
Appeal Decision

Site visit made on 29 May 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2020

Appeal Ref: APP/N4720/W/20/3247518

Building Plot, Land off Carlton Lane, Yeadon, Leeds LS19 7BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr M Rodrigues against the decision of Leeds City Council.
 - The application Ref 19/03856/FU, dated 15 June 2019, was refused by notice dated 25 September 2019.
 - The development proposed is a new dwelling to incorporate ground source heating and solar panels.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development upon the openness of the Green Belt and the character and appearance of the area;
 - Whether the location of the development proposal is appropriate;
 - The effect of the proposed development upon driver and pedestrian safety, with particular regard to the shared access / egress with High Fields and the access / egress to Carlton Lane;
 - The effect of the proposed development upon the living conditions of the occupants of Home Farm Cottage in respect of light pollution; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations that amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

3. The appeal site is an area of largely overgrown farmland which, according to the appellant, measures just over 2 hectares. Part of the site fronts onto a short, narrow lane in a gap between two dwellings (High Fields and Home Farm Cottage) which form part of a small grouping of properties accessed from Carlton Lane. The larger part of the site extends in a broadly easterly direction into the open countryside.
4. The development proposal comprises construction of a large detached 2-storey family dwelling located on that part of the site that fronts onto the short lane. It would have a driveway entrance from the lane across the access to the neighbouring dwelling, High Fields, and another entrance parallel to the boundary with Home Farm Cottage.
5. The property sits within the Green Belt. Within the Green Belt any development that is categorised as being 'inappropriate' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, under Paragraph 145e) of the National Planning Policy Framework (the Framework) it is held that limited infilling in villages does not constitute inappropriate development.
6. The clutch of housing located along the short lane does not constitute a village. However, it is very close to other properties which form the village of East Carlton and so the site is within a village.
7. The gap between High Fields and Home Farm Cottage measures approximately 25-30 metres. When approaching the site, the gap presents a wide vista to the open countryside. A previous application for a 4-bedroom detached 2-storey dwelling on that part of the same site fronting the lane was allowed on appeal in February 2013 (APP/N4720/A/12/2186832) ('the 2013 scheme'). I am not aware of all of the circumstances surrounding that case, but the Inspector held that the site was a 'small gap' bounded by development. I take a different view and consider that the space between the neighbouring dwellings, which would be sufficient to accommodate 2-3 dwellings, is a large gap. For that reason, the proposal would not constitute 'limited infilling'.
8. Consequently, the development proposal would not comply with Saved Policy N33 of the UDP which only allows limited infilling within villages washed over by Green Belt. Furthermore, it would not fall into the exception of limited village infilling set out at Paragraph 145e) of the Framework. Consequently, the development proposal constitutes inappropriate development within the Green Belt, and nor have I found any other reason to believe that it would meet any of the wider exception criteria set out in Paragraphs 145 and 146 of the Framework.

Openness, Character and Appearance

9. When seen from the open countryside to the south the clutch of dwellings along the lane provide some degree of visual porosity allowing views into and through the settlement. The proposed development would fill much of the gap between the existing dwellings and so increase the level of severance by largely blocking these views. This would detract from the Green Belt's openness. Similarly, whilst the Inspector for the 2013 scheme held that there would still be views into the open countryside from the lane, these would be unacceptably reduced by the current development proposal. This would result in a greater sense of enclosure within the settlement and visual separation from the surrounding countryside. Again, for those moving along the lane this would lead to a loss of Green Belt openness.
10. The proposed development would fill about half the large gap between the neighbouring dwellings. According to the appellant it would be designed in the style of a farmhouse and would be constructed of course stone with a traditional slate roof and sliding sash windows. Accommodation would be over three floors including the loft. It would be markedly larger than most of the other dwellings along the lane.
11. The pattern of development along the short lane is not uniform. Some dwellings face the lane whilst others are sited gable-end on. Some are close to the lane whilst others are set further back. The lane is characterised by dwellings interspersed between gaps.
12. Most of the dwellings along the lane appeared to be quite substantial, traditional properties that are characteristic of this part of West Yorkshire. However, there are some newer buildings. The neighbouring dwelling, High Fields, is a relatively new, large detached dwelling. In addition, some new garage buildings have been constructed close to the dwellings along the lane.
13. Nevertheless, whilst there has been some change the neighbourhood has still retained its essential quality as reflected in the style of architecture, the age of most of the buildings and the building materials used.
14. No plans have been provided to show the 2013 scheme. The appellant states that the current proposal would be sited in virtually the same position as that scheme. It is not clear from the statement as to whether the current scheme is as high as the 2013 scheme although this proposal incorporates rooms on the second floor. The plot ratio of the proposal is much lower than the 2013 scheme but that is due to inclusion in the site of a large area of land beyond the gap.
15. The current proposal would incorporate traditional building materials and so be in keeping with its neighbours in that sense. However, when seen in combination with the adjacent dwelling, High Fields, its position and orientation would introduce a distinctly suburban, regular, uniform and alien character to the lane.
16. Consequently, the proposed development would harm the openness of the Green Belt, and the character and appearance of the area. It would therefore fail to accord with Policy P10 and P12 of the Leeds Core Strategy 2014 (CS) which seek to ensure that new development respects the character and quality of external spaces and the wider locality. Furthermore, it would fail to accord

with Saved Policy GP5 of the UDP which requires proposals to have resolved outstanding design issues.

17. Finally, it would fail to accord with the advice set out in both Paragraph 133 of the Framework and in Neighbourhoods for Living: A Guide for Residential Design in Leeds 2004 (SPD1). These policies respectively seek to protect the openness of Green Belts and encourage new development that uses the layout and grouping of buildings to create spaces of differing character. Since the principles of the latter document accord with those set out in the CS I accord them great weight.

Appropriate Location

18. The appeal site is located about 200 metres from the centre of the village. However, the village does not have a shop or any other essential facilities. There is a weekly bus service passing through East Carlton but the nearest regular service is available at a stop about 1km away, close to the crossroads of the Otley Old Road and the A658 Harrogate Road. The Inspector to the 2013 scheme held that the nearest bus stop was around 0.75km distant. He held that such a walk was not too far for an able-bodied person.
19. Irrespective of the precise distance, pedestrian access to the bus stop would be via the busy Otley Old Road which has no pavements or street lighting. This safety hazard would be a significant impediment to any occupant wanting to use a bus, in particular during the autumn and winter months. It is clear, therefore, that occupants of the proposed dwelling would need to have a car to access day to day living requirements and would be likely to use it in preference to the alternatives.
20. Consequently, the development proposal would not be located in an appropriate location. It would therefore fail to accord with policies H2, P10 and T2 of the CS which seek to ensure that all new development is located in an accessible location. However, Saved Policy GP5 of the UDP is not relevant in this context since it relates to the site-specific details for planning applications rather than to wider, locational considerations, such that I have found no conflict with it.

Driver and Pedestrian Safety

21. One of the two vehicular accesses to and from the proposed development is across the access to the entrance to High Fields. A car leaving High Fields would be partially hidden by a dry-stone wall and would only become readily visible once it had arrived at the shared access.
22. Because of the narrow width of the lane, however, cars would probably be moving very slowly. Similarly, cars exiting the proposed dwelling and High Fields would also be moving very slowly. Consequently, the access arrangement would be unlikely to have a significant effect on the safety of pedestrians and vehicle users.
23. The lane exits onto Carlton Lane on the outside of a very sharp bend where the road wraps around a tall stone dwelling immediately adjacent to the highway significantly restricting driver visibility. Because of the narrowness of the road to the left vehicles approaching from that direction are often in the middle of the road. This makes it potentially dangerous for vehicles exiting the lane to

turn left and for northbound vehicles to turn right across on-coming traffic into the lane.

24. Similarly, visibility at the end of the lane to the right is significantly restricted by a drystone wall adjacent making a right turn also potentially risky. Further development along the lane would inevitably increase levels of vehicular movements at the junction increasing the risk of an accident.
25. The Inspector to the 2013 scheme held that Carlton Lane was not heavily trafficked, that the average speed of vehicles negotiating the sharp bend was around 14mph and that no accidents had been reported. However, according to the officer's report into the current proposal Carlton Lane is a Secondary Distributor road carrying 3,500 vehicles per day. Allowing for the very limited volume of traffic that is likely to be generated overnight this would equate to more than 1 vehicle per minute in each direction. Although no evidence of any accidents has been submitted to this appeal, such a level of traffic movement is significant and exacerbates the risk of an accident at what is a very difficult junction for drivers to negotiate.
26. Consequently, whilst the proposal would not cause harm to the safety of pedestrian and drivers accessing and exiting the driveway of the new dwelling it would cause harm to pedestrian and driver safety at the junction with Carlton Lane. It would, therefore, fail to conform to Policy T2 of the CS which seeks to ensure that new development does not create problems of safety on the highway network. Furthermore, it conflicts with Saved Policy GP5 which requires applicants to ensure that new development does not create problems of highway congestion or highway safety.
27. Finally, it fails to accord with the advice set out in Street Design Guide 2009 (SPD2) that new development should provide adequate visibility splays at road junctions to ensure highway safety. Since this advice remains applicable, I accord it significant weight.

Living Conditions

28. During autumn and winter evenings the headlights of vehicles exiting the proposed development through the entrance adjacent Home Farm Cottage would be directed from a slightly elevated position at a sharp angle towards the rooms at the rear of this dwelling. However, this effect would probably only be brief and, given the angle of the light, limited. It is acknowledged that there would be a more direct effect upon the back garden although this is unlikely to be used extensively during winter evenings.
29. Consequently, the proposed development would not cause harm to the living conditions of occupants of Home Farm Cottage. Thus, it would accord with Policy P10 of the CS which seeks to protect living conditions. Furthermore, it accords with Saved Policies GP5 and BD5 of the UDP which seek to protect residential amenity. Finally, it accords with the advice set out in SPD1 that seeks to protect dwellings from being overlooked.

Other Matters

30. The proposed development would be south facing and incorporate ground source heating and solar panels. It would therefore have a very small carbon footprint.

Conclusion

31. As outlined above no harm would be caused to the living conditions of the occupants of Home Farm Cottage. However, the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that the proposal constitutes inappropriate development in the Green Belt.
32. In addition to being inappropriate development in the Green Belt, there are adverse impacts to the openness of the Green Belt albeit small, to the character and the appearance of the area, to the attempts to discourage car use through the proposal's location away from public transport routes and to the safety of drivers and pedestrians at the junction with Carlton Lane. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
33. In assessing whether very special circumstances exist I have had regard to the planning permission that was granted on appeal in 2013 for a similar scheme in a virtually identical position. This is a consideration that might be contended to amount to a very special circumstance that would justify granting planning permission for the proposal subject to this appeal. However, for the reasons set out in this Decision Letter, I have arrived at a different conclusion to the previous Inspector on each of the 4 main issues that he considered. It is recognised that the development proposal would have a very small carbon footprint. However, whilst that is a consideration that gives some support to the proposal, a Green Belt location is not necessary to secure these benefits. Therefore, for the reasons set out above, the appeal is dismissed, and planning permission is refused.

William Walton

INSPECTOR