



Appeal Decision

Site visit made on 15 March 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2022

Appeal Ref: APP/W4705/W/22/3290265

Lower Swain Royd Farm, Wilsden Road, Bradford BD15 9AD

- 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 Ms Rozmeen Parvin against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/04100/FUL, dated 23 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is demolition of existing garage and construction of detached dwelling (revised scheme to planning application no 21/01400/FUL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on (i) the grade II listed Lower Swain Royd Farmhouse and integral barn, (ii) the living conditions of the occupiers of neighbouring properties with particular regard to outlook, and (iii) highway safety; 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 development.

Reasons

Whether inappropriate development

3. The appeal site is within the Green Belt, the broad extent of which is defined in Policy SC7 of the Core Strategy Development Plan Document (July 2017) (Core Strategy). The policy identifies the Green Belt's key functions, which are broadly consistent with those set out in the Framework.
4. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as

inappropriate in the Green Belt (paragraph 149). Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions is limited infilling in villages (Paragraph 149e).

5. Saved Policy GB1 of the Bradford Replacement Unitary Development Plan adopted 2005 (RUDP) restricts development in the Green Belt except in very special circumstances or for specific purposes. Policy GB1 pre-dates the Framework and I attach only limited weight to it.
6. There is no definition of 'village' or 'limited infilling' within the Framework. The generally accepted definition of infilling is the infilling of a small gap in an otherwise built-up frontage.
7. Adjacent to the appeal site Wilsden Road is characterised by dwellings of various designs and sizes with a road frontage. The farmhouse and attached barn follow the pattern of frontage development but the appeal site is setback from the road. Whilst there may have been permission for the conversion of a previous building on the site, that structure has been replaced by a double garage which appears as an ancillary domestic structure, similar to other such buildings in the gardens of adjacent properties. The appeal site is not a small gap in an otherwise built-up frontage. Therefore, the proposal would not represent infilling.
8. The Council states that the site is outside the development limits of Wilsden as defined in the RUDP. Wilsden is further west of the appeal site and separated from it by open countryside. Case law establishes¹ that when considering whether a settlement is a village, or whether a site is in a village, regard should be had to the situation "on the ground" as well as any relevant policies.
9. The appeal site is at the end of a row of houses at the edge of an area known as Sandy Lane. A play area, primary school and other services and facilities are within comfortable walking and cycling distance of the appeal site. Although the appeal site is well related to the Sandy Lane facilities there is no clarification that the area would be termed a village. Even so, as I have established that the development would not be infilling the proposal cannot meet the requirements of paragraph 149e) of the Framework.
10. Consequently, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with paragraph 149e) of the Framework.
11. My attention has been drawn to Policy GB3 of the RUDP, this policy is relevant to a limited number of listed settlements and neither party indicate that the appeal site is within one of these. In any case, as I have set out the policies in the RUDP pre-date the Framework and are of limited relevance here.

Effect on openness and Green Belt purposes

12. I note the appellant's reference to case law² in respect of openness but given my conclusion that the proposal is inappropriate development in the Green Belt it is necessary to consider the effects of the development on openness.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

13. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development, and it has both spatial and visual aspects.
14. There is an existing flat roofed garage on part of the site which would be removed to facilitate the development. There has previously been a building on the land, but that structure has been removed.
15. The proposed two-storey dwelling would be located closer to the rear boundary of the appeal site than the current structure. Spatially, the dwelling would take up more of the site than the existing garage and would be significantly more prominent, particularly from the western elevated approach to the appeal site along Wilsden Road. Therefore, inevitably there would be a demonstrable loss of openness, in both visual and spatial terms.
16. With respect to the purposes of the Green Belt, the site is contained by side and rear boundaries. I am satisfied that the proposal would not result in sprawl or encroachment into the countryside and there would not be any conflict with the purposes of Green Belt.

Listed buildings

17. The appeal site was previously associated with the adjacent grade II listed farmhouse and the attached barn. The house is occupied but the barn is clearly dilapidated, with areas of collapse to the roof and walls, and no windows. The barn is an attractive structure which is a particularly prominent feature close to the road frontage and next to open countryside. The extended roof form and robust stone materials are key features of the barn. Existing boundary walls encompassing the barn and appeal site and the shared access arrangements indicate a clear link between the appeal site and the listed buildings.
18. The significance of the farmhouse and the barn is informed by the architectural interest of the buildings and their historical association with agriculture.
19. Whilst there was previously a building on the appeal site and reference to walls remaining from that building, I have no details of the original elevations of the structure. The existing garage is close to the boundary with the farmhouse but due to its flat roof and footprint it is not imposing. The proposed dwelling would be constructed of sympathetic materials but would be considerably higher and larger than the garage it replaces. Although set back behind the gable wall of the barn the dwelling would extend significantly further back into the plot. Its form would not sit comfortably with the scale of the barn and would be a conspicuous feature from the elevated approach to the site from the Wilsden Road.
20. The proposed dwelling would also be close to the back of the barn and farmhouse. Its scale and form would appear as a prominent incursion into this rear space, its height would compete with the listed farmhouse and barn and would mask some of the architectural details of the existing structures at the rear. The proposal would affect the ability to appreciate the significance of the existing buildings as heritage assets and detract from their setting.
21. In this respect, the proposal would be detrimental to the setting of the grade II listed farmhouse and barn; the setting of the listed buildings would not be preserved. The proposal conflicts with Policies DS1, DS3 and EN3 of the Core

Strategy where these policies seek to achieve high-quality places and good design, and conserve or enhance the setting of heritage assets.

22. The proposal would be modest, and in the terminology of the Framework it would result in less than substantial harm to the significance of the listed buildings as designated heritage assets. Paragraph 199 of the Framework is clear that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation.
23. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of heritage assets, that harm should be weighed against the public benefits of the proposals.
24. Although I acknowledge below that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the proposed dwelling would make minimal additional contribution to the delivery of housing and the economic and social benefits would be small. However, given the lack of housing land supply I attach moderate weight to the public benefits of the proposal, but these would not outweigh the great weight to be given to the conservation of heritage assets. The proposal would therefore conflict with the Framework.

Living conditions

25. The existing farmhouse has its main rear elevation facing the appeal site. The farmhouse has a garden of limited depth, and the boundary is enclosed by a stone wall. The existing garage is marginally higher than the boundary wall and its removal would reduce the length of building next to the boundary.
26. The proposed single storey lean-to section of the dwelling would be closest to the farmhouse boundary, but the higher gable wall and the long blank rear elevation would also be in close proximity, would dominate the outlook from the rear windows of the farmhouse and would appear overbearing when viewed from the rear garden. Consequently, the proposal would be detrimental to the living conditions of the occupiers of the farmhouse.
27. The appeal building is located to the west of No 68 Wilsden Road. It would present a long blank elevation to the side garden of that property which is currently occupied by a flat roofed garden building. The proposed dwelling would be visible from the extended rear elevation of No 68, but because the views of the structure would be oblique the effect of the proposal on the outlook from the rear of No 68 would not be harmful. Further, given the general arrangement of the outside space of No 68 the scale and mass of the building would not detract from the living conditions of the occupiers of No 68 when using their garden.
28. The barn is not currently occupied and there is no extant permission for its redevelopment as a dwelling, therefore, the proximity to the barn does not raise any concerns with regard to living conditions.
29. However, whilst the proposal would not detract from the living conditions of No 68, it would be detrimental to the living conditions of the occupiers of the farmhouse in conflict with Policy DS5 of the Core Strategy where it seeks to ensure that development does not harm the amenity of existing residents. The proposal also conflicts with the Homes and Neighbourhoods Supplementary Planning Guidance, where it seeks to protect privacy.

Highway safety

30. The double garage on the appeal site is accessed from the existing entrance from Wilsden Road via a driveway along the side and rear of the barn. The Council is satisfied that the proposed parking, turning and access arrangements, would be adequate for the proposed dwelling.
31. Whilst I appreciate the Council's imperative to see the listed barn structure reused, I cannot see any reason to require details of how the barn would be developed in terms of its access arrangements, when the proposal would not alter the current access arrangements to the appeal site.
32. The development would not be detrimental to highway safety and would accord with Policies DS4 and TS2 of the Core Strategy where these policies seek appropriate design to encourage walking, cycling and use of public transport and to achieve adequate parking standards.

Other Considerations

33. The appellant states that the Council cannot demonstrate a 5-year supply of deliverable housing land and that the short fall is substantial. The Council has not contradicted the appellant's submitted evidence. The provision of a dwelling would contribute to the overall housing land supply. Given the likely substantial shortfall, I attach moderate positive weight to the delivery of an additional dwelling.
34. One extra household would also support local services and facilities providing a small benefit to the local economy and community, to which I attach limited positive weight.
35. I appreciate that the appellant seeks to provide accommodation for elderly parents, but there is insufficient specific evidence for me to draw a clear conclusion that the provision of a detached house is the only reasonable option available to meet the family's care needs. As such, taking all relevant matters into account, I can only give limited weight to the personal circumstances identified by the appellant.

Green Belt Balance

36. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would also result in a harmful loss of openness of the Green Belt. Furthermore, there would be harm associated with the adverse effects of the proposal on the living conditions of adjacent residents and heritage assets, which are not outweighed by public benefits. 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 is clearly outweighed by other considerations.
37. I attach moderate positive weight to the contribution the appeal site would make to boosting the supply of housing and providing housing where a 5-year housing land supply cannot be demonstrated. I also attach limited positive weight to the economic and social benefits of the scheme and limited weight to the appellant's personal circumstances. However, these other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very

special circumstances necessary to justify the proposed development do not exist.

38. The fact that the Council cannot demonstrate a 5-year housing land supply triggers the circumstances in paragraph 11 d) of the Framework. However, in this case the application of policies in the Framework that protect the Green Belt and designated heritage assets provide a clear reason for refusing the proposed development in accordance with paragraph 11d)(i). As such, the presumption in favour of sustainable development does not apply.

Conclusion

39. The proposal would conflict with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Diane Cragg

INSPECTOR