
Appeal Decision

Site visit made on 18 May 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/W4705/W/21/3269198

**Stables at Woodside Farm Cottage, High Fernley Road, Wyke, Bradford
BD12 8EY**

- 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 M Lyness against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/03808/FUL, dated 1 September 2020, was refused by notice dated 18 November 2020.
 - The development proposed is demolition of existing stable and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 proposed development on the character and appearance of the appeal site and its surroundings; 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

Background

3. The appeal relates to the proposed demolition of a single storey stable building, located in the Green Belt, and its replacement with a single storey dwelling. Parking and garden areas would be created on land around the building.

Whether the proposal would be inappropriate development

4. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, with exceptions which include the partial or complete redevelopment of previously developed land which would

not have a greater impact on the openness of the Green Belt than the existing development (paragraph 145g).

5. Policy SC7 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (the Core Strategy) is a strategic policy which refers to the Green Belt designation in the district. It also identifies the Green Belt's key functions, which are broadly consistent with those set out in the Framework. I afford the policy substantial weight accordingly.
6. The Council has also referred to Policy GB1 of the Replacement Unitary Development Plan for the Bradford District (the RUDP). That policy states that, except in very special circumstances, planning permission will not be given within the Green Belt for development other than in certain specified circumstances. However, it predates the Framework and the exceptions it identifies are not wholly consistent with those in the Framework. I therefore afford the exceptions in Policy GB1 limited weight and I have considered the appeal against the relevant exception in the Framework.
7. The definition of previously developed land in the Framework excludes land that is or was last occupied by agricultural or forestry buildings. However, the keeping and stabling of horses, other than for working horses as part of an agricultural business, is not an agricultural use as defined in the Town and Country Planning Act 1990.
8. Both the Council and the appellant describe the existing building as a stable. It is internally subdivided into several stalls, each served by a separate external stable door. Although it was not occupied at the time of my visit, from the evidence before me and my own observations I am satisfied that the building's design and function relate to the stabling of horses as described. In the absence of substantive evidence to indicate that the stabling is associated with working horses as part of an agricultural business, I am satisfied that the use of the building does not fall within the definition of agriculture and that the building therefore comprises previously developed land as defined in the Framework.
9. A small area of land around the building is currently fenced off from the wider surrounding field. The Council has expressed reservations as to whether that land comprises a curtilage to the stable building and can thus be considered previously developed land for the purposes of paragraph 145g). I have very little detail before me regarding the function of that land in relation to the stable building itself. However, even if I were to find that it comprised a curtilage to the building and was previously developed land, the exception criteria in paragraph 145g) require that any redevelopment of such land would not have a greater impact on the openness of the Green Belt than the existing development in any event.
10. I have had regard to the *Lee Valley* Court of Appeal judgment¹, which endorsed the conclusion of the preceding High Court judgment² that where development is found to be not inappropriate it should not be regarded as harmful to the openness of the Green Belt. However, the relevant Framework paragraph in this case, 145g), specifically requires the effect on openness to be considered as part of determining whether the development is inappropriate. Accordingly,

¹ R. (on the application of Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404

² Lee Valley Regional Park Authority v Epping Forest District Council [2015] EWHC 1471 (Admin)

in assessing the proposal against paragraph 145g), I have necessarily considered its impact on openness. In doing so, I have taken account of the spatial and visual impacts of the proposal on openness.

11. The proposed dwelling would have a larger footprint and would be slightly taller than the existing stable. Although the increase in its overall volume would be relatively limited, it would nonetheless have a greater massing than the existing building and would introduce built form into areas of the site where none exists currently.
12. The external garden area would be relatively modest in size. Nonetheless, the residential use of the site would be very likely to lead to the proliferation of associated domestic paraphernalia across those external areas, such as washing lines, outdoor furniture or play equipment, which would not be subject to planning control. Such items may have relatively limited volumes in themselves. However, when taken together with the increase in the size of the building, the cumulative effects of the proposed development would have a greater impact on the spatial openness of the Green Belt than the existing development.
13. The site is in a prominent location close to High Fernley Road and is visible from that road and from the public right of way which runs alongside the site to the east, as well as across surrounding fields. The additional volume of the building and domestic paraphernalia within its garden would also be visible from surrounding vantage points, even if new landscaping was provided. The development would therefore also have a greater effect on the visual openness of the Green Belt than the existing development.
14. Even if I were to agree that the whole of the site was previously developed land, the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Consequently, it would not meet the exception criteria in paragraph 145g) of the Framework.
15. The development would not fall within any of the exceptions in the Framework. It would therefore comprise inappropriate development which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The scheme would also result in the encroachment of a suburban form of built development into the countryside, in conflict with one of the purposes of the Green Belt as set out in the Framework.

Character and appearance

16. The site is quite close to school buildings and areas of housing to the east and to a small cluster of residential and other buildings to the west. There is street lighting along High Fernley Road to the front of the site. However, the site and the existing stable building are surrounded by open land to 3 sides and by school fields to the other. Those large areas of open land serve to separate and distinguish the site from other areas of development nearby. They also create a distinctive semi-rural character to the section of High Fernley Road in the immediate vicinity of the site, which is notably different in character compared with the more built-up frontages slightly further afield.
17. I note the intention to construct the house in materials similar to those of other nearby dwellings. However, although simple in its appearance and materials, the existing building has a functional appearance which clearly reflects its

intended purpose as a stable. As such, it does not appear incongruous or out of character within its semi-rural context, surrounded by open land.

18. In contrast, with large areas of glazing to one elevation and domestic window openings to others, the proposed building would be unquestionably residential in its appearance. Together with the use of the adjacent land as domestic parking and garden areas, with associated residential paraphernalia, the development would result in the suburbanisation of the site. That effect would be evident from surrounding public vantage points, even if new landscaping was provided.
19. Because of its location within open fields and separated from other nearby buildings, the dwelling and its garden would not have a direct or evident relationship with other nearby development. In that context, surrounded by open land, the dwelling and its domestic garden would stand out as an incongruous feature that would detract from the semi-rural character of its immediate surroundings.
20. Therefore, I conclude that the development would have an adverse effect on the character and appearance of the appeal site and its surroundings. It would thus conflict with Policies DS2 and EN4 of the Core Strategy which, amongst other things require development proposals to integrate into and make a positive contribution towards the conservation of landscapes within the District.

Other considerations

21. The development would provide a new dwelling close to local shops, facilities and public transport links. I note the shortfall in the Council's housing land supply. However, even in that context the single dwelling proposed would make only a modest contribution to local housing supply. Therefore, although it would represent a benefit weighing in favour of the proposal, the weight I afford to it is limited.
22. The development would provide employment opportunities and spending within the local economy during its construction. Future occupants would also be likely to spend in local shops and attend or support local community facilities. However, any such benefits arising from the very small scale development proposed would be modest and I afford them only limited weight.
23. The submissions indicate that the development would be environmentally friendly, including reference to wind power for electricity and underground heat source for heating. However, I have little detailed information before me regarding the exact specification of the proposed dwelling or the measures which would be incorporated. Therefore, I cannot be certain as to the precise nature or extent of such benefits which may arise or whether they could be secured for the lifetime of the development. This limits the weight I afford those measures as benefits in favour of the scheme.
24. I am advised that the existing building is no longer suitable for use as a stable. However, that does not alter my conclusions regarding the harm that would arise as a result of the development proposal before me. I therefore afford the matter little weight.
25. Reference has been made to Council Tax receipts from the proposed dwelling and to the New Homes Bonus. The Planning Practice Guidance states that whether or not a local finance consideration is material to a particular decision

will depend on whether it could help make the development acceptable in planning terms and that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority³. I have no evidence to suggest that Council Tax or New Homes Bonus receipts would relate directly to any specific planning aspects of the development. Accordingly, I afford them no weight in favour of the scheme.

26. It has been suggested that the development would not have adverse implications for highway safety. However, the absence of harm is a neutral matter rather than a benefit to be weighed in favour of the development.

Green Belt Balance and Conclusion

27. The Government attaches great importance to Green Belts and the Framework requires that substantial weight is given to any harm to the Green Belt when considering any proposal for development within it. I have found harm to the Green Belt by reason of the proposed development's inappropriateness, harm to the openness of the Green Belt and harm to character and appearance. Balanced against that are the other considerations set out above. However, for the reasons given those do not, in their totality, clearly outweigh the harm to the Green Belt and other identified harm.
28. The very special circumstances necessary to justify the development therefore do not exist and I conclude that the proposed development would conflict with the Green Belt protection aims of the Framework and those of Policy SC7 of the Core Strategy.
29. I have found harm to the Green Belt. Accordingly, having regard to paragraph 11d) i. and footnote 6 of the Framework, the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development. The 'tilted balance' in paragraph 11d) ii. of the Framework is therefore not engaged in this case.
30. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR

³ Paragraph Reference ID: 21b-011-20140612