



Appeal Decision

Site visit made on 8 December 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2021

Appeal Ref: APP/W4705/W/20/3259441

Land off Paddock Lane, Eldwick, Bingley BD16 3BW

- 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 Aire Valley Park Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/02828/FUL, dated 14 July 2020, was refused by notice dated 11 September 2020.
 - The development proposed is Proposed Dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the revised Framework and relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - If the appeal proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is a former quarry located within the Eldwick Beck Conservation Area (CA). The CA is characterised by its undulating topography and its built form strongly associated with farming origins. Its simple vernacular consists of traditional uncleaned stone buildings with slate roofs and adds to the significance of the CA. The Grade II listed building of Springs Farm is located within close proximity to the appeal site.

Whether inappropriate development

4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. One such exception is paragraph 145 e); limited infilling in a village.

5. The Bradford Core Strategy Development Plan Document 2017 (CS) Policy SC7 states that the Green Belt has a valuable role in conserving the countryside. It is thus consistent with the Framework, which states that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
6. Policy GB1 of the Replacement Unitary Development Plan for the Bradford District 2005 (UDP) is generally consistent with the Framework in stating that permission will not be given within the Green Belt other than for certain specified purposes, but differs from it with regard to the exceptions permitted. I have therefore had regard to UDP Policy GB1, insofar as it is consistent with the Framework, but attach greater weight to the exceptions within the Framework in determining whether the appeal proposal would be inappropriate development.
7. Spring Lane creates a delineation between the village settlement and the Green Belt. The appeal site is located outside the development limits of Eldwick as defined by the Local Plan and within the Green Belt.
8. The Framework does not define what constitutes a 'village' or 'limited infilling'. However case law¹ has determined that whether or not a proposed development constitutes limited infilling in a village for the purpose of paragraph 145 of the Framework is a question of planning judgement and would depend upon the situation on the ground as well as any relevant policies.
9. On the approach from Otley Road to Eldwick, an open character of undeveloped and agricultural land is framed by sporadic individual dwellings or short rows of semi-detached houses upon the point where Spring Lane discharges onto Otley Road. The appeal site is located before Spring Lane, set well back along an unmade lane. From Spring Lane the road rises and, with this, the identity of the locality immediately changes to one of a much tighter grain of built-up development flanking both sides of Otley Road. A clear sense of place as a village environment is experienced from here.
10. The architectural vernacular also changes here to the characteristic stone buildings and starts to identify as a village scene. The undulating land levels, upon approach to Spring Lane where the road falls and rises again, also contributes to the village environment becoming realised from this vantage.
11. Despite the wording of the CA Assessment, The Springs is located on a narrow country lane with no footways flanking the road at that point. It takes on a rural character with the dense housing estates abutting the other side of the road. Furthermore, the dwellings on the same side as The Springs are more akin to traditional rural farmsteads and do not share the same characteristics as the tight grain of development opposite. This therefore reinforces the change in character away from a strong built settlement towards a countryside edge.
12. For the reasons identified the appeal site is not experienced within a village setting but rather, is physically separate from it. The proposal would not amount to what could be reasonably described as limited infilling in Eldwick village in accordance with paragraph 145 e) of the Framework.

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council 2015

13. Accordingly, I conclude that the appeal proposal would be inappropriate development within the Green Belt having regard to the revised Framework and Core Strategy Policy SC7 and UDP Policy GB1.

The effect on the openness of the Green Belt

14. The proposal, given the building's substantial scale and two storey height, together with its associated domestic paraphernalia, would result in visual intrusion to the Green Belt. In terms of the Green Belt's spatial dimension, although there are other buildings nearby, they have a sporadic and loose form. The appeal site is currently open and free from development and contributes positively to the rural character of the locale. The proposed development would erode this characteristic openness.
15. I therefore conclude that the appeal proposal would have a harmful effect on the openness of the Green Belt in this location. This would conflict with Core Strategy Policy SC7 and UDP Policy GB1 and the Framework in their collective aims to protect Green Belt land.

Other Considerations

16. The proposed residential use would be compatible with neighbouring residential development. The scheme would make a very modest contribution to the supply of housing in the area and be located within reasonable walking distance of the shops and services in Eldwick. However, the benefits arising from the single dwelling proposed would be modest and I afford them limited weight.

Other Matters

17. Given the site's relationship with heritage assets, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
18. The Council have raised no concerns in relation to either the effect of the proposal on the significance of the listed building or its setting or upon the character and appearance of the CA. As is my duty, I have undertaken my own assessment on the proposal before me. Taking into account the siting, design, scale and materials of the proposed dwelling, the spacing between buildings, grain of surrounding development, topography and landscaping, I see no reason to take a different view to the Council.
19. However, an absence of harm in this area is a neutral matter which weighs neither for nor against the appeal proposal.

Green Belt Balance and Conclusion

20. The Government attaches great importance to Green Belts. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. In this case, I have found harm to the Green Belt by reason of the appeal proposal's inappropriateness and effect on openness.

21. Balanced against that harm are the other considerations described above. However, even when taken together, these do not clearly outweigh the harm to the Green Belt. The very special circumstances necessary to justify the development therefore do not exist.
22. The proposal conflicts with Core Strategy Policy SC7 and UDP Policy GB1. There are no material considerations, including the provisions of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR