



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: 30th December 2021

Appeal Ref: APP/N4720/W/21/3284473

Walkers Yard, Kent Road, Pudsey LS28 9HG

- 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 Coax Ltd against the decision of Leeds City Council.
 - The application Ref 21/00496/FU, dated 5 October 2020, was refused by notice dated 7 April 2021.
 - The development proposed is described as a new bungalow dwelling with attic bedrooms and associated parking and external garden areas.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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

3. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal amounts to inappropriate development in the Green Belt; 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

4. The fundamental aim of including land in the Green Belt is to prevent urban sprawl by keeping land permanently open, which serves a number of purposes including safeguarding the countryside from encroachment. The essential characteristics of Green Belts are their openness and their permanence. Openness has generally been held to be the absence of development and it has both a spatial and visual aspect.
5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a

number of listed exceptions. Relevant to the proposal is the exception in Paragraph 149 g), which refers to 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.

6. The appeal site lies between Kent Road and two recently constructed dwellings. From the evidence before me, both the appeal site and the two new dwellings were formerly part of a wider site with a history of commercial use. At the time of my inspection the appeal site was enclosed by timber fencing and contained small piles of building materials and a storage container, but was otherwise largely open in character. I also saw that the site is highly visible in both directions along Kent Road and from the nearby housing which looks down over it.
7. The scheme is for a bungalow-style dwelling with roof space accommodation. I note that this represents a reduced scale of development from a previously dismissed appeal scheme for 2 dwellings¹. Even so, the development of a dwelling closer to Kent Road would still result in the encroachment of built development into an open area of land which is presently free of buildings. This would inevitably result in this part of the Green Belt being less open than it is at present, both spatially and visually.
8. Furthermore, although the development would not extend the existing site boundary further into the Green Belt, the outward expansion of the existing cluster of buildings would fail to assist in safeguarding the countryside from encroachment, contrary to one of the purposes of including land in the Green Belt.
9. Due to the scale of the development, the harm in respect of openness and encroachment can be classed as moderate in degree. Nevertheless, for the reasons given, the development would have a greater impact on the openness of the Green Belt than the existing development. As a consequence, the proposal does not fall to be considered as an exception under paragraph 149 g) of the Framework.
10. In conclusion on this issue, the proposal is inappropriate development in the Green Belt and, by definition, harmful to the Green Belt. There would also be harm from encroachment, contrary to Green Belt purposes. This is a matter of substantial weight.

Other considerations

11. There would be some social and economic benefits from the provision of an additional dwelling to the local housing market, and from construction. As a potential self-build dwelling the development would also be likely to be built out quickly. However, these public benefits arising from one dwelling would be small and so I afford them limited weight in favour of the proposal.
12. I noted the presence of the nearby telecommunications mast referred to in the appellant's submissions, but the nature of that development, and the relevant planning policy considerations likely to have been applicable to it, are not the same as those which apply in this case so its presence has limited bearing on my consideration of this appeal. In any event, I have considered the appeal on

¹ Appeal ref: APP/N4720/W/17/3189563

its own planning merits, and I have found that the development would be harmful for its own specific reasons.

Planning Balance

13. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also conflict with one of the purposes of including land within the Green Belt.
14. In accordance with Paragraph 148 of the Framework, substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
15. On analysis of all the above, I find that the other considerations in this case would not clearly outweigh the Green Belt harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
16. The proposal therefore also conflicts with the Green Belt protection aims of Policy N33 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement, and Policy H2(iii) of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019).

Conclusion

17. The proposal would 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