005) includes the exception of development in the Green Belt for the purposes of agriculture and forestry, and is consistent with the Framework in this respect.
8. The appeal building is located within the corner of a field, adjacent to a painted timber fence and in front of a line of tall trees. It is a modest, single storey, lightweight, timber-framed structure with a flat roof and small canopy to the front. It is faced with horizontal timber laths on the front and southern side elevations and has glazed bi-fold doors to the southern side elevation and multi-pane and arched windows to the front and rear elevations. Inside it has a vinyl finish floor and a wood burning stove but is not connected to any services or facilities.
9. I acknowledge that the building is stated by the appellant for use as a storage shed and workshop in connection with the maintenance and use of three acres of agricultural land, and accept that, when on site, I observed that it was being used to store materials and small pieces of equipment and machinery,

² Paragraph 145 of the National Planning Policy Framework

including a ride on mower and circular saw. However, elements of its construction and design, such as the canopy, large bi-fold windows with adjacent external deck covered in artificial grass, arched windows and internal vinyl floor, result in the building having much more of a domestic form rather than an agricultural one.

10. Furthermore, the evidence submitted in support of the appeal only refers to the building being used in association with the 'maintenance and use' of the agricultural land. However, it is unclear as to what agricultural processes on the land are currently taking place or would be taking place in the future that would require a building of this type. Indeed, from what I observed on site, the machinery and materials stored within the building appeared to be no more than what you would expect to see in a domestic shed.
11. Taking the above into account, I am not convinced that the appeal building would be used wholly for the purposes of agriculture, and consider that there is insufficient evidence to demonstrate that it meets this exception of development in the Green Belt as set out in Policy GB1 of the RUDP or in Paragraph 145 of the Framework.
12. Accordingly, I consider that the appeal building is inappropriate development in the Green Belt. As such, it conflicts with Policy SC7 of the Bradford Core Strategy Development Plan Document (CS) (adopted 2017) which highlights the valuable role of the Green Belt in the District in, amongst other things, conserving the countryside. It also conflicts with Policy GB1 of the RUDP and Paragraph 145 of the Framework referred to above.

Openness

13. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The line of trees to the rear of the appeal building provide some screening. However, beyond this and to the north and south of the appeal site is pastoral land which has considerable openness. The building's modest size and the existing screening mitigates some of its impact on the visual openness of the Green Belt. Nonetheless, it is still readily visible in views looking east from Knowle Lane and Cow Close Lane and looking north from Whitehall Road.
14. In addition, the development has introduced built form, albeit modest, into the corner of the field where, on the balance of probability, I have concluded that no structure has previously been erected. This, combined with its considerable physical separation from Knowle Farm and Knowle Farm Cottage and the general absence of buildings in the near vicinity, means that it also reduces the spatial openness of the Green Belt.
15. Therefore, I consider that the development does not preserve, and has a harmful effect on, the openness of the Green Belt. As such, it conflicts with Policy SC7 of the CS and the provisions within the Framework which aim to protect the openness of the Green Belt.

Intrinsic character and beauty of the countryside

16. The appeal site and building are located on the south side and at the end of Knowle Lane and the start of Cow Close Lane. At this point the character and appearance of the immediately surrounding area changes from being medium density housing to open pastoral fields with hedges and tree belts.

17. I appreciate that the appeal building is, to a large degree, constructed of natural materials to enable it to assimilate into its surroundings and that it incorporates features which have been recycled from other buildings. However, its form, design and finish, particularly the canopy and windows, cause it to have a twee domestic façade rather than an authentic rustic agricultural character and appearance. Combined with the additional domestic paraphernalia around the appeal building, it creates a discordant intrusion into the rural landscape.
18. I have had regard to the facts that the appeal building is limited in its size and scale and that its location has been chosen to reduce its physical and visual impact on the landscape. Nevertheless, its significant separation from the bungalows of Knowle Farm and Knowle Farm Cottage and its presence as a solitary building beyond the existing line of built form in the immediately surrounding area, cause it to stand out within the landscape when viewed from Knowle Lane and Whitehall Road. The result is the encroachment of built form into a generally simple and undeveloped rural landscape. It is therefore at odds with the prevailing character and appearance of the surrounding countryside.
19. Consequently, I have found the development to have a harmful effect on the intrinsic character and beauty of the countryside. This conflicts with Policies DS1 and DS2 of the CS which, amongst other things, aim to ensure that development proposals achieve good design and integrate into the wider landscape.

Other considerations

20. The appellant asserts that the appeal building is 'similar in appearance and scale to what you would expect to see with the timber stable blocks that are usually permitted in these situations.' I accept that stable blocks are not unusual within the countryside, nevertheless, I have not been provided with examples in the surrounding area. Consequently, I give this modest weight.
21. The Council also cites Policies DS3 and DS4 of the CS in its reasons for refusal. However, these policies relate to urban character and streets and movement respectively and, as such, are not relevant to development in the Green Belt or the effect of development on the character and beauty of the countryside.

Conclusion

22. As set out above, I consider that the development constitutes inappropriate development in the Green Belt. I have also found that it does not preserve, and has a harmful effect on, the openness of the Green Belt and has a harmful effect on the intrinsic character and beauty of the countryside. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
23. Having taken into account the other considerations outlined above, they are not sufficient to demonstrate very special circumstances, and so do not outweigh the substantial weight which must be given to Green Belt harm and any other harm.

24. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR