
Appeal Decision

Site visit made on 18 August 2020

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing Communities and Local Government

Decision date: 26th August 2020

Appeal Ref: APP/W4705/D/20/3248950

8 North Ives Farm, Marsh Lane, Oxenhope, Keighley BD22 9RP

- 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 Barry Inman against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 19/05005/HOU, dated 3 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is the erection of a timber garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - (a) Whether the proposal constitutes inappropriate development in the Green Belt, and the effect on the openness and purposes of the Green Belt;
 - (b) The impact of the proposal on heritage assets;
 - (c) If the development is inappropriate, whether the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations put forward in favour of the proposal so as to amount to the very special circumstances necessary to justify development (the planning balance).

Reasons

Whether Inappropriate, Openness and Purposes

3. There is no dispute that the proposed building would be located within the Green Belt. Furthermore it is not a building which is defined in the development plan or National Planning Policy Framework (NPPF) as being of a type acceptable in principle in the Green Belt. It follows that the proposal falls into the category of being inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight attaches to the harm to the Green Belt.
4. In this case there would be a loss of openness in the Green Belt, simply as a result of the presence of a new built structure. The fundamental aim of Green

Belts, as pointed out in the NPPF, is to prevent urban sprawl and keep land permanently open. There would be a small but material increase in built development which would result in some encroachment of the Green Belt.

5. I have considered whether the proposal conflicts with the Local Plan¹ in relation to Green Belt matters. However the policy brought to my attention (SC7) is an overriding policy dealing principally with Green Belt designation. I therefore afford greater weight to the conflict with the NPPF in this regard.

Heritage Assets

6. The proposed sectional timber garage would be a utilitarian design of significant size but limited architectural merit. It would sit in a prominent location on the approach to the hamlet at North Ives and would be readily seen from the surrounding public rights of way. Despite the presence of a similarly utilitarian building on the adjacent site I do not regard that as a precedent for this development. Each must be determined on its own merits and I have no knowledge of the history of the existing timber building.
7. In this case the proposed garage would increase the agglomeration of such buildings in an area in which such structures are an alien feature. The proposed garage bears no relation to the architectural style of the locality and would be an incongruous addition to the area. I have noted that the Council's Conservation Officer has assessed the proposal as causing no more harm to the character and setting of the listed buildings at North Ives than the existing shed. He concludes that this results in less than substantial harm. I agree that the harm is less than substantial, but the increase in the mass of timber buildings in my judgement does increase the harm to the setting of the listed buildings beyond that which is currently apparent.
8. The significance of these heritage assets lies in their being examples of traditional farm buildings set in a close group. That significance would be adversely affected by the proposal. As pointed out in the NPPF great weight should be given to the conservation of heritage assets, irrespective of whether the harm amounts to substantial or less than substantial harm. I consider that in failing to conserve the significance of the listed buildings and their setting the proposal conflicts with Local Plan Policy EN3. I also note that the Council's Supplementary Planning Guidance on householder development makes it clear that prefabricated garages are unlikely to be acceptable if they have an impact on the setting of a listed building.

Very Special Circumstances and the Planning Balance

9. The Appellant has made a number of points in support of the proposal. The fact that the garage would not be seen from the public highway is not a matter of great relevance because the site is highly visible from viewpoints along the public rights of way. In any event development in the Green Belt is a matter of principle which goes beyond its visibility. The presence of the existing timber structures is not a good argument for adding a further similar structure which would cause harm in its own right. In my judgement the structure could not be adequately mitigated by painting. I note the reference to a neighbour having planning permission for a new dwelling but I have no substantive information

¹ Local Plan for the Bradford District, adopted July 2017

on this matter and must make my judgement on the basis of the material relating to this case.

10. These matters are insufficient to outweigh the harm by inappropriateness, which carries substantial weight, the harm to the setting of heritage assets, which is of great weight, and the conflict with the development plan. It therefore seems to me that there are no other considerations in this case which are capable of amounting to the very special circumstances which would justify planning permission being granted.
11. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR