



Appeal Decision

Site visit made on 27 July 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal Ref: APP/N4720/W/20/3252787

11 Moorland Road, Bramhope, Leeds LS16 9HW

- 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 Mrs L Campbell against the decision of Leeds City Council.
 - The application Ref 19/04053/FU, dated 20 June 2019, was refused by notice dated 20 November 2019.
 - The development proposed is new build sustainable dwelling in grounds of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The location and description of development in the heading above have been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that revised wordings for the location and description of development have been agreed. Accordingly, I have used those given on the original application.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt and the effect on the openness of the Green Belt;
 - Whether the proposed dwelling would be in a suitable location with regards to access to services;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of residents of 11 Moorland Road with regards to outlook and privacy; and
 - If the development is inappropriate, 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 development.

Reasons

Whether Inappropriate Development

4. The appeal site is part of the garden of 11 Moorland Road and is within the Green Belt. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless it falls into one of a number of exceptions. These exceptions include limited infilling in villages¹ and the limited infilling or the partial or complete redevelopment of previously developed land².
5. With regards to limited infilling in villages, the appeal site is located within an area of built development. However, this developed area is of a limited scale and based on what I have seen and read it has no services such as a shop, public house or school. On that basis this area of development should be considered to be no more than a hamlet, and would not represent a village within the terms of the Framework. As the proposal would not be located within a village I do not need to reach a conclusion as to whether it would represent limited infilling.
6. With regards to the redevelopment of previously developed land (PDL), the general definition given in Annex 2 of the Framework excludes land in built-up areas such as residential gardens from being classed as PDL. Although the extent of development in which the site is located is of a limited scale, it is of a more consolidated form than sporadic development in the countryside or similar dispersed forms of development. On that basis, I consider that the proposal would be located on a residential garden in a built up area and the site would therefore not fall within the definition of PDL.
7. The appeal proposal would introduce built development on an area of open garden and it would therefore harm the openness of the Green Belt. However, the proposal would be of a limited scale, would not be widely visible and would be located within the curtilage of existing built development. It is also proposed to demolish an existing garage at the site, although this reduction in the extent of built development would not fully mitigate the effect of the proposal. On balance, the harm in respect of openness would be limited.
8. I conclude that the proposal would not meet the exceptions of Paragraph 145(e) and (g) of the Framework, or indeed any of the other exceptions. The proposal would therefore be inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. The proposal would also lead to limited harm to the openness of the Green Belt.

Access to Services

9. As stated previously, the appeal site is located within a small area of development which has no services such as a shop, public house or school. The site is located remotely from services in larger settlements and therefore does not enable convenient pedestrian access to facilities. Whilst there is a bus service a short walk from the site, the Council states that this service is limited and I have been provided with no evidence to demonstrate otherwise. This

¹ Paragraph 145(e) of the Framework

² Paragraph 145(g) of the Framework

would leave residents of the proposal reliant on the private car to access services and in that respect the proposal would not be in a sustainable location.

10. I conclude that the proposed dwelling would not be in a location which provides suitable access to services. The proposal would therefore conflict with the access requirements of Policies T2, P10 and Appendix 3 of the Core Strategy 2014 (the Core Strategy) and GP5 of the Unitary Development Plan Review 2006 (UDPR).
11. I find no conflict on this matter with Policy H2 of the Core Strategy as this relates to the monitoring of housing development. However, this does not lead me to a different conclusion on this main issue.

Character and Appearance

12. There is no clearly defined building pattern in the area, with buildings to the rear of the site as well as outbuildings located at the head of the cul-de-sac which project beyond the dwellings on Moorland Road. The proposed dwelling would also be set back from the existing dwelling and would not be readily visible from the public realm.
13. The proposal would be of a smaller scale and massing compared to the extant dwelling on the appeal site as well as other dwellings in the vicinity. There is also not a clearly defined building style in the area and I saw that a neighbouring property included a substantial outbuilding. Within this context, the proposal would not appear as an incongruous or obtrusive feature.
14. Due to its scale, design and siting, the proposal would not harm the character and appearance of the area. The proposal would therefore not conflict with Policy P10 of the Core Strategy in respect of design, or the Framework with regards to achieving well-designed places.

Living Conditions

15. The proposed dwelling would extend beyond the rear elevation of the existing dwelling and would project along a significant distance of the rear garden. However, the proposal would be of a limited scale and would be set back from the proposed boundary with No 11. Due to this design and arrangement, the proposal would not have an overbearing effect on the outlook from the residential property at No 11.
16. The Council contends that the windows of the proposed dwelling would be too close to windows on the rear elevation of No 11 as well as the retained garden area. However, the only window to a habitable room which would look onto No 11 would be a bedroom window which would be set back from the site boundary. As this would be located on the ground floor of the dwelling, this window would not provide an elevated view of the neighbouring dwelling and issues of overlooking could be addressed through boundary treatment.
17. For the above reasons, I conclude that the proposal would not harm the living conditions of residents of No 11 in respect of outlook and privacy. The proposal would therefore not conflict with Policy GP5 of the UDPR with regards to potential loss of amenity.

Other Considerations

18. During the course of the appeal, the High Court issued a decision³ with the effect that all housing sites that, immediately before the adoption of the Council's Site Allocations Plan 2019, were in the Green Belt will be remitted back to the Secretary of State for further examination. During this remittal process these housing sites will be considered as not adopted and as such will return to the Green Belt until re-examined. I have given the main parties the opportunity to comment on this. In response, the Council states that the removal of the remitted sites means a reduction in its housing land supply from 7.2 years to 6.1 years. The appellant has not contested this. Therefore, based on the evidence before me, the Council can demonstrate a supply of deliverable housing sites in excess of 5 years. Within that context, whilst the proposal would add to the supply of housing in the area, due to the scale of the development the benefit from the contribution to housing supply would be very limited.
19. Whilst I have concluded that the development would not harm living conditions or character and appearance, a lack of harm is not a benefit and these matters do not weigh in favour of the proposal.
20. The description of the development refers to the sustainable nature of the dwelling. However, little evidence to support this has been provided, and I give this limited weight in favour of the proposal.

Overall Balance and Conclusion

21. I have concluded that the proposal would be inappropriate development in the Green Belt and that substantial weight should be given to the harm arising from that. Furthermore, the proposal would also lead to limited harm in respect of openness. I find that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with Policy N33 and Appendix 5 of the UDPR and the Framework with regards to the control of development in the Green Belt. I find no conflict with Policy GP5 of the UDPR as this does not refer to the Green Belt, although this does not outweigh my conclusions on this matter.
22. Notwithstanding my conclusions in respect of character and appearance and living conditions, the proposal would conflict with the development plan and the Framework when read as a whole with regards to promoting sustainable transport and protecting Green Belt land.
23. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR

³ Aireborough Neighbourhood Development Forum v Leeds City Council & Ors [2020] EWHC 1461 (Admin)