
Appeal Decision

Site visit made on 22 February 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/W4705/W/21/3289082

Land West of Apperley Lane, Apperley Bridge, Bradford LS19 7EG

- 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 S Beamish against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/03102/FUL, dated 10 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is realignment and resurfacing of the existing access track through the construction of a new access road and vehicle access, and the re-grassing and landscaping of area of the current site access track.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Beamish against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt including the effect of the proposal on the openness of the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii. the effect of the proposal on the character and appearance of the area; and
 - iii. the effect of the proposal on highway safety.

Reasons

4. The access road and vehicle access would be utilised by an existing site which is currently served through an existing access and track from Apperley Lane. The appeal site is within the Green Belt. For the purposes of paragraph 150 of the Framework¹, the new access road and vehicle access could be considered an engineering operation.

¹ National Planning Policy Framework 2021.

Whether inappropriate development & openness

5. The Framework advises that with regard to proposals affecting the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. At paragraph 150, the Framework advises that certain forms of development, including engineering operations, are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
7. In relation to Green Belt matters, my attention has been drawn to Policy GB1 of the Replacement Unitary Development Plan (2005) (RUDP). However, the approach of the RUDP to engineering operations is inconsistent with the Framework, in that it suggests that engineering operations would only be acceptable in the event of very special circumstances.
8. In relation to the particular matters before me, I have afforded this policy limited weight and have afforded greater weight to the Framework. It is in relation to its requirements that I have considered the proposal against in terms of the Green Belt.
9. A 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. The assessment of openness requires a consideration of both spatial and visual aspects.
10. Whilst the access road and vehicle access would involve the raising of land levels, the effect of this would be limited in terms of its spatial impact given that it would be set within a larger field. The access would most commonly be seen in public views from Apperley Lane which is set at a higher level, and this would limit any perception of bulk associated with the proposal.
11. As a result, the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. The scheme would not therefore represent inappropriate development within the Green Belt.

Character and appearance

12. The character of the land around Apperley Lane in the vicinity of the appeal site varies significantly between the east and west side of the road. The built development is generally more focussed to the east side of the road, whilst tall stone boundary walling further affords this side of the road a developed character.
13. To the west side of Apperley Lane, including the land which is subject to the appeal, the character and appearance is much more open and rural and this is particularly noticeable from the road given that the land is set below the road such that extensive countryside views are available looking west.
14. Within these views, the raised access which would effectively bridge the field, along with the formal opening onto Apperley Lane would form an incongruous feature which would contrast sharply with the rural character and appearance to the west of Apperley Lane. The proposal would therefore harm the character and appearance of the area.

15. Subsequently, the proposal would conflict with policies DS2 and EN4 of the Core Strategy (2017) (CS). Amongst other things, these policies require that development proposals integrate development into the wider landscape and create new quality spaces and make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the district.

Highways Safety

16. I observed on my site visit on a weekday mid-morning that Apperley Lane is a busy road consistent with its 'A' road status. Although this was only a snapshot in time, I have no reason to believe that this would not be the case at other times of the day or week. Traffic moving from north to south along Apperley Lane moves in a downhill direction, which may lead to instances of vehicles travelling faster than the 40 miles per hour speed limit.
17. Given this set-up, the visibility splay extending northwards from the proposed access is particularly important. The submitted site access plan shows a 2.4x120m visibility splay in either direction. However, that to the north appears to directly intersect roadside trees. These trees, which do not appear to be within the boundary of land under the appellants ownership appear to have the potential for further growth, which would further impede visibility.
18. The actual visibility splay that would be available is therefore unclear. Further, there is very little information before me as to the size of vehicles that would need to utilise the access, or the number of comings or goings along the access. This casts further uncertainty on the access in terms of its safety.
19. The proposal would therefore be likely to have a harmful impact on highway safety. The proposal would subsequently conflict with Policy DS4 of the CS which amongst other things requires development proposals which create a network of routes which are convenient and easy for all people to understand and move around. The proposal would also conflict with Paragraph 111 of the Framework which suggests that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

20. The evidence indicates that the need to pursue an alternative access is partly borne out of complications with using the existing access. However, the exact issues surrounding this matter are not evidenced in depth and there is nothing to suggest that there are no other alternative solutions that may be less harmful. I therefore afford this matter limited weight, particularly in the context of the clear harm that I have identified above. I do not consider the scheme that was approved by the Council Ref 16/04213/FUL to be easily comparable to this proposal and I therefore also afford this matter limited weight.

Conclusion

21. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

T J Burnham INSPECTOR