



Appeal Decision

Site visit made on 9 December 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/N4720/W/21/3283083

Elm Cottage, 1 Wood Bottom Farm Cottages, Rawdon, Leeds LS19 6JS

- 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 Dr Andrea Bell against the decision of Leeds City Council.
 - The application Ref 21/00068/FU, dated 4 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is described on the application form as “We would like to apply for change of use to be able to park a vehicle. We currently can’t park on the driveway as we have to leave access at all times for our neighbour and for the farmer so would like somewhere for our vehicles and visitors to be able to park out of the way. There is no roadside parking nearby. The work would involve levelling the soil and putting down some Terram membrane to allow drainage covered with limestone chipping to be in keeping with the surrounding area.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is clear from the appeal details and my site visit that the proposal is retrospective. I have considered the appeal accordingly.
3. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal. I have determined the appeal on the basis of the revised Framework.

Main Issues

4. The main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt;
 - Whether the development would preserve or enhance the character or appearance of the Rawdon Cragg Wood Conservation Area; and
 - If the proposal is inappropriate development, whether 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 proposal.

Reasons

Inappropriateness

5. The appeal site is within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. Paragraph 150 of the Framework specifies that engineering operations and material changes in the use of land are not inappropriate within the Green Belt, providing they preserve its openness and do not conflict with the purposes of including land within it. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.
7. From the evidence before me the site was previously part of a larger open agricultural field, free from built development. However, at the time of my inspection the site was already enclosed by a new dry stone wall, and part of the site was covered in light-coloured limestone chippings. Notwithstanding the appellants submissions, I observed that the development, which includes the dry stone walls, is clearly apparent from the adjacent public right of way (PROW) and from further along the access track. Furthermore, Section 9 of the application form states that the proposal would provide parking for 3 cars, although the appellant states this would be rare. The presence of any number of cars and associated activity would add further to the visual impact.
8. Taken as a whole, the development carried out has resulted in the encroachment of built development into an open area of land where previously none existed, with a subsequent loss of openness in both visual and spatial terms. The encroachment into open countryside also conflicts with one of the purposes of Green Belt.
9. It has been suggested that new planting could be introduced to help screen the development. However, this would not remove the spatial loss of openness arising from the physical presence of the development and would in itself cause a loss of openness from enclosure and obstruction of views of the open countryside from the adjacent PROW. Furthermore, while the use of a more subtle surface treatment may help to reduce the visual prominence of that particular aspect of the development, it would not alter the visual impact from the cars parked upon it, nor the effect of the enclosure of the land.
10. Due to the scale of the development, the harm in respect of openness and encroachment can be classed as limited in degree. Nevertheless, the development has not preserved the openness of the Green Belt and represents encroachment into the countryside contrary to the Green Belt purposes. As a consequence, the development does not fall to be considered as an exception under paragraph 150 of the Framework.
11. In conclusion on this issue, the proposal is inappropriate development in the Green Belt and, by definition, harmful to the Green Belt. This is a matter of substantial weight.

Rawdon Cragg Wood Conservation Area

12. The appeal site lies within the Rawdon Cragg Wood Conservation Area (the CA), which encompasses Victorian villas set within spacious grounds,

vernacular farmsteads, and the surrounding landscape. Hence, its significance is derived, in part, from its highly rural character. The appeal site is an essential part of that rural character.

13. I have already set out in relation to the Green Belt that the development has encroached into a formerly open agricultural field, introducing additional enclosures and hardsurfacing, as well as the presence of cars and associated activity. The harm I have identified in these regards also harmfully erodes the rural character of the area, and hence harms the significance of the CA.
14. The quality of the dry stone walling diminishes the harm somewhat, but does not completely remove it, especially when the development is considered as a whole. Furthermore, landscaping should be used to enhance good development, not to hide what is harmful, and in any event, there would be implications for Green Belt openness, as stated. As such, landscaping would not overcome the harm identified. Nor, for the reasons given, would alternative hard surfacing materials.
15. There is already some existing encroachment from the adjacent garage and gardens to the south, but whilst this provides some context, it should not be seen as validation for the introduction of further harmful development at the appeal site. I must, in any event, consider the appeal on its own planning merits, and I have found that the development is harmful for its own specific reasons.
16. In conclusion on this issue, the development is harmful to the significance of the CA as a whole and has therefore failed to preserve its character or appearance, although that harm would be less than substantial.

Other considerations

17. The appellant states that there is insufficient parking for contractors or social visitors to the property and has highlighted various concerns in respect of personal safety and accessibility. The additional parking spaces would represent an improvement in these regards. However, given the small scale of the development, its private nature, and that, by the appellants own admission, the need for the additional parking would be very rare, I attach very limited weight to these benefits.
18. The appellant has carried out improvements to the existing boundary walls and is committed to improving biodiversity, but such benefits could be carried out regardless, so do not weigh in favour of the scheme.
19. A lack of objections does not, in and of itself, make the development acceptable, so this is not a factor that weighs in favour of the scheme.
20. I have noted the appellants claims with regard to receiving ambiguous advice from the Council. However, that does not alter my consideration of the planning merits of this case.

Planning Balance

21. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. For the reasons stated above I consider that the proposal is inappropriate development. The development would also lead to harm in

respect of openness and conflict with one of the purposes of Green Belt. Substantial weight is to be given to any harm to the Green Belt.

22. I have also concluded that the character or appearance of the CA would not be preserved. Whilst the harm to the CA would be less than substantial, that is nevertheless a matter of considerable importance and weight. When considered against Framework paragraph 202, there are no public benefits in this case to outweigh that harm. Thus, the proposal is contrary to the Framework in terms of conserving and enhancing the historic environment. Similarly, the proposal would conflict with Policies P10 and P11 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (the CS), and saved Policy N19 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (the UDP), insofar as they seek to conserve and enhance the historic environment and landscapes.
23. On analysis of all the above, the harm by reason of inappropriateness, and the other areas of harm I have found, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore also conflicts with Policy N33 of the UDP, which seeks to protect the Green Belt.

Conclusion

24. The proposal does not accord with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR