



Appeal Decision

Site visit made on 16 November 2021

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/W4705/W/21/3271302

Land at Scalebor Park Farm, Burley in Wharfedale (Easting 415593, Northing 446182)

- 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 and Mrs Hornby against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00785/FUL, dated 27 February 2020, was refused by notice dated 18 September 2020.
 - The development proposed is described as '*New house of exceptional quality*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council and the appellants have had the opportunity to comment on the revised National Planning Policy Framework (the Framework), which was published in July 2021. I am satisfied that the revised Framework has not materially altered the consideration of the issues pertinent to this appeal and I am proceeding on that basis. In the interests of clarity, references to the Framework within this decision relate to the revised version including, where applicable, different paragraph references.

Application for costs

3. An application for costs was made by Mr and Mrs Hornby against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - (i) Whether or not the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
 - (ii) The effect of the proposed development on the openness of the Green Belt and any other harm, including the effect on character and appearance;
 - (iii) If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, including the effect on

character and appearance, is clearly outweighed by other considerations and whether this would amount to the very special circumstances required to justify the proposal; and

- (iv) The effect of the proposal on biodiversity, with specific regard to feeding and foraging birds associated with the South Pennine Moors SPA/SAC.

Reasons

Inappropriate Development

5. Policy SC7 of the Bradford Local Plan Core Strategy (BLPCS) (adopted July 2017) states that the Bradford District Green Belt performs a number of key functions, including keeping settlements separate and conserving the countryside, which accords with the purposes of the Green Belt as outlined at Paragraph 138 of the Framework. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Further, at Paragraph 149, the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, together with a list of exceptions.
6. The appellants do not seek to suggest that the proposed development would fall under any of the exceptions outlined at Paragraph 149 of the Framework. On the basis of the evidence presented by the appellants, it is clear that the proposal is for a new building for residential use and is not proposed as an affordable unit. The location of the proposed development is within an existing open field and would not therefore comprise infill development. Further, there is evidence before me from the Council that the site has been historically undeveloped, and I have no other evidence before me to the contrary. In addition, the proposed development would not fall under any of the forms of development outlined at Paragraph 150 of the Framework.
7. As the proposed development would not fall under any of the exceptions as listed, it would therefore constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy SC7 of the BLPCS (2017).

Effect on openness and any other harm

8. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The proposed dwelling would be situated near to the brow of a hill and, although only one storey in height, together with the proposed access track would occupy land that is currently used for grazing and therefore not subject to built development. It follows, therefore, that the proposed development would erode openness.
9. Although the proposed development would be relatively well screened to the south, it would be particularly visible from the north, albeit tempered somewhat through the proposed use of a sedum roof.
10. The appellants assert that the proposal would not break the skyline, which I agree would not occur when viewing the proposal from an elevated position. However, due to local topography, when viewed from lower lying land, such as

existing development adjacent to the railway line, I consider that the proposal would appear as visually intrusive and read as an alien feature, dominating the skyline.

11. I have had regard to Policy EN4 of the BLPCS (2017) and Policy BW2 of the Burley-in-Wharfedale Neighbourhood Plan (BIWNP) (made January 2020), which seek to ensure that development proposals make a positive contribution towards the conservation, management and enhancement of the local landscape and that proposals outside the settlement boundary satisfy national and local policies relating to development within the Green Belt, in addition to other local criteria.
12. Whilst I understand the appellants' desire to maximise views from the proposed dwelling, it would be located in a prominent position within the local landscape. Its modern and bold design would be such that it would appear discordant when read in the context of other local buildings, both in terms of its form and the use of materials. It is accepted that the proposed planting scheme and existing trees would serve to reduce the overall effect on the landscape, however I consider that the proposed new dwelling would not serve to conserve the landscape and therefore some residual harm with regard to the character and appearance would occur, contrary to Policy EN4 of the BLPCS (2017).
13. Moreover, as noted during my site visit, the site and surrounding landscape appear to be well-maintained, and I note references in evidence to enhancement works already undertaken by the appellants. I therefore do not consider that the future maintenance of the appeal site is contingent upon the proposal gaining consent.
14. For the reasons stated, the proposed development would harm the openness of the Green Belt in visual and spatial terms, contrary to the purposes of Green Belt policy as per the Framework, to keep land permanently open. It would be contrary to Policy EN4 of the BLPCS (2017), which seeks, in part, to conserve the landscape. It would also be contrary to Policy BW2 of the BIWNP (2020) for the reasons stated.
15. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt I have found by way of inappropriateness and to the erosion of openness and other harm caused to character and appearance.

Other considerations

16. In support of the proposal, the appellants have drawn my attention to paragraph 80e of the Framework, which states that isolated homes in the countryside should be avoided unless they fall within a number of exceptions, including circumstances where the design is of exceptional quality, in that it is truly outstanding or innovative. I do not however consider that the proposed dwelling is 'isolated' by reference to the Framework, due to the presence of neighbouring development, and therefore I consider that Paragraph 80e does not apply in this case.
17. Notwithstanding this, Paragraph 134 of the Framework states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally

in an area, so long as they fit in with the overall form and layout of their surroundings.

18. The proposed dwelling would be bold in its design and use of materials. It would be located on an elevated position with views across the surrounding countryside, not dissimilar to the context of a traditional country house. The use of glass and stone would give the dwelling a contemporary look. The proposed dwelling would also seek to achieve a carbon negative standard of sustainability through the use of sustainable technologies. I commend the approach taken and acknowledge the design of the building to be very good, and that it enjoys support from eminent persons and a design panel.
19. However, development in the Green Belt is a considerably high hurdle to overcome. The Framework is unapologetic in its direction on the weight to be given to inappropriate development and that there must be a clear case for the other considerations to outweigh the harm.
20. I find the design of the proposed development to be, on the whole, of very good quality. However, this in my view is insufficient in itself to allow it to be built in the Green Belt. It falls considerably short of the bar needed to overcome its inappropriate location. Equally, the sustainable measures proposed, again whilst welcomed generally, cannot be said to be truly outstanding, innovative or ground-breaking to justify development in this location.
21. The appellants have drawn my attention to a number of appeal decisions and planning permissions. Although they relate to dwellings within the Green Belt, the locations are elsewhere in the country and I consider that they are not directly comparable to the appeal site in terms of its immediate context, principally that it is in an elevated, prominent location. I therefore attribute minimal weight to the examples provided in the consideration of this appeal.

Green Belt balance

22. The proposed development is inappropriate development in the Green Belt. It would erode openness. It would cause harm to the landscape and the character and appearance of the area. I attach considerable weight to this harm.
23. Whilst a well-designed dwelling, this is in itself not a sufficient reason to permit a dwelling in this location. This other consideration does not amount to the very special circumstances necessary to outweigh the considerable weight I must attach to harm by way of inappropriateness and openness to the Green Belt and the other harm I have identified.
24. The proposed development would therefore be in conflict with the Framework, Policies SC7 and EN4 of the BLPCS (2017) and Policy BW2 BIWNP (2020), which seek to protect the Green Belt and ensure conservation of the landscape, and that finding is not outweighed by other material considerations.

Biodiversity

25. The Council raises outstanding objections with regards to the biodiversity enhancements offered by the appellants and the potential for the site to support feeding and foraging birds associated with the South Pennine Moors SPA/SAC.

26. The appellants have submitted an updated Ecological Appraisal (EA) as part of the appeal, which appears to be a sound and robust document. The EA states that use of the site by feeding birds associated with the SPA/SAC was not recorded during surveys undertaken and that, based on habitat preference and availability alone, the reasonable probable use of the appeal site by significant populations of birds associated with SPA/SAC can be scoped out. In addition, the report concludes that de-intensification of agricultural activity across the site, as a result of the proposed development gaining consent, may lead to enhanced ecological benefit and better foraging habitat for SPA/SAC bird species.
27. Having considered the evidence I am satisfied that the overall effect of the proposal on biodiversity would be minor, including implications for feeding and foraging birds associated with the South Pennine Moors SPA/SAC. Moreover, the proposed planting scheme would provide an overall net gain for biodiversity, which I consider to be a benefit in favour of the proposal. The proposed development would therefore accord with Policy EN2 of the BLPCS (2017), which seeks to ensure the protection of biodiversity.

Other Matters

28. Local residents have expressed concerns including but not limited to the effect on privacy with regards to overlooking and the proposed access arrangements. The Council did not refuse the application on these matters, and, based on the evidence submitted, I am satisfied that the proposal would not have an adverse effect on the privacy of occupants of neighbouring properties due to the distances proposed between the dwellings and would not result in inadequate access or otherwise have an adverse effect on highway safety.

Conclusions

29. For the reasons stated, the proposal would amount to inappropriate development which would cause harm to the openness of the Green Belt and the character and appearance of the landscape. The other considerations advanced by the appellant do not amount to the very special circumstances necessary to outweigh the harm caused in that regard.
30. Accordingly, I conclude that the appeal is dismissed.

M L Milliken

INSPECTOR