



Appeal Decision

Site visit made on 14 July 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/Z4718/W/20/3251182

Cliff Hollins Lane, East Bierley, Bradford BD4 6RQ

- 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 & Mrs Taylor against the decision of Kirklees Council.
 - The application Ref 2019/62/93190/E, dated 30 September 2019, was refused by notice dated 5 March 2020.
 - The development proposed is Detailed planning application for 1No dwelling following demolition of existing stables.
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Procedural Matter

1. The Council have slightly amended the description of the proposal to read: '*Demolition of existing stables and erection of detached dwelling*'. I concur this accurately describes the development before me.

Decision

2. The appeal is allowed and planning permission is granted for Demolition of existing stables and erection of detached dwelling at Cliff Hollins Lane, East Bierley, Bradford BD4 6RQ in accordance with the terms of the application, Ref 2019/62/93190/E, dated 30 September 2019, subject to the conditions set out in the attached schedule.

Main Issue

3. The main issue is the effect of the proposal on the openness of the Green Belt.

Reasons

4. This proposal seeks to demolish the former portal framed stables building that sits within the corner of a larger field. There is evidence of hardstanding between the building and the boundary with the main road. The site lies adjacent to a riding school and is west of East Bierley and is located within the Green Belt.
5. The National Planning Policy Framework, (*the Framework*) explains that the Green Belt has five purposes and should be protected from inappropriate development. Inappropriate development within the Green Belt is by definition harmful to its openness. The Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but goes on to identify certain exceptions.

6. In accordance with paragraph 145 (g) of the Framework, the partial or complete redevelopment of previously developed land is not considered inappropriate by definition provided it would not have a materially greater impact on the openness of the Green Belt than the existing development. There is no dispute between the parties that the land in question is brownfield land.
7. The Council's Local Plan Strategies and Policies Document 2019 advises that where infilling is proposed in brownfield sites in the Green Belt, this will be accepted provided it meets specific criteria. With regards to this appeal as complete redevelopment, the extent of the existing footprint should not be exceeded.
8. The Council accepts that the new dwelling itself would have a reduced impact on the openness of the Green Belt given the bulk is less than the existing stable building. However, bearing in mind, openness has both a spatial and visual aspect to it, consideration of the whole development and its impact on the openness of the Green Belt is relevant.
9. In terms of vehicular access into the site, there is an existing access into the field. The proposal would require removal of some hedgerow to accommodate the visibility splays. This would be limited intervention and given there is currently an access point, I consider the proposed access details would have a neutral effect on the openness of the Green Belt.
10. Vehicular movements to and from the new dwelling would be an inevitable part of everyday living. Whilst stables are not an alien feature within the Green Belt, these stables provide housing for up to seven horses and the numbers of vehicular trips to and from the site would be unrestricted. I would expect large vehicles, horse boxes and transporters to be a common occurrence at the site, and therefore an element of visual intrusion to occur to the Green Belt.
11. Given there is currently no delineation to the remainder of the field, parking could occur in a haphazard nature anywhere surrounding the building. This proposal seeks to provide a more organised arrangement within the plot and would be limited in area within a dedicated location. Save for this space and the driveway, the remainder of the external space would be given over, most likely, to a domestic lawn.
12. As there would be a larger garden associated with this proposal to that of the previous scheme,¹ it would be necessary to formalise parking to avoid the potential to park elsewhere within the plot. As there is only one dwelling proposed, the impact of parking within the site on the openness of the Green Belt would be minimal.
13. The site is located close to Cliff Hollins Riding School and their paddock with associated buildings adjacent, with bales of hay and various enclosures present here. The proposal would not appear notably separate from this site and its associated buildings and structures. The proposed development and boundary enclosure would not appear out of character given its close relationship with the riding school and therefore in spatial terms, the proposal would not conflict with the purposes of the Green Belt in this regard.
14. It would be seen in views across fields from the north, south and east. The native boundary planting would be appropriate to the local character of the

¹ Application Reference 2018/62/93215/E

area and would not appear as contrived as there are other hedgerows present, and the nature of enclosure would not appear significantly different to the other boundary treatments at the nearby dwellings that have been brought to my attention by the appellant. These have also been approved following demolition of stables in recent times.

15. I have taken account of the previous Inspector's decision². I am also aware that the scheme has changed from the previously refused proposal as this appeal before me is not a conversion scheme. There are greater visual benefits associated with this proposal than a conversion as the new structure would have a lesser impact on the openness of the Green Belt than the existing building, and I apply significant weight to the improved visual effects that would arise.
16. Domestic paraphernalia such as washing lines and out-door furniture could lead to harm arising to the openness of the Green Belt, however these are generally low level and the boundary treatments would provide some screening qualities. They would be both visually and spatially contained within the perimeter of the domestic curtilage and as a result, there would be no opportunity to sprawl outside the curtilage of the site into the adjacent field.
17. Overall, in this specific instance, and taking account of the scale and nature of the proposal, as well as having regard to a number of approvals that have been made by the Council for similar developments within close proximity to the appeal site, and as such it is unclear why the Council has sought to apply planning policy in a different way, I do not consider that the proposal would lead to harm arising to the openness of the Green Belt.
18. Consequently, the proposal would not conflict with Policy LP59 of the Kirklees Local Plan Strategies and Policies Document 2019 that accepts infilling on brownfield sites provided the extent of the existing footprint is not exceeded, amongst its other considerations. Nor do I find conflict with the National Planning Policy Framework in its objectives to protect Green Belt land.

Conditions and Conclusions

19. I have had sight of the Council's list of suggested conditions. In light of Paragraph 55 of the Framework I have imposed the following conditions for certainty: the time limit to erect the development, and the relevant plans. Details of the finished materials should be submitted to the Council in the interest of the character and appearance of the area.
20. Details of a permeable surface treatment to the hardstanding is also sought as well as an electric charging point in the interest of environmental sustainability benefits of the proposal. Visibility splays are required to ensure safe access to and from the site. For development to accord with the submitted bat survey will also protect the natural environment. The permitted development rights for extensions and outbuildings within the curtilage of the site have been recommended to be removed. Due to the restrictive size of the plot and in the interest of protecting the openness of the Green Belt, I concur that this is necessary.

² Appeal reference APP/Z4718/W/19/3224737

21. Landscaping conditions are required to ensure appropriate species are planted within this location. Finally, given the coal legacy associated with the area, details of an intrusive site investigation is required.
22. For the reasons given, the appeal is allowed.

Alison Scott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2018-60-03 Revision G, Plans and elevations as proposed 2018-60-02 Revision E, Plans and elevations as existing 2018-60-01.
- 3) No works shall commence to the external surface of the development above damp proof course level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) The dwelling shall not be occupied until the driveway and car parking area has been laid out in accordance with the approved plans and is constructed of permeable surface treatment that has first been submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained as such and kept available at all times for the parking of vehicles.
- 5) The dwelling shall not be occupied until an electric vehicle recharging point has been installed, and details shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the device shall be retained.
- 6) The development shall not be occupied until the visibility splays at the vehicular access into the site and the details have been first submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained thereafter.
- 7) The development shall fully accord with the recommendations set out within the Hunsworth Hill, Cliff Hollins Lane, East Bierley, Bat Survey 18th September 2019.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building, structure, extension, enlargement or alterations permitted by Class A, B, C and D shall be erected within the curtilage of the dwelling hereby permitted.
- 9) Prior to the demolition of the stables, a scheme of landscaping within the site shall be submitted to and approved in writing by the local planning authority.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) Prior to the commencement of development, the undertaking of a scheme of intrusive site investigations which is adequate to properly assess the

ground conditions and the potential risks posed to the development by past coal mining activity, the submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval shall be submitted and approved in writing by the Local Planning Authority, and the implementation of those remedial works shall be retained as such thereafter.

End of schedule