



Appeal Decision

Site Visit made on 1 March 2021

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/W4705/W/20/3258290

Moorside Cottage, 2-4 Moorside Place, Old Guy Road, Queensbury, Bradford, BD13 1JY

- 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 Mr Chris Robinson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/02002/FUL, dated 1 June 2020, was refused by notice dated 29 July 2020.
 - The development proposed is the conversion of existing outbuilding to residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt; and
 - (iii) 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 the proposal is inappropriate development in the Green Belt

3. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
4. The Appellant has drawn my attention to paragraphs 146d) and 145c). Paragraph 146d) sets out that the re-use of a building, providing it is of permanent and substantial construction, is not inappropriate development provided that it preserves openness and does not conflict with the purpose of including land within the Green Belt. Paragraph 145c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building.

5. The appeal building has been constructed with timber columns and a timber roof structure. It also has a concrete floor. The walls are clad with a mixture of profiled fibre sheets and timber slats whilst the roof is formed of metal sheeting with some clear panels to allow natural light inside. There is also an additional metal clad lean-to which houses a bar and seating area. From what I saw on site, the building is clearly of substantial and permanent construction and it performs the functions for what it is being used for.
6. However, the appeal proposal would involve the replacement of all of the wall and roof cladding. In essence, all that would remain of the building would be the timber supporting structure. To my mind, this goes well beyond what could reasonably be described as a 'conversion' particularly when considered against the principles of the Hibbit¹ case as to whether a proposal would amount to a conversion or a rebuild.
7. This is particularly important when considering paragraph 146d), as the proposal would not therefore be the re-use of the existing building as to undertake the works shown on the plans would amount to a rebuild, despite the description of the proposal.
8. In coming to that view, I acknowledge that the Appellant has provided some structural calculations with their appeal documentation which appear to demonstrate that the timber structure would be able to support the loads of the replacement walls and roof. However, that does not in itself indicate that the proposal would be a conversion as opposed to a rebuild.
9. It has also been stated that in the conversion of other timber barns, both re-cladding and insulated walls has been allowed as long as the basic structure has been retained. Whilst there may be examples where this has been the case, this does not change my view that the proposal would not be a conversion.
10. In respect of paragraph 145c), I acknowledge that the extent of the increase in the size of the building when compared to the existing situation would not be disproportionate. In that sense, the increase in size of the building does not offend Green Belt policy. However, that does not outweigh the harm I have already found.
11. Taking all of the above into account, I therefore conclude that the rebuilding of the appeal building to form a new dwelling would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 145 or 146 of the Framework. It would also be contrary to Policy GB1 of the Replacement Unitary Development Plan for Bradford District (2005) (RUDP) and Policy SC7 of the Bradford District Core Strategy Development Plan Document (2017) (CS) which amongst other matters seeks to resist inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

12. One of the five purposes of a Green Belt, outlined at paragraph 134 of the Framework, is that it should assist in safeguarding the countryside from encroachment.

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

13. As I have noted above, the increase in the size of the building as a result of the changes to the metal clad lean-to element and the new porch/bathroom area would not result in a disproportionate addition to the building and would benefit from an exemption to inappropriate development if considered in isolation from the other works.
14. With the above in mind, and taking into account the principles of the Lea Valley Regional Park judgement², it is my view that the increase in size of the building should not be regarded as being harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

Other matters

15. The Appellant has set out that the appeal proposal follows on from an earlier application³ which was withdrawn. That proposal sought to demolish the existing building and construct a new dwelling. However, this has little bearing on the merits of the current appeal proposal.

Green Belt balance

16. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
17. The Appellant has not explicitly advanced any very special circumstances which would indicate that permission should be granted. Similarly, from what has been provided to me, I have not been able to identify any other circumstances which could be considered to justify the development before me.
18. Therefore, in considering the substantial weight given to the Green Belt, I am of the opinion that the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework, Policy GB1 of the RUDP and Policy SC7 of the CS.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

³ Reference 20/00762/FUL