



Appeal Decision

Site visit made on 24 May 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022

Appeal Ref: APP/N4720/W/22/3294799

Land Adjacent to West Field, The Ginnel, Bardsey-cum-Rigton, Bardsey, Leeds LS17 9DX

- 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 Mrs C Lunn against the decision of Leeds City Council.
 - The application Ref 21/06175/FU, dated 15 July 2021, was refused by notice dated 10 January 2022.
 - The development proposed is described as “change of use of redundant farm building to a single dwellinghouse and conversion of barn to garage/store”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal is inappropriate development in the Green Belt;
 - ii) Whether the proposal would preserve or enhance the character or appearance of the Bardsey cum Rigton Conservation Area, appeal buildings and surrounding landscape.
 - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposals.

Reasons

Whether inappropriate development

3. Policies GB4 and N33 of the Leeds Unitary Development Plan (LUDP) relate to development within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the extension or alteration of a building provided that it does not result in disproportionate additions to the original building would not be regarded as inappropriate development in the Green Belt. In addition, paragraph 150 of the Framework states that the re-use of buildings provided that the buildings are of permanent and substantial construction would not be inappropriate development in the Green Belt provided that they preserve openness. I note that the appellant considers that Policy N33 of the LUDP is not consistent with the Framework.

4. The appellant describes that the proposed development would have an approximate 11.5% reduction in volume of buildings compared to existing. The proposal would therefore not conflict with paragraph 149 c) of the Framework.
5. Visual impact forms part of the concept of openness of the Green Belt, and the site and the existing buildings are visible from the adjacent access and from surrounding views. The existing stables are a mix of stone and timber construction with corrugated roof sheets and unmade court yard area, and it is clear that these are in an agricultural type use. The proposal would introduce block pavements to the site which would present a stark contrast to the existing agricultural arrangement. The proposed limit of the curtilage of the site would not assist particularly in this regard, with a domestic curtilage including a formalised driveway/parking/turning area and a garden area. A residential property would be lit at night, with light emitting from windows. Whilst the removal of permitted development rights would prevent the construction of buildings such as sheds, this would not prevent domestic items like garden furniture, play equipment or clothes drying. All these factors would have an inevitable visual impact on the Green Belt when compared to the existing circumstances. The introduction of boundary hedgerow would provide some screening, however it would not completely restrict views into the site, particularly views through the access. While the volume of the proposed development would be less than the existing buildings, the nature of a residential property, in comparison with the existing use, would have a more intense visual impact on the openness of the area.
6. I therefore find that in visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. The proposal would be inappropriate development in the Green Belt, and as such conflicts with Policies GB4 and N33 of the LUDP and paragraph 150 of the Framework which seeks to safeguard the Green Belt from encroachment.
7. I have had regard to the appellants statement of case including an approved development at Spear Fir Farm¹. Whilst the Council conclude that this approved development does not result in inappropriate development in the Green Belt, the Officer report does state clearly that the domestication of the land and what will be gradual accretion of domestic paraphernalia over time will have a harmful impact upon openness. Limited evidence has been provided on this approved scheme however it appears from the plans provided and the Officer report that existing hardstanding existed with the curtilage appearing to be more established prior to development. I therefore do not consider this approved development to be directly comparable to the appeal scheme, particularly with regards to curtilage and hardstanding. In any case, I have determined this appeal on its own merits.

Character and appearance

8. The appeal site consists of a number of agricultural buildings of traditional design and materials. The site lies within the Bardsey cum Rigton Conservation Area (BCA).
9. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or

¹ Local Planning Authority Reference: 18/02604/FU

appearance of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

10. The BCA, in the immediate locality of the appeal site is characterised by scattered built development, including residential and agricultural buildings, at the edge of the settlement which flows into open countryside. The appeal buildings described as The Byre is identified as a positive building in 'Character Area 2 – Bardsey Dispersed Settlement' in the Conservation Area Appraisal and therefore makes a positive contribution to the character of the BCA.
11. The scheme is proposing minimal alterations to the buildings and therefore the buildings simple form and use of traditional materials are retained along with its positive relationship with Tithe Barn Lane. The proposal introduces new openings to the buildings however, given the scale and positioning of these, they would not fundamentally alter the agricultural appearance of the buildings.
12. The proposal would introduce a curtilage with additional planting that would change the appearance of this site. The proposed residential use would be in keeping with other adjacent residential uses. Due to the design and scale, the proposal would not have a detrimental effect on the appeal buildings or the surrounding landscape setting. The proposal would not have a harmful effect on the character and appearance of the Special Landscape Area or the special qualities of the BCA.
13. Accordingly, the proposal would preserve the character and appearance of the BCA and not have a harmful effect on the character and appearance of the appeal buildings and surrounding landscape.

Other considerations

14. The proposal would contribute to housing supply and biodiversity whilst delivering economic benefits through construction and resident spend adding to the vitality and viability of the local community. Given the size of the proposal I attribute minimal weight to these matters.
15. The proposal would not adversely affect the living conditions of occupiers of neighbouring properties and highway safety would not be compromised. As the existing arrangement provides no negative issues, I attach neutral weight to these matters.
16. My attention has been drawn to a scheme at land adjacent to Wheatfields² that was granted approval at an appeal. I do not consider this approved scheme to be directly comparable to the appeal scheme as it does not fall within the Conservation Area and appears to be development dealt with through Class Q of the Town and Country Planning (General Permitted Development) (England) Order.

Conclusion

17. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to

² Local Planning Authority Reference: 18/04221/DPD

the Green Belt. The proposal would preserve the character and appearance of the BCA, the appeal building and surrounding landscape. However, I do not consider that these matters and the benefits described above would clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR