
Appeal Decision

Site visit made on 17 June 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/N4720/W/20/3244471

Heron Bank, 15 Church Lane, Bardsey, Leeds LS17 9DH

- 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 Andrew West against the decision of Leeds City Council.
 - The application Ref 18/07174/FU, dated 15 November 2018, was refused by notice dated 16 July 2019.
 - The development proposed is a new dwelling house and vehicle access.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site lies outside of the Bardsey Conservation Area but within the area covered by Bardsey cum Rigton Neighbourhood Plan (October 2017) (the NP).
3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site consists of No.15 Church Lane and the elongated rear garden that stretches back from the residential property fronting on to Church Lane to a small tree lined stream bound by agricultural fields beyond. Either side of the appeal site are properties with similar characteristics. Consequently, the area is of an open and verdant character and appearance.
5. The Leeds Core Strategy (2014) (CS) Policy H2 relates to housing development on unallocated sites and states that it is acceptable in principle subject to a number of criteria that are not at dispute in this appeal. However, Policy H2 also refers to greenfield land and states that it "should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area".
6. NP Policy H1 part i requires that "new housing development should be located within the existing built up area of Bardsey" and, of particular relevance to the appeal scheme, part iii states that "development of back land and gardens which would harm the open aspect of the parish will not be supported".
7. The development proposed is the construction of a single residential property of a contemporary character and design to the rear portion of the elongated

- garden notably separated from the host dwelling. Consequently, the proposed development would introduce built form where currently there is none.
8. At the site visit I saw that the long back garden of the appeal property and the neighbouring properties, while of limited visibility when viewed from the surrounding countryside, nonetheless make a significant contribution to the visual and spatial character of the area that, as noted previously, is open and verdant. Consequently, the proposed development is contrary to the provisions of CS Policy H2.
 9. The appellant's statement includes a map referred to as "Leeds Policies Map extract, 2018" asserting that the appeal site lies within the built-up area of Bardsey. The plan has been annotated to identify the location of the appeal site. I have not been provided with full details as to what policies this map refers to, nonetheless on the basis of the evidence before me and my observations at the site visit I find that, for the purposes of NP Policy H1, the proposed development is not within the existing built up area of Bardsey and would harm the open aspect of the area as set out previously. Thus, the proposed development is contrary to NP Policy H1.
 10. The proposed development would introduce new development into a location where there is currently none, this would harm the character and appearance of the host property and the surrounding area contrary to Policies P10 and H2 of the CS, saved Policy GP5 of the Leeds Unitary Development Plan (UDP), Policy H1 of the NP and guidance contained in the Neighbourhoods for Living SPG and the National Planning Policy Framework.
 11. Saved Policy BD6 of the UDP, while referred to in the Decision Notice, relates to alterations and extensions to existing properties and as such is not relevant to the proposed development in this instance.

Other Matters

12. I note that the appellant has sought to apply good design principles including in the use of materials and that the appeal scheme would provide some benefits through the provision of a single dwelling and employment opportunities during construction. Nonetheless, these material considerations do not outweigh the harm that I have identified previously.

Conclusion

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

Mark Brooker

INSPECTOR