



Appeal Decision

Site Visit made on 13 April 2021

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Appeal Ref: APP/W4705/W/20/3264469

Hirst Wood Nursery, Hirst Mill Crescent, Saltaire, Shipley BD18 4DA

- 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 Hartley Quality Residential Developments Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00811/FUL, dated 28 February 2020, was refused by notice dated 7 July 2020.
 - The development proposed is: Re-development of land with construction of three dwellings and provision of managed woodland trail.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the Grade II listed Hirst Lock is not mentioned in the Council's decision I have a statutory duty to pay special regard to the desirability or preserving the lock's setting as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). As such I have included a consideration of the effect of the development on Hirst Lock in my main issues. The parties have been advised of my intention in this regard and invited to submit additional comments.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect of the development on the openness of the Green Belt;
 - Whether the development would preserve or enhance the character or appearance of the Leeds-Liverpool Canal Conservation Area (CA), the setting of the Grade II listed Hirst Lock, or have an adverse effect on the Saltaire World Heritage Site Buffer Zone (WHSBZ);
 - The effect of the development on highway safety, with particular regard to the swing bridge and Hirst Mill Crescent; and,
 - 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

Green Belt development and openness

4. Paragraph 145 g) of the Framework states that limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not have a greater impact on the openness of the Green Belt than the existing development, is not inappropriate development in the Green Belt.
5. The evidence indicates that there are permanent brick structures on the site. As such, I conclude that the site is PDL. This is in line with the definition of PDL set out in the Framework.
6. A council officer agreed that development with a volume of around 1000 m³ would be acceptable in principle. Having reviewed the survey drawing I have concluded that a figure of 1000m³ would be roughly commensurate with the volume of the former site structures. As such, I now turn to an assessment of the development on openness.
7. The former site buildings were single storey and given the difference in height between the site and the adjacent towpath, I conclude that none would have been so tall as to be higher than the towpath. There is no scale bar on the elevation drawings but I conclude that the proposed ridgelines of the two-storey dwellings would be some 3 - 4 metres above the ground level of the towpath. As such they would intrude into views across the site from the towpath, and the land around the lock and the canal. Although the built form's volume would be concentrated in fewer buildings, those buildings would be significantly taller. As this would increase their visibility from the canal and towpath I conclude that this would represent a loss of openness compared to the existing situation. There would also be domestic paraphernalia and activity around the dwellings but given that the former nursery use would have had activity across the site, I give this no weight in my reasoning.
8. The appellant argues that views from the canal and towpath could be screened by tree planting. However, unless they were evergreen species, which would itself be incongruous in this setting, tree planting would only provide a screen when the trees were in full leaf. Moreover, the site layout shows the canopy of the proposed trees to be only the length of a car from the southern elevation of the dwelling on Plot 3. In my experience there is little tolerance of mature trees in proximity to dwellings where they shade amenity space and obstruct light entry into dwellings. As such it seems highly unlikely that any trees would grow to sufficient stature or density to provide a screen to shield the dwellings. In any case, if tree planting is required for mitigation it suggests to me that a development is inappropriately sited. The development would not be unobtrusive.
9. I conclude that the development would have a greater impact on openness than the current situation and that therefore the proposals constitute inappropriate development in the Green Belt. The Framework states that substantial weight should be given to any harm in the Green Belt and should not be approved except in very special circumstances.
10. Consequently the development would be contrary to Paragraph 145 g) of the Framework as well as Saved Policy GB1 of the Unitary Development Plan (UDP)

which allows development which preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.

11. The development would also be contrary to UDP Saved Policy GB2 which requires buildings which may be acceptable in principle to be sited in be an unobtrusive position, and Policy SC7 of the Core Strategy (SC) insofar as this policy is consistent with the Framework and its aim to keep settlements separate and conserving the countryside.

Heritage Assets

12. The site is located adjacent to the canal crossing, facilitated by a narrow swing bridge and close to the listed Hirst Lock. Beyond the swing bridge the narrow Hirst Mill Crescent is lined on one side by an arc of tightly packed terraced and semi-detached dwellings, at the end of which is the 18th century Hirst Mill.
13. The dwellings are a mixture of two-storey houses, cottages and coach houses, each with individual styling and scale but linked by a common use of material and overall scale. Four of these dwellings are noted in the CA assessment as key unlisted dwellings.
14. The road beyond the swing bridge is unadopted and traffic is limited to that requiring access only. Consequently, although at my visit there was a constant stream of cyclists and walkers accessing the towpath and other woodland walks on the island, there was very little vehicular traffic along the narrow lane.
15. I conclude that the significance of the CA in this area is that it is a relatively intact and unspoilt juxtaposition of some of the key elements that contributed to Yorkshire's 19th economic might, namely the canal, the lock, the mill and associated dwellings. The historic fabric of the built form appears little changed or only moderately altered, and the spatial relationship of the built form and their proximity to the former industrial infrastructure demonstrates the area's socio-economic evolution. In addition, the lack of through traffic contributes to what the CA assessment describes as *the appearance of an industrial hamlet in an enviable location*. I see no reason to disagree with that description, which is reinforced by the area's leafy and tranquil setting amongst semi-managed woodland and footpaths.
16. The CA Assessment lists concerns as the intrusion of development with inappropriate character and modern materials.
17. The detached dwellings would adopt a simple typology with flat elevations under dual pitched roofs, and the use of stone facing. As such they would reflect to some degree the more austere vernacular of the industrial age, referred to in the design and access statement as Wharfeside style cottages. However, cottages associated with industrial development tend to be arranged in fairly dense clusters, on limited plots. Notwithstanding the design references to period cottages in the dwellings themselves, their wide spacing on large plots and in an arbitrary L-shaped arrangement would appear more akin to a housing estate in a suburban setting. It would be wholly unrelated to the highly distinctive building pattern and context of Hirst Crescent. Although some dwellings on Hirst Crescent have a larger footprint than what is proposed, they are attached on at least one side and where there are gaps between the existing dwellings they are very narrow and overall the built form has a terraced appearance.

18. I have set out my concerns in relation to the prominence of the dwelling and the proposed screening above. Given my reservations in this regard, I also conclude that development would be prominent in views from the towpath and that the dwellings' failure to integrate with their setting would detract from the area's distinctive character and appearance.
19. The 18th century lock was designed by James Brindley, who was involved in the early design and construction of the Leeds -Liverpool canal. It has deep stone sides and timber lock gates. Its significance is derived from its intact historic fabric and its location and setting in relation to the canal crossing and the approaches to Hirst Mill.
20. Insofar as the lock's setting is related to the relationship with the towpath and the woodland setting, I conclude that the prominence of rather suburban dwellings on an adjoining site would detract from and diminish the significance of that setting.
21. The site sits within the WHSBZ. However, there is nothing before me to indicate that the key features of the Saltaire World Heritage Site require an assessment over and above my consideration of the impact of the development on the CA or the lock.
22. From Hirst Crescent, which shares ambient levels with the appeal site, the dwellings would be well set back from the lane and a stone wall would form a boundary. Given the current very apparent dereliction of the site I conclude that the development would have some public benefits regarding the setting of Hirst Crescent. However, this does not overcome my concern in relation to the incongruity of the development's underlying building pattern. Moreover, part of the charm of Hirst Crescent is the lack of traffic. An additional three dwellings, with 15 bed spaces, would be likely to generate a significant increase in traffic movements compared to the current situation. This would also detract from the character and appearance of the CA.
23. Consequently, and taking all my observations into account, the development would diminish the significance of the CA, and the setting of Hirst Lock. This would amount to less than substantial harm.
24. Paragraph 196 of the Framework states that where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This is addressed in the planning balance.
25. I conclude that the development would fail to preserve or enhance the character or appearance of the CA, and would fail to preserve the setting of Hirst Lock. This would be contrary to Sections 66 and 72 of the Act, Section 16 of the Framework as well as CS Policy EN3 which is concerned with the preservation, enhancement and protection of the district's designated and undesignated heritage assets. It would also be contrary to CS Policy EN4 which requires development to make a positive contribution to the conservation, management and enhancement of the diversity of landscapes within the district, including cultural associations, historic elements and cultural settings.

Finally, the development would also fail to accord with the design aims of CS Policies DS1, DS2 and DS3 which taken together require development to create

a strong sense of place, achieve good design and retain distinctive identities, amongst other considerations.

Highway safety

26. The development would add three dwellings to the access requirements of the narrow swing bridge and the unadopted Hirst Mill Crescent.
27. The Council has an established practice of restricting to five the number of dwellings accessed from private drives. Although there are around 9 – 10 dwellings on Hirst Mill Crescent, the fact that this threshold is already exceeded does not justify adding the access requirements of a further three dwellings. The development would increase the number of dwellings using the bridge and Hirst Crescent by about a third, which would generally be considered a significant increase.
28. The swing bridge is also the main access to the towpath and woodland walks for cyclists and walkers from the car park at the end of Hirst Mill Road. At the time of my weekday visit, the bridge was very well used by non-vehicular traffic. Any increase in vehicular traffic would increase the likelihood of conflict between pedestrians and vehicles. There is nothing before me to indicate how the increased potential for conflict with cyclists and walkers on the swing bridge and the towpath would be addressed.
29. I acknowledge that the former nursery would have needed deliveries, but I also note that one of the reasons the nursery ceased to be operational was due to site access issues. As such, it is unclear to me how site access issues for building and then the occupation of additional dwellings would be any less problematic.
30. I conclude that the development would have an adverse effect on highway safety which would be contrary to Paragraph 110 of the Framework which requires development to create spaces that are safe and secure, and to minimise conflict between pedestrians, cyclists and vehicles, and Paragraph 109 of the Framework which allows the refusal of development on highway grounds where the residual cumulative effects on the road network would be severe.
31. The Council has cited CS Policy DS4 but this is a strategic policy which does not mention safety. I conclude that it weighs neither for nor against the appeal.

Planning balance

32. It is not disputed that the Council is unable to demonstrate sufficient housing land supply and as such Paragraph 11 of the Framework is engaged. This states that where the policies most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. However, although the Saved UDP policies are of some age, and are in any case rendered out of date by the Council's lack of housing supply land, areas of particular importance listed in the footnote of Paragraph 11 include include Green Belt and designated heritage assets. Both categories are highly relevant to this appeal.
33. I appreciate that the development would make a small contribution to local housing. It would also have the benefit of improving a derelict site within and

adjacent to heritage assets. These benefits could be considered to amount to the very special circumstances required with regard to the Green Belt, and also the public benefits referred to in Paragraph 196 of the Framework with regard to heritage assets.

34. However, I have concluded that those combined benefits do not outweigh the harm identified above in relation to the openness of the Green Belt, the harm to the character and appearance of the CA and the setting of Hirst Lock. As such the harm by reason of inappropriateness, and the other harm identified above in relation to highway safety, is not clearly outweighed by other considerations. That being so there are not the very special circumstances required to justify the proposal.
35. Moreover, with regard to the areas or assets of particular importance, the application of policies within the Framework provide clear reasons for refusal.

Other Matters

36. The appellant proposes to create a community woodland on land to the north of the appeal site. However, there is no mechanism before me to secure public access, to demonstrate that there is a community group able to take on the plan or to ensure that the management plan is carried out. As such it weighs neither for nor against the appeal and there is no requirement for me to consider this further.

Conclusion

37. I conclude that the development would fail to accord with the Act, the Framework and the development plan when taken as a whole. There are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

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INSPECTOR