



Appeal Decision

Site Visit made on 19 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/N4720/W/20/3255396

Highfield Stables, Carlton Lane, Guiseley, Leeds LS20 9PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Jonathan & Heather Thornton against Leeds City Council.
 - The application Ref 19/06632/FU, is dated 23 October 2019.
 - The development proposed is demolition of existing barn and redevelopment to provide new dwelling including removal of hardstanding and provision of landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing barn and redevelopment to provide new dwelling including removal of hardstanding and provision of landscaping at Highfield Stables, Carlton Lane, Guiseley, Leeds LS20 9PE in accordance with the terms of the application, Ref 19/06632/FU, dated 23 October 2019, subject to the conditions set out in the Schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Mr & Mrs Jonathan & Heather Thornton against Leeds City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt; and
 - Whether the proposed dwelling would be in a suitable location with regards to local and national planning policy.

Reasons

Whether Inappropriate Development

4. The appeal site is within the Green Belt. Although the proposal is described as a 'barn' on the planning application form, the evidence suggests that the site has a lawful commercial use for vehicle storage and this reflects my

observations on my site visit. On that basis, the appeal site consists of previously developed land.

5. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate unless, amongst other things, it would involve the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The proposed new dwelling would be located in broadly the same position as the existing building. The new dwelling would be approximately 1m higher than the existing building, but would reflect the form of the existing building through the use of a similar roof design. Although the new dwelling would be higher, it would have a smaller footprint than the existing building.
7. The proposal would also replace much of the external vehicle parking area with a garden. This would reduce the amount of clutter on the site, even allowing for the potential domestic paraphernalia associated with a residential use.
8. The proposal would have the appearance of a residential property due to the design of the building and domestic character of the proposed garden area. However, this would be no more incongruous in the Green Belt or harmful to openness than the existing commercial use. Indeed, the removal of an extent of tarmac and hard surfacing and its replacement with areas of lawn would improve the openness of the Green Belt, albeit to a limited degree.
9. On that basis, despite the increased height of the building, I consider that due to the reduction in footprint, the removal of clutter associated with the parking of vehicles, and the removal of areas of hard surfacing, the appeal proposal would not have a greater impact on the openness of the Green Belt than the existing development. The proposed new dwelling on this previously developed land would therefore not be inappropriate development in the Green Belt. The proposal would therefore not conflict with policy N33 and Appendix 5 of the Unitary Development Plan Review 2006 (UDPR) and the Framework when read as a whole with regards to the control of development in the Green Belt.

Location

10. The appeal site is located in the countryside some distance away from settlements and public transport. The access road to the site is unlit and does not have a dedicated footpath. Residents of the proposed dwelling would therefore be reliant on the private vehicle to access services and facilities.
11. However, the existing commercial use of the site would also generate private vehicle movements. Whilst the nature of traffic movements from a dwelling may differ from those of a commercial use, the Council considers that the comings and goings associated with a single dwelling are likely to be less frequent. Based on the evidence before me, I see no reason to disagree. The site is also a relatively short driving distance from services in Guiseley and many of future residents' trips to access facilities would therefore likely be of a limited distance.
12. Paragraph 79 of the Framework seeks to avoid the development of isolated homes in the countryside unless a number of circumstances apply. The appeal proposal is of an understated design which reflects the appearance of the existing building on the site and would not be of the outstanding or innovative

design referred to in paragraph 79(e). That said, due to the removal of clutter and hard surfacing associated with external car storage as well as the provision of appropriate landscaping, I consider that the proposal would enhance its immediate setting and be sensitive to the area. Notwithstanding that, the proposal would not meet the identified circumstances of paragraph 79(e), or any of the other circumstances of that paragraph.

13. However, despite the potential conflict with paragraph 79, I am mindful of the benefits of the proposal. It would reduce the extent of built development on the site to the benefit of the character and appearance of this area of countryside and the openness of the Green Belt. Despite being an isolated site, the nature of traffic movements would be no worse than the lawful commercial use of the site, and convenient access to services in nearby settlements would be available to residents, albeit by private vehicle. On balance, due to the background and benefits of the proposal, I do not consider that the proposed dwelling would be a form of development which should be avoided under paragraph 79.
14. Therefore, mindful of the existing use of the site, I conclude that the proposal would be in a suitable location with regards to local and national planning policy. The proposal would not conflict with the access requirements of policy T2 of the Core Strategy 2014 (the Core Strategy), or the landscaping and design requirements of policy GP5 of the UDPR and policy P10 of the Core Strategy. The proposal would also not conflict with the Framework when read as a whole with regards to achieving sustainable development and well-designed places.

Other Matters

15. I have had regard to the comments raised locally in respect of the proposal. Reference has been made to water supply, although there is no substantive evidence that the demand from a single dwelling would disrupt this supply. Furthermore, any matter regarding private supplies is a legal matter between the parties involved rather than falling in the remit of this appeal. Drainage matters can be addressed by appropriate planning conditions.
16. Whilst there is no dedicated footpath leading to the site, due to the low volume of traffic I observed along this rural road and the likely limited nature of pedestrian movements to and from the site, I do not consider that there would be an unacceptable impact on highway safety. I also note that the Council's Transport Development Services team has no objections to the proposal subject to conditions.

Conditions

17. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.
18. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
19. Conditions requiring details of materials as well as landscaping are appropriate in respect of character and appearance. Conditions regarding the provision of

vehicle parking and manoeuvring areas, entrance gates and visibility at the site entrance are required in the interests of highway safety.

20. A Construction Method Statement addressing (amongst other things) the control of mud, dust and dirt as well as storage is required prior to the commencement of development in the interests of amenity and highway safety. Due to the history of the site, conditions to deal with contamination are required to ensure that risks to future residents and public safety are minimised. The submission of details of noise insulation is required in the interests of living conditions of residents. Conditions regarding drainage methods as well as the disposal of surface and foul water are required to ensure that the site is appropriately and sustainably drained. These details should be submitted to and approved by the local planning authority at the pre-commencement stage as they relate to matters which need to be established before the commencement of building operations.
21. Conditions regarding cycle and motorcycle parking as well as electric vehicle charging are appropriate in the interests of sustainable transport. A condition in respect of refuse bin storage is appropriate in the interests of character and appearance and the living conditions of residents. A condition regarding the importation of material is appropriate in the interests of the safety of future residents.
22. Exceptionally, due to the sensitive location of the site in a prominent position in the Green Belt, a condition removing some permitted development rights is required in the interests of character and appearance as well as the openness of the Green Belt.
23. A condition regarding asbestos is not required as this is addressed by other legislation.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

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:
 - 1998/04A Proposed Site Plan
 - 1998/05A Proposed Floor Plans
 - 1998/06 Proposed Elevations and Sections
 - 1998/07 Proposed Elevations and Sections overlaid with existing building
 - 1998/08 Visuals
- 3) No development shall take place above ground works (slab level) until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) The development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.
- 5) Any gates erected at the vehicular access to the development must only open inwards, and shall be maintained as such for the lifetime of the development.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
 - measures to control the emissions of dust and dirt during construction;
 - location of site compound and plant equipment/storage; and
 - how this Statement will be made publicly available.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Prior to the occupation of the development, details of Electric Vehicle Charging Points to be provided shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development.
- 8) Notwithstanding the approved details, before the development is occupied, details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided in full.
- 9) The approved details for the provision of bin stores (including siting, materials and means of enclosure) and access for their collection shall be implemented in full before the development is occupied and shall be retained thereafter as such for the lifetime of the development.
- 10) Notwithstanding the details shown on the approved plans, prior to the driveway being brought into use the boundary treatment across the site frontage shall be retained clear of all obstructions to visibility greater than 1m in height above the adjacent carriageway for the lifetime of the development.
- 11) No development shall take place until a feasibility study into the use of infiltration drainage methods shall be submitted to, and approved in writing by the council. The study shall contain the results of soakaway tests carried out in accordance with BRE Digest 365 and an appraisal of various infiltration systems that could reasonably be employed on the site.
- 12) No development shall take place until a scheme detailing surface water and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme of drainage works has been implemented in full.
- 13) No development shall take place until a scheme detailing proposed noise insulation methods has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme of noise insulation has been implemented in full.

- 14) Notwithstanding the details shown on the approved plans, no development shall take place above ground works (slab level) until full details of both hard and soft landscape works, including an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 15) Prior to the commencement of development a Phase I Desk Study shall be submitted to, and approved in writing by, the Local Planning Authority and:
 - (a) Where the approved Phase I Desk Study indicates that intrusive investigation is necessary, development shall not commence until a Phase II Site Investigation Report has been submitted to, and approved in writing by, the Local Planning Authority,
 - (b) Where remediation measures are shown to be necessary in the Phase I/Phase II Reports and/or where soil or soil forming material is being imported to site, development shall not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports.
- 16) If remediation is unable to proceed in accordance with the approved Remediation Statement, or where significant unexpected contamination is encountered, the Local Planning Authority shall be notified in writing immediately and operations on the affected part of the site shall cease. An amended or new Remediation Statement shall be submitted to, and approved in writing by the Local Planning Authority prior to any further remediation works which shall thereafter be carried out in accordance with the revised approved Statement.
- 17) Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all verification information has been approved in writing by the Local Planning Authority.
- 18) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 and any subsequent Order and/or Statutory Instrument amending, abolishing and/or re-enacting the provisions of that Order), no development shall take place within Classes A, B, D and E of Part 1 of Schedule 2 of that Order without the prior submission and approval for planning permission by the Local Planning Authority.

End of Schedule