



Appeal Decision

Site visit made on 20 April 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2021

Appeal Ref: APP/N4720/W/21/3266768

Spear Fir Farm, Spear Fir, Bardsey, Leeds LS17 9EA

- 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 Mrs Burns against the decision of Leeds City Council.
 - The application Ref 20/01953/FU, dated 26 March 2020, was refused by notice dated 15 July 2020.
 - The development proposed is Construction of part two and single storey house and detached double garage (amended scheme).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal constitutes inappropriate development in the Green Belt;
 - The effect on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development within the Green Belt.

Reasons

3. The appeal site is located within the designated Green Belt and also within the designated open countryside. The land in question relates to a parcel of broadly level land that is surrounded by grazing land with the Spear Fir farmhouse located adjacent to the main road of Spear Fir. The land falls fairly steeply from the main road of Blackmoor Lane through Bardsey, towards the Gill Beck.
4. A large barn occupies an element of the site with the part-structure of the Mistal barn adjacent. There is various other farming paraphernalia located here. Both these barns have separate planning permissions to be converted into residential dwellings.

5. More recently, permission was granted for a single house¹ and is an extant and unimplemented permission. The Council explained they approved this permission as a 'replacement building' in lieu of the barn conversions permissions.
6. Other than minor changes to the proposed dwelling, it is agreed between the parties that the proposal before me is substantially the same as the recently approved dwelling, but with the inclusion of a detached garage. There is nothing before me which leads me to disagree with this view.

Whether inappropriate development

7. I have taken into account the extant permission for a single house as part of my assessment. However, as explained, this proposal includes a garage element. I do however accept that a single house as proposed here, would not lead to any difference to the openness of the Green Belt than has already been previously established.
8. Even bearing in mind this extant permission, it is important to set out the objectives of the National Planning Policy Framework (the Framework) as it is specific in its explanation that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework explains that the construction of new buildings within the Green Belt are considered to be inappropriate. Certain specific exceptions exist.
9. Taking into account the circumstances that there is already permission for a single house, turning to the scheme before me that would include a garage, there is nothing to indicate that it would fall into any of the Framework exceptions. The garage portion would constitute inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
10. When considering openness, this has both a spatial and visual aspect to it. The proposed garage would sit within the domestic curtilage of the dwelling and therefore would be associated with the main dwelling. However, it would be a detached building, located opposite the proposed main dwelling. It would not relate to its proposed longitudinal building form. It would create a new floor space separate to the proposed main house.
11. It would be large in scale given its proportions and height, and as a bulky, solid mass of development would represent a standalone feature. On this basis, I conclude that from both a spatial and visual aspect, it would lead to a significant incursion into the Green Belt.
12. The Framework explains that substantial weight is given to any harm to the Green Belt. The consequential physical presence of the proposed garage would reduce the perception of openness.
13. Further, the appeal site is located within the open countryside. One of the purposes of designation of the Green Belt is to assist in safeguarding the countryside from encroachment. As a separate building, the garage would be

¹ Application reference 18/06406/FU

positioned opposite the main dwelling, and a 'spreading out' of buildings across the site would occur.

14. Given its scale and mass, the proposed garage would be visible in the landscape and would clearly signal that residential development had encroached further into the countryside. The Framework is clear in paragraph 117 in the objective of making effective use of land while safeguarding and improving the environment.
15. To conclude, the proposed garage would lead to inappropriate development within the Green Belt, and I apply substantial weight to the harm that would consequentially arise. Furthermore, its impact upon the open countryside would lead to harmful encroachment. It would therefore conflict with the aims of the Leeds Unitary Development Plan Review 2006 (UDP) Policy N33 as well as the Framework in their combined objectives to protect the openness of the Green Belt and assist in safeguarding the countryside from encroachment.

Character and appearance

16. The detached nature of the garage and position in front of the proposed dwelling would appear as a very visually exposed building of a large scale and mass. Given the site is surrounded by an open and verdant environment, irrespective of the proposed location of the dwelling, it would be conspicuously visible from most directions.
17. The proposed garage is intended to look like an agricultural style storage building with design cues taken from the main dwelling. However, it would more closely compare to the height of the main house than to one of an agricultural outbuilding, typically set in a traditional farmstead grouped arrangement. Overall, its size and proportions, siting and appearance in this context would appear as a prominent, out of character and visually intrusive development that would result in harm arising to the character and appearance of the area.
18. Therefore, to conclude on this main issue, the proposed garage by virtue of its scale, massing and location, would have a detrimental effect upon the character and appearance of the area. It would therefore contravene the design aims of the Leeds Core Strategy 2014 (as amended 2019) Policy P10, including UDP Policy GP5, as well as the made Bardsey cum Rigton Neighbourhood Plan 2017 Policy BE1 that all share the same design aims. Finally, it would conflict with the Framework objectives to achieve well designed places.
19. The earlier permission for a single dwelling has not been implemented and on this basis, the proposal cannot reasonably be considered as an 'extension' and therefore the UDP Policy BD6 would not apply.

Other Considerations

20. In support of the scheme, the appellant explains that by comparison to the barn conversions permissions, the appeal proposal would have a reduced effect on the openness of the Green Belt. They state that the barn conversions would become the 'fallback' position and a less favourable development in respect of openness. The Council describe these permissions as a 'lawful fallback' and there is nothing before me to contradict this or to suggest that the fallback position is not a real prospect. I therefore apply significant weight to the fallback position.

21. This proposal may result in a reduction in overall volume of development compared to the fallback position. However, volume is not the only assessment of Green Belt openness, and furthermore, nor is it specifically referred to as such within the Framework. I afford limited weight to this in my assessment of the scheme.
22. In addition, there is nothing before me to demonstrate that the overall building heights of this proposed scheme would be less than that of the fallback position. Accordingly, I apply limited weight to the matter.
23. The fallback position did not include additional ancillary outbuildings. It was for the conversion of barns already on site, with limited extensions to each. Even though this scheme before me would amount to a single dwelling, nevertheless, the proposal would create a new dwelling with a separate detached two storey garage building. The garage would be of substantial scale and mass, and, as a standalone building away from the main dwelling, would emphasise its prominence. I have found it would lead to harm arising to Green Belt openness from both a visual and spatial aspect. It would result in greater harm arising to the openness of the Green Belt when compared to that of the fallback position, even if there would be a reduced combined footprint. The identified harm should be given very significant weight in this appeal.
24. The scheme before me may amount to a reduced means of enclosure and surface treatments compared to that of the fallback position. However, this would be difficult to quantify in terms of their effect on Green Belt openness. Further, there is nothing provided by the appellant to demonstrate this to be the case. It is therefore a matter of limited weight in support of the proposal.
25. The appellant points to improved levels of domestic paraphernalia and parking numbers when compared to the fallback position. However, it could not reasonably be said that the domestic paraphernalia or parking numbers associated with one dwelling would have a significantly different effect on openness. No evidence has been provided to substantiate this claim and therefore it is a matter to which I apportion limited weight.
26. As part of my assessment, I have taken into account the previous approval for a single dwelling at the site. However, it did not include a detached garage and I attribute significant weight to this fact.
27. Even if a single dwelling were to be a more favourable design solution to that of the fallback position, I have found the appeal proposal would lead to harm arising to the character and appearance of the area. Furthermore, there is no mechanism before me to demonstrate that the appellant would not continue to implement the previous barn conversions permissions rather than this one, should it be allowed. The negative effects on character and appearance of the proposal before me attracts significant weight.
28. The appellant comments on how the proposed home office as part of the garage element would avoid the need to travel. However, there is nothing before me to substantiate this claim. An annex as part of the proposed dwelling may be created for extended family living at the site, and energy efficiencies of a new build are recognised. However, whilst these may be benefits in favour of the proposal, I give these matters limited weight in my overall assessment.

29. No harm may arise to the living conditions of local residents, and highway safety and drainage matters are not in dispute between the parties. However, the absence of harm in these and other areas not in contention between the parties, and should be regarded as neutral in the balance.

The Planning Balance

30. Bringing all matters together, in the final balance, I have found that the proposal constitutes inappropriate development in the Green Belt which would harm its openness. It would also cause harm to the character of the open countryside and to the character and appearance of the area.
31. The other considerations referred to by the appellant do not clearly outweigh the totality of the harm. Substantial weight is attached to Green Belt harm, and subsequently the very special circumstances necessary to justify the development do not exist.

Conclusion

32. The proposal would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR