



Appeal Decision

Site visit made on 13 January 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/W4705/W/19/3239379

Airedale Barn, Bradford Road, Sandbeds, Keighley BD20 5NP

- 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 & Mrs Rock against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/02954/FUL, dated 11 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is construction of a new three bedroomed house utilising existing access and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate development in the Green Belt. One of several exceptions to this is the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 145 g).
4. Saved Policy GB1 of the Replacement Unitary Development Plan for the Bradford District (the RUDP) is generally consistent with the Framework in stating that permission will not be given within the Green Belt other than for certain specified purposes, but differs from it with regard to the specific exceptions permitted. I have therefore had regard to Policy GB1 insofar as it is

consistent with the Framework, but attach greater weight to the exceptions within the Framework as a material consideration.

5. Policy SC7 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (the Core Strategy) states that the Green Belt in the District has a valuable role in conserving countryside. It is thus consistent with the Framework, which states that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
6. The site is part of the garden of a residential property, Airedale Barn. The Framework definition of PDL excludes land in built-up areas such as residential gardens. The particular residential garden to which this appeal relates is located within the Green Belt, surrounded by open fields on two sides, and is thus somewhat distinct from the built-up areas of housing and commercial development to the north and east. Nonetheless, even were I to conclude, on that basis, that the site is not a garden in a built-up area and is thus PDL, the exception in paragraph 145 g) is subject to the caveat that any redevelopment would not have a greater impact on the openness of the Green Belt than the existing development.
7. At present the site contains a garage, which would be retained, and a number of sheds and small storage structures, which would be removed. As a result of its two storey height and its large footprint, extending back into the site for some depth, the proposed dwelling would have a substantial volume and massing. Consequently, it would have a significantly greater effect on openness than the existing structures on the site, and would significantly erode and harm the spatial openness of the Green Belt.
8. Although the appeal site is adjacent to existing buildings and enclosed by boundary planting, I observed that the site and structures within it are nonetheless visible in public views from Bradford Road across the open land to the west. The proposed two storey dwelling would therefore also be visible through and above the boundary hedge in public views across that adjacent open land. Furthermore, whilst its ground floor would be located at a lower level than Bradford Road, the upper parts of the two storey dwelling would be visible from that adjacent road frontage above the front boundary gates and fence. As the development, and its substantial scale and massing, would thus be clearly evident in public views, it would therefore also significantly erode and harm the visual openness of the Green Belt as experienced from those nearby public vantage points.
9. As an existing residential garden, the site contains a number of ancillary structures and items of domestic paraphernalia consistent with that use at present. In that context, the proposed dwelling would not result in the further encroachment of domestic activity into the countryside beyond that which exists presently on the site.
10. Nonetheless, for the reasons given, as a result of its height, footprint, volume and massing, the proposed dwelling would have a significant adverse effect on the openness of the Green Belt, and would affect that openness to a significantly greater degree than that existing development on the site. It would therefore not meet the exception criteria in paragraph 145 g) of the Framework.

11. Although the site is adjacent to existing buildings in one direction, the adjoining land in the other direction is open. Consequently, the development would not result in the infilling of a limited gap in an otherwise continuous built-up frontage, and thus would not comprise limited infilling for the purposes of paragraph 145 of the Framework. Therefore, and as the development would not fall into any of the other exceptions in paragraphs 145 or 146 of the Framework, it would comprise inappropriate development which is, by definition, harmful to the Green Belt, and which should not be approved except in very special circumstances.

Other considerations

12. The Green Belt boundary appears to cut through the eastern section of the existing Airedale Barn building, and excludes the eastern part of its garden. However, the appeal site itself is not adjacent to the Green Belt boundary, but is located clearly and unambiguously within it, on the western side of Airedale Barn and the neighbouring house at Airedale Farm. Whilst now in residential use, that former barn and the farmhouse once associated with its agricultural use, surrounded by open land to the rear and to the side beyond the site, are distinct in both their setting and appearance from the suburban housing on the opposite side of Bradford Road, and from the commercial development further along Bradford Road, between the site and the Keighley Road and B6265 junction. The inclusion within the Green Belt boundary of those former agricultural buildings, and of the appeal site which separates them from the adjacent rural land, is therefore consistent with their rural character.
13. In any event, the Framework states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. It is not the place of individual planning applications to seek to amend Green Belt boundaries on an ad-hoc basis. Therefore, and as the site is fully within the Green Belt boundary as defined in the development plan, my conclusion that the proposal represents inappropriate development in the Green Belt is unaltered.
14. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance equality of opportunity between people who share a protected characteristic and people who do not share it.
15. The proposed dwelling would be a substantial building with accommodation across two storeys. The ground floor would have level access living, eating, sleeping and bathroom accommodation. It would therefore provide accessible facilities for independent day-to-day living on a single level for the appellants, one of whom is disabled, and would enable them to continue living on a site where they have resided for some time. The benefits of the scheme in that regard weigh in favour of the proposal. However, whilst the upper floor would provide accommodation for visiting family members who, I am advised, help out when they visit, it would not be occupied all of the time. Therefore, and as it would not provide accommodation to meet the specific day-to-day needs of the appellant, over and above that proposed on the ground floor, I afford that upper floor accommodation little weight as a further benefit.
16. Therefore, whilst I have had regard to the accessible ground floor accommodation as a benefit in favour of the scheme, the weight I attach to it is

limited in the context of the scale and nature of the substantial accommodation proposed overall, including that further upper floor.

17. The dwelling would contribute to local housing supply, in a location close to local services and public transport routes, and would be designed to optimise energy conservation. However, the benefits arising from the single dwelling proposed would be modest, and I afford them limited weight.
18. The dwelling would be similar in height, appearance and materials to the existing buildings at Airedale Farm and Airedale Barn, and would not detract from the character or appearance of those existing buildings. However, the absence of harm in that regard is neutral, rather than a factor weighing in favour of the proposal.
19. I have been referred to an application for a pool building, which was recommended for approval by the Council. However, from the very limited information before me it appears that application related to an outbuilding in association with an existing dwelling and to a site which, whilst in the countryside, was not in the Green Belt. Therefore, the circumstances, nature of development and policy context in that case are not directly comparable to those in the case before me which, in any event, I have considered on its own planning merits.

Green Belt Balance

20. The Government attaches great importance to Green Belts. Therefore, substantial weight should be given to any harm to the Green Belt when considering any proposal for development within it. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt. Balanced against that are the other considerations discussed above. However, for the reasons given, these do not clearly outweigh the harm to the Green Belt.
21. The very special circumstances necessary to justify the development therefore do not exist. Consequently, the proposed development would conflict with the Green Belt protection aims of the Framework, and with those of Core Strategy Policy SC7 and RUDP Policy GB1 insofar as they are consistent with it.
22. I have been referred to Policies GB2 and UR4 of the RUDP. However, as Policy GB2 refers to new buildings which are acceptable in principle in the Green Belt, it is not applicable to the proposal before me and, as the Council has confirmed that Policy UR4 has been deleted, it is not part of the development plan and thus carries no weight.

Conclusion

23. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR