



Appeal Decision

Site visit made on 10 March 2020

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/W4705/W/19/3233897

Land to the north of 14 Sykes Lane, Oakworth, Keighley BD22 7JR

- 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 Darren Holmes against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01768/FUL, dated 18 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is a single story dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would constitute inappropriate development for the purposes of Section 13 of the National Planning Policy Framework (Framework); its effect on the openness of the Green Belt and the purposes of including land in the Green Belt; its effect on highway safety; and, 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 the very special circumstances necessary to justify the development.

Reasons

3. The Council has accepted that it is unable to demonstrate a 5-year supply of deliverable housing sites. As such, the Framework indicates that the most important policies for determining the appeal are deemed to be out-of-date and paragraph 11 d) applies. Permission should be granted unless firstly the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed in accordance with paragraph 11 d) i. Land designated as Green Belt is included within those areas that are protected.

Whether Inappropriate Development

4. The Council has indicated that the appeal site is in Cackleshaw, which is on the edge of Oakworth village. The Local Plan for the Bradford District, July 2017 (LP) Strategic Core Policy 7: Green Belt seeks to protect the Green Belt. The general extent of the Green Belt in the District is shown on the Key Diagram which includes the area of the appeal site within it. The appellant has not

demonstrated that the appeal site lies within an area that is outside the Green Belt.

5. The appellant has argued that the proposal would represent limited infilling in villages, listed in paragraph 145 of the Framework as exception e) to the construction of new buildings being inappropriate development in the Green Belt. However, the appeal site appears to me to be outside any of the village boundaries where limited infilling would be acceptable, sitting on the edge of a small cluster of buildings that include a row of terraced dwellings to the south and a pair of semi-detached dwellings to the north on the opposite side of Sykes Lane, but otherwise surrounded by open countryside.
6. With regard to exception g) in paragraph 145, which has also been put forward by the appellant as applying to the proposal, he has been unable to demonstrate that the site is 'previously developed land' as its use has been agricultural, which I understand included rearing pigs. The limited infilling in this exception is dependent upon the development not having a greater impact on the openness of the Green Belt than the existing development. In this respect, at my site visit I observed that all buildings have been removed from the site, leaving it open. The proposal would result in a significant part of the site being filled by a single storey dwelling and much of the remaining part of the site being used for parking. It would therefore create a domestic use of the site and increase the level of built development on it, which would fail to safeguard the countryside from encroachment, harming its openness.
7. The appellant has indicated that an area of the countryside near to the site has been identified as potentially suitable for development on the edge of Oakworth. I have been provided with limited details regarding this potential allocation which does not include the appeal site within it. However, I am satisfied that the use of this land for future development would not affect my opinion as to whether the appeal development would represent one of the above-mentioned exceptions.
8. Taking the above into account, I find that the proposed development would not meet the criteria required to be one of the exceptions to the construction of new buildings being inappropriate development in the Green Belt. As such, the proposal would represent inappropriate development in the Green Belt for the purposes of Section 13 of the Framework.

Openness and the Purposes of the Green Belt

9. Openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Even though the proposed dwelling would be relatively low and constructed using materials that would be sympathetic to its surroundings, it would introduce new built development in the Green Belt. This would harm the openness of the Green Belt and would fail to safeguard the countryside from encroachment, which is one of the purposes of the Green Belt listed in paragraph 134 of the Framework.

Highway Safety

10. At my site visit I observed that Sykes Lane is a single-track paved road that has passing spaces along it. The only vehicular access to the site would be

from the junction of Sykes Lane with Keighley Road. This junction is lit, as is the area of Sykes Lane near to the appeal site. The junction is very sharp and the road relatively narrow and steep with a poor surface. However, this provides access to a significant number of dwellings and would be able to be used to access the appeal site for its current agricultural use. I have not been provided with any records of accidents on the lane or at the junction to demonstrate that there are any current problems with safety. Therefore, I find that there is insufficient evidence to demonstrate that the relatively small increase in traffic that would be generated by the proposal would cause any significant harm to highway safety.

11. I conclude on this main issue that the proposal would not cause any significant harm to highway safety. However, as a result of its location that provides inadequate access to public transport and poor provision of safe and convenient pedestrian and cycling routes to necessary services, it would fail to accord with policies TR1, TR3, DS4 and DS5 of the LP which have been referred to in the second reason for refusal.

Other Considerations

12. In support of the proposed dwelling, the appellant has referred to the Council's lack of a 5-year housing land supply, which the Council has accepted. However, the proposal would make a limited contribution towards addressing this shortfall and the site has poor accessibility to services and facilities, with significant sections of the accesses to Oakworth village being unlit and unadopted. I have therefore attached only moderate weight to this benefit.
13. The appellant has suggested that the proposal would screen an adjacent garage building and would be constructed using materials sympathetic to the local vernacular to accord with the landscape character. However, it would introduce a new dwelling into the countryside and change the character of the site from rural to suburban, with the associated parking and domestic paraphernalia. I have therefore, attached very little weight to this consideration.
14. In terms of the appellant's observations that there is no through access for vehicles and no public footpaths past the site, these are insufficient to be positive considerations in favour of the proposal. Neither does the site being constrained on all sides offer any benefit, as it only affects future development.

Whether the Harm would be Clearly Outweighed

15. Substantial weight should be given to harm to the Green Belt in accordance with Paragraph 144 of the Framework. Whilst I have not found any significant harm to highway safety, I have attached considerable weight to the harm to openness and the purposes of the Green Belt and non-compliance with development plan policies. Taking account of this harm, and the weight that I have given to the above-mentioned considerations, I find that the appellant has not put forward other considerations that are sufficient to clearly outweigh the harm. As such, the harm to the Green Belt by reason of inappropriateness and any other harm is not clearly outweighed by other considerations.

Conclusions

16. For the reasons given above, I have found that the proposal would represent inappropriate development in the Green Belt, would reduce the openness of the

Green Belt and have an adverse effect on the purposes of including land in the Green Belt. Other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm identified, and the very special circumstances necessary to justify the development have not been demonstrated. As such, the proposal would conflict with LP Strategic Core Policy 7; and policies in the Framework. This provides a clear reason for refusing the development proposed and it would not represent sustainable development in accordance with the Framework. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR