



Appeal Decision

Site visit made on 4 January 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/N4720/W/20/3260422

Hard Gap, Main Street, Linton, Wetherby LS22 4HT

- 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 Professor Adam Beaumont against the decision of Leeds City Council.
 - The application Ref 19/05966/FU, dated 16 September 2019, was refused by notice dated 9 July 2020.
 - The development proposed was originally described as erection of detached garden pool building within curtilage of Hard Gap and alterations/extension to existing Hard Gap dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. However, the description common to both the appeal form and the Council's decision notice refers only to the "Erection of detached pool/gym building". Furthermore, an informative on the Council's decision notice states that the decision relates solely to the proposals for the detached pool/gym building. I shall therefore confine my considerations to the proposed pool/gym building.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate, 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 necessary to justify the proposal.

Reasons

Inappropriateness

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development, other than for a limited number of exceptions. Saved Policy N33 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (UDP) generally reflects this approach. The appellant accepts that the proposal does not fall within any of the Green Belt exceptions, and I concur.
5. I therefore conclude that the proposal would be inappropriate development within the Green Belt under the Framework and UDP Policy N33, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Green Belt openness

6. The appeal site is located in the north western corner of the garden. The only buildings on this part of the garden are a shed, a greenhouse and a playhouse, which are small in scale and occupy a small proportion of the site. As such, the site has a mostly undeveloped character which contributes to the openness of the Green Belt.
7. The proposal is for a two storey building of much greater size than the existing garden structures. Taking into account its height, footprint and overall volume, the new building would have a significant physical presence within the site. The erosion of three-dimensional space arising from the overall size of the building would, in itself, unavoidably result in a reduction of the spatial openness of the site.
8. Visually, the site is relatively well screened. Nevertheless, while the screening would reduce the visual impact on openness, it would not remove it. The upper part of the building would still likely be appreciable to an extent, particularly in winter months when the screening from vegetation would be less effective. I am also mindful that the Beech hedge to the north is within the neighbouring garden and could be reduced in height through normal maintenance, or even removed. Thus in both spatial and visual terms, it could not be said that the development would preserve the openness of the Green Belt.
9. Overall, I find that the loss of Green Belt openness would be moderately harmful. The Framework advises that openness is an essential characteristic of the Green Belt, the fundamental aim of which is to keep land permanently open. The harmful loss of openness caused by the proposal would be at odds with this fundamental aim.

Other considerations

10. I note that the Council has granted a certificate of lawfulness which establishes that the appeal site is part of the garden of Hard Gap. Be that as it may, it is not a matter which is in dispute and does not alter the fact that the appeal site is within the Green Belt. I therefore give this matter very little weight.
11. I have had regard to the planning permissions granted by the Council on the land immediately to the west of the appeal site, and also further to the north. However, no buildings currently exist on those sites. Furthermore, the

appellant accepts that their circumstances are not directly comparable with those which apply in this appeal, including that the site to the north is not within the Green Belt, so I give those Council decisions very limited weight.

12. The site lies within the Linton Conservation Area (CA). Key characteristics of the CA include properties set within spacious grounds with mature planting. Hard Gap is typical of this character. I note the concerns raised by the Parish Council; however, the effect of the development on the CA did not feature in the Council's refusal reasons and there was no objection from the Council's Design and Conservation Section. The evidence before me indicates that the design of the building has been given appropriate attention, incorporating both traditional and contemporary elements that would be complementary to the site context and its wider setting. In addition, the site is in a secluded location behind the frontage development along Linton Common and Main Street. Furthermore, I do not have any evidence that the trees on the site could not be retained and protected during construction. Consequently, distinct from its effect on openness, I can see no reason why the proposal would adversely affect the character or appearance of the CA.
13. I also note that the Council did not identify harm in relation to neighbour impact or highway safety, and I have no reason to take a different view. Matters in relation to sustainability and construction management could be dealt with by planning conditions.

Green Belt Balance and Conclusion

14. The proposal would be inappropriate development, which is, by definition, harmful to the Green Belt. It would also result in a moderate loss of openness in the Green Belt. In accordance with the Framework, such harm carries substantial weight. The lack of harm to the CA and in relation to other relevant planning matters carries neutral weight.
15. On analysis of the above, the other considerations put forward by the appellant in favour of the proposal do not clearly outweigh the Green Belt harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is contrary to the Framework and saved UDP Policy N33.
16. For these reasons, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR