



Appeal Decision

Site visit made on 30 June 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/N4720/W/20/3251606

**Land adj Mission House, Ledston Luck Villas, Ledston Luck, Leeds
LS25 7BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by K Briggs against the decision of Leeds City Council.
 - The application Ref 19/05287/OT, dated 12 August 2019, was refused by notice dated 17 February 2020.
 - The development proposed is erection of single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with permission being sought for access, landscaping and layout. Appearance and scale are reserved matters.
3. Reason for refusal 2 refers to a number of policies including Policy P11 of the Leeds City Council Core Strategy¹ (CS). In its statement the Council has advised that the reason should in fact refer to Policy P12 and not P11 which relates to conservation and is not therefore directly relevant to the proposal. Policy P12 relates to landscape and was referred to in the Council's Delegation Report. As Policy P12 rather than P11 seems to be more relevant to the proposal and as the appellant has had the opportunity to comment on its relevance, I have had regard to it in reaching my decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the Sycamore tree;

¹ Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) adopted November 2014, amendments adopted September 2019

- if the proposal 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 proposal.

Reasons

Whether the proposal would be inappropriate development

5. The appeal site comprises a rectangular shaped paddock located between a residential dwelling at Mission House and Ridge Road (A656), on the western edge of Ledston Luck. The site contains a small timber stable building located towards the rear of the site and has a vehicular access point off the road to the north. Mission House is the end property on this side of the road with a number of other properties on the other side of the road, including one which is positioned partly opposite the site. A public footpath runs to the rear of the site, with open countryside beyond and to the other side of Ridge Road. The site is located in the Green Belt.
6. Policy N33 of the Leeds Unitary Development Plan (Review 2006) adopted July 2006 (UDP) relates to development in the Green Belt and, amongst other things, allows for limited infilling in villages. In this respect, the policy is consistent with paragraph 145 of the Framework which also allows for limited infilling in villages.
7. The Framework does not include a definition of the term “infilling” and it appears from the evidence that neither does the UDP. As stated, in this case the appeal site is located on the edge of existing built development in Ledston Luck, between it and Ridge Road. Although I note that the western boundary of the site is defined and enclosed by the road and associated landscaping and that there is built development to the north and east, I do not consider that the proposed dwelling would constitute infill as it would effectively extend the existing built development of Ledston Luck westwards.
8. This outward expansion of built development would conflict with Green Belt purposes in that it would result in encroachment into the countryside. Although the site is near to existing built development and is bounded by Ridge Road and the public footpath, for the reasons stated above, I consider it to be open countryside and do not consider it to form part of the existing built development of Ledston Luck.
9. In reaching my decision I note that there is some disagreement between the parties about whether Ledston Luck is a village. The Council makes reference to a recent appeal decision at the adjacent site in which the Inspector stated that Ledston Luck is a small settlement that she did not consider amounts to a village (Ref APP/N4720/W/19/3227978). However, given that I consider that the proposal is not infilling, there is no need for me to reach a decision on whether Ledston Luck is a village as this would not alter the outcome of the appeal.
10. Reference has been made by the appellant to the Council’s handling of a number of planning applications at the adjacent site Mission House (Refs 14/07300/OT and 16/03830/FU). I have been provided with copies of documentation in relation to 16/03830/FU including the Delegation Report. I note that unlike the appeal site, proposals at Mission House involved the

replacement of an existing building and that application 16/03830/FU was assessed by the Council as the redevelopment of a previously developed site rather than as limited infill in a village as is the case with the appeal before me. It appears that the proposals at Mission House and at the appeal site are not therefore directly comparable and in reaching my decision I attach little weight to the decisions at Mission House.

11. Taking the above matters into consideration, I conclude that the proposal would be inappropriate development in the Green Belt and would be contrary to relevant paragraphs of the Framework and to Policy N33 of the UDP.

Openness

12. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open.
13. The appeal site is largely undeveloped and open in character and appearance allowing views across it to open land beyond the footpath at the rear. In this context the construction of the proposed dwelling at the indicative scale would result in additional built development and its footprint and bulk would inevitably lead to a loss of openness notwithstanding that there is an existing structure on the appeal site; some nearby built development and the sites relationship with Ridge Road. I therefore conclude that the proposal would lead to significant harm to the openness of the Green Belt.

Sycamore Tree

14. There is a mature Sycamore tree positioned at the back edge of the roadside verge, near to the appeal site entrance. The scale and position of the tree is such that it makes a positive contribution to the character and appearance of the area. The submitted layout shows that the existing vehicular access point is to be retained and that a driveway, parking and turning area are to be provided towards the front part of the site near to the tree. An Arboricultural Impact Assessment dated August 2019 was submitted with the application. The Impact Assessment identifies the Sycamore as a tree worthy of retention (category B) and notes that the proposed driveway would run through the root protection area of the tree. It is suggested that this impact could be mitigated by the use of a no dig solution for the construction of the driveway.
15. An Arboricultural Method Statement dated April 2020 was submitted with the appeal and included some amendments to the root protection area of the Sycamore tree.
16. The Council is concerned that the root protection area identified for the Sycamore tree is not accurate and that having regard to its roadside position the protection area is likely to extend further into the site and therefore that a greater proportion of the proposed works would be over it. The appellant's arboricultural consultant strongly refutes the Council's suggestion that tree roots would not be present under the areas of tarmac near to the tree.
17. Though I note the Council's concerns in respect of the root protection areas, I also note that they have been calculated by a professional arboricultural consultant who states that he has formal training and twenty years' experience. I am satisfied based on the evidence before me that in calculating the protection areas the consultant has had sufficient regard to the surrounding ground conditions and has adjusted the area accordingly. Consequently, I

consider that adequate information has been provided to demonstrate that it is unlikely that the proposal would have a harmful effect on the Sycamore tree, particularly given that the position of the proposed dwelling is such that the no dig areas could be extended if necessary. Therefore, were I allowing the appeal, I consider that the issue could be adequately addressed by the imposition of suitably worded planning conditions including one regarding the extent of the no dig area.

18. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the health and wellbeing of the existing Sycamore tree. It therefore accords with policies P10 and P12 of the CS, saved policies GP5 and LD1 of the UDP, Policy Land 2 of the Adopted Natural Resources and Waste Local Plan adopted January 2013 and relevant policies in the Framework insofar as they relate to development and trees. These policies seek, amongst other things, to conserve the character of landscapes and trees wherever possible.

Other considerations

19. The proposal would provide an additional dwelling and would contribute to the supply of housing in the area. It would also provide some modest economic benefits by providing employment during the construction period and by supporting the local economy. However, these economic and social benefits would be limited given that only one dwelling is proposed.

Conclusion

20. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
21. The proposal is inappropriate development and it would lead to significant harm to the openness of the Green Belt.
22. There would be some limited social and economic benefits following the proposal. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR