



Appeal Decision

Site visit made on 1 February 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/W4705/W/21/3285019

Yew House, Brow Lane, Bradford BD14 6PX

- 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 C Gee against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/01011/FUL, dated 12 February 2021, was refused by notice dated 10 May 2021.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site lies within an area of Green Belt. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the provisions of the National Planning Policy Framework (the Framework);
 - The effect on the openness of the Green belt and the purposes of including land within it;
 - The effect on the character and appearance of the surrounding area;
 - If the proposal would be inappropriate development whether the 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 it.

Reasons

Whether inappropriate development

3. The Government attaches great importance to Green Belts. Paragraph 149 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development but it lists certain forms of development which are not regarded as inappropriate. These include, at criterion e), limited infilling in villages.
4. Saved Policy GB1 of the Bradford Replacement Unitary Development Plan (RUDP) (October 2005) reflects the approach of the Framework insofar as it states that permission will not be given within the Green Belt other than for

certain specified purposes. However, it is not consistent with the Framework due to the more limited exceptions to inappropriate development listed. Therefore, in accordance with Paragraph 219 of the Framework, I afford limited weight to this policy, and I have assessed the proposal primarily against the Green Belt test of the Framework.

5. The Council's decision notice also cites conflict with Policy SC7 of the Council's Core Strategy (July 2017) (the CS). This policy relates to the Green Belt but is concerned with the release of Green Belt land and review of its boundaries, rather than individual applications for development in the Green Belt. As such, the policy is of limited relevance to the present appeal.
6. The appellant further refers to Saved Policy GB3 of the RUDP which advises that within listed settlements washed over by Green Belt planning permission will be granted for infill development in certain circumstances. However, this is not consistent with the Framework as it advocates infill development only in certain villages and sets further criteria to be met. In any event, the appeal site does not fall within one of the named settlements to which the policy applies. Therefore, this policy is not directly relevant to my considerations.
7. The proposal seeks to construct a detached dwelling within the side garden of the appeal site, Yew House. To the other side of the site is a short terrace of four dwellings. In terms of the exception at Paragraph 149(e), the Framework does not define 'limited infilling'. However, the proposal would be for a single dwelling and so would be limited in number. In terms of scale, the dwelling would be substantial in footprint, similar to that of the whole adjacent terrace. However, its massing would be consistent with surrounding development, including Yew House and larger structures behind the site. The dwelling would also occupy the majority of the width of the gap between Yew House and the adjacent terrace. In these respects, I am satisfied that the proposal would constitute a form of limited infill development.
8. I turn then to the question of whether the proposal would be within a village. Neither Saved Policy GB1 nor the Framework defines or qualifies 'village' for the purposes of applying the respective policy or guidance. Nor does the site form part of an identified village under Saved Policy GB3. Having regard to the Court of Appeal judgement in the *Julian Wood*¹ case, whether the proposal falls within a village is ultimately a matter of planning judgement based on the facts on the ground.
9. The site is located within the countryside to the west of Clayton, described on signage as a village but now a contiguous outer suburb of Bradford. The site is clearly detached from the main built-up area. The general surroundings are rural in character, with expansive farmland in all directions dotted by sporadic, scattered farmsteads and other isolated development. There is a small cluster of development immediately to the north-west along Cockin Lane, but there is little to suggest this functions as a village, having only a handful of dwellings and being absent any facilities.
10. There is a greater concentration of development further to the west around the junction of Cockin Lane and Low Lane, including a public house, which is more characteristic of a village. However, the appeal site is physically and visually

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council
EWCA Civ 195 - 9 February 2015

detached from this development by open countryside and trees and, from what I saw, the two are not read as forming part of a single, identifiable settlement.

11. From my observations, I conclude that the appeal site does not lie within a village. Therefore, the proposal would not amount to limited infilling within a village within the meaning of criterion e) of Paragraph 149 of the Framework. Consequently, the proposal would constitute inappropriate development within the Green Belt. There would be conflict with Saved Policy GB1 insofar as the proposal would not represent a supported form of development in the Green Belt, but for the reasons set out above, I afford this conflict limited weight.

Openness of the Green Belt and Green Belt Purposes

12. 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. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
13. The appeal site is an open area of garden land to the side of Yew House. It stands at the terminus of views along Cockin Lane when approaching from the east. The absence of development on the appeal site enables clear views through it from Cockin Lane to the open countryside beyond.
14. The construction of a dwelling on the site would result in built development where there is presently none. The dwelling would be a substantial, detached building presenting a broad frontage to the road. Its massing, along with any accompanying domestic features such as hard landscaping, parking areas and boundary treatments, would lead to a demonstrable loss of openness.
15. With respect to the purposes of the Green Belt, given my findings above that the proposal would not amount to infilling within a village, the proposal would lead to encroachment of development into the countryside and would impact on this related Green Belt purpose.

Other Considerations

16. No objection was raised by the Council in respect of the specific design of the dwelling, its effect on neighbours' living conditions, nor in respect of highway safety, and I have no compelling reasons to reach different views in these matters, having regard to the form and position of nearby dwellings and the immediate road layout. Although I have not identified harm in these respects, these would be neutral considerations weighing neither for nor against the proposal.
17. The appellant refers to the Council's inability to demonstrate a five-year housing land supply, which is not contested by the Council. Supply is stated to be below two years, and thus the shortfall is significant. A dwelling on the site would make a contribution towards rural housing and the housing shortfall, providing a social benefit, albeit a modest one given the small scale of the proposal. Nonetheless, it is a benefit warranting at least moderate weight in view of the Council's housing supply position.
18. There would also be economic benefits from the construction of the dwelling and future contributions of residents to the local economy. However, these benefits would attract only limited weight given the scale of the development.

Planning Balance

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there are adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. As explained above I give only limited to moderate weight to the material considerations in support of the proposal and conclude that, taken together, they do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
21. The Council accepts that it is unable to demonstrate a five-year housing land supply, and I have found policies of the development plan to be out-of-date due to their inconsistency with the Framework. Notwithstanding this, the 'tilted balance' of Paragraph 11 of the Framework is not engaged where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Land designated as Green Belt is one such area or asset of particular importance, as made clear by Footnote 7 of the Framework. In view of the harm to the Green Belt that I have identified, Paragraph 11 does not indicate a presumption in favour of development, but rather points to the refusal of permission.
22. The proposal would result in conflict with the development plan, taken as a whole. Material considerations in this case, in particular the Framework, do not indicate that permission should nevertheless be forthcoming in spite of this conflict.

Conclusion

23. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR