
Appeal Decision

Site visit made on 10 February 2021

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2021

Appeal Ref: APP/W4705/W/20/3263498

212-214 High Fernley Farm, High Fernley Road, Wyke, Bradford BD12 8EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr S Rogerson against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 20/02558/PAR, dated 23 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is described as the change of use of agricultural building(s) and land to residential use (C3) – one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reasons for refusal included the effect of the development proposal on the character and appearance of the open countryside. Under Schedule 2, Part 3, Class Q2(1)(e) of the Town and Country (General Permitted Development) Order 2015 (as amended) decision makers are required to consider whether the location or siting of the proposed change of use from agricultural to residential would be otherwise impractical or undesirable. The reference to 'undesirable' includes the visual effect of the proposal and therefore the Council's first reason for refusal did not include matters that are outside the scope of the law.

Main Issues

3. The main issues are:
 - Whether the location or siting of the proposed development would be undesirable as regards its effect on the open countryside; and
 - Whether the location of the proposed development would be impractical as regards vehicular access and prejudice the free flow of traffic on High Fernley Road.

Reasons

Open Countryside

4. The barn structure subject to the appeal is located to the rear of High Fernley Farm and about 300 metres from the edge of the main urban area. High

Fernley Farm and the neighbouring properties form quite a compact group of buildings accessed from High Fernley Road. This is quite a narrow road leading from the main urban area to the east to the open countryside to the west.

5. The subject barn is about 40 metres or so outside of the compact group. To the front of the barn is an all-weather horse arena with dimensions comparable to a tennis court.
6. The appeal proposal comprises the change of use of the barn from agricultural purposes to a residential dwelling including 2 bedrooms. It would include windows on the ground floor of each stone-clad side elevation, a door to the front and 3 skylights on each side of the blue slate pitched roof. The proposed dwelling would be of a modest size.
7. The small garden and parking area for 2 vehicles would be in front of the existing barn and would fall within its curtilage. The building would be accessed by vehicle via the existing farmyard.
8. The site occupied by the barn sits in an elevated position on top of a ridge. To the east the land drops slightly in the direction of the edge of the main urban area. The land drops away more abruptly to the west and from along High Fernley Road the barn is clearly visible at the top of the ridge against the backdrop of the sky.
9. The proposed side windows on the building would inevitably result in some domestication of the existing barn structure. Furthermore, the parked vehicles to the front of the dwelling would be easily visible across the fields from vantage points along High Fernley Road west of the site. Both the introduction of side windows and non-agricultural vehicles would have a suburbanising effect and would look incongruous on this site in this location outside the group of farm buildings.
10. For these reasons the proposal would harm the character and the appearance of the open countryside and would therefore be undesirable. Consequently, it would fail to accord with Policies DS1, DS2 and DS3 of the Bradford Core Strategy Development Plan Document 2017 (CS) which seek to ensure that new development is designed to take account of the context of the surrounding area, reduces the impact on the landscape and creates a strong sense of place.
11. It would also fail to accord with the advice in Paragraph 127c) of the National Planning Policy Framework ('the Framework') that development should be well designed.

Vehicular Access

12. High Fernley Road would be about 100 metres from the proposed development. The plans do not show the means of access although it is understood that this would be via the farmyard, past the front of some stables and across the area used as a horse arena.
13. This would be a convoluted means of access that would require the driver to negotiate 2 right angled corners and cross rough ground. Furthermore, in the absence of plans showing how the crossing of the horse arena would be negotiated the arrangement would be substandard.

14. Whilst it seems unlikely that occupants would opt to park their vehicle on High Fernley Road some 100 metres or so away and walk to the dwelling this possibility cannot be discounted in the absence of the necessary information. Given the narrow width of High Fernley Road such a practice would inevitably constitute an unacceptable hazard to highway safety. This is notwithstanding that the road seems to be lightly trafficked and that the development would not generate that many additional vehicular movements.
15. Consequently, the proposal would not provide a practical means of access and therefore would result in off-street parking, prejudicing the free flow of vehicular traffic to the detriment of the safety of drivers and pedestrians on High Fernley Road. This would fail to accord with Policy DS3 of the CS which requires developments to be well laid out incorporating routes appropriate to the design.
16. Furthermore, it would fail to accord with the advice set out in Paragraphs 108b) and 109 of the Framework that requires that new development should incorporate a suitable access and not constitute a highway safety hazard.

Other Matters

17. The proposed development would not harm the living conditions of any neighbours. Nor would it cause any contamination or flood risk issues. These are matters of neutral significance.

Conclusion

18. For the reasons set out above the appeal against the refusal of prior approval should be dismissed.

William Walton

INSPECTOR