



Appeal Decision

Site visit made on 24 May 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/N4720/W/22/3295305

Ferndowne, Goody Cross Lane, Swillington, Leeds LS26 8ZE

- 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 and Mrs Robinson and Levick against the decision of Leeds City Council.
 - The application Ref 21/06292/FU, dated 16 July 2021, was refused by notice dated 21 February 2022.
 - The development proposed is residential development (1no dwelling) including demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) 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;
 - (ii) Whether the proposal would provide acceptable living conditions for future occupants, with regard to the provision of internal space;
 - (iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Paragraph 149 of the Framework states that the construction of new buildings is inappropriate in the Green Belt but it sets out a number of exceptions. Paragraph 149g) refers to the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
4. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in

effect, the absence of development and it has both a spatial and visual aspect to it.

5. At the present time there is a larger brick building on the appeal site and a smaller timber shed along with areas of hard surfacing. Both buildings and the surfacing are limited in scale. It is common ground between the parties that, as a result of what is proposed, the built volume on the site would be reduced by approximately 10% and would be more concentrated than at present. This reduction and the concentration of the development would serve to reduce the impact of built form on the openness of the Green Belt in both visual and spatial terms, but only very marginally so.
6. However, the works to provide the necessary access to the dwelling would require the provision of a formal, engineered, access point with visibility splays and some form of permanent surfacing across the site. Whilst the appellant suggests that a grass grid system and landscaping could be used to reduce the visual impact, there would nonetheless be a significant spatial impact from the access, driveway, turning area and parking areas. There would also be a visual impact from the parking of vehicles. The marginal reduction in built form along with the removal of existing hardstanding and the pile of stones from the appeal site would not offset these impacts. Taken as a whole, the proposed development would have a greater impact on the openness of the Green Belt than that which presently occurs.
7. Further concerns are raised with regard to domestic paraphernalia that would be associated with the proposed dwelling, however the appeal site benefits from a lawful development certificate for garden use, which presents potential for a similar impact. Whilst the Council also raises concerns relating to the impact of future extensions and outbuildings if planning permission for the proposal were to be granted, this consideration is not determinative on the outcome of whether or not the proposal before me meets with the exception set out in paragraph 149g) of the Framework.
8. For the reasons set out above, I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development. It would therefore fail to meet with the exception set out in Paragraph 149g) of the Framework and would be inappropriate development in the Green Belt.

Living conditions

9. The internal floorspace of the proposed dwelling would be extremely limited, providing very little space for day to day living. Policy H9 of the Core Strategy 2019 (CS) sets out a minimum space standard for a one bedroom two person dwelling as 50m², whereas what would be provided would be considerably lower than this.
10. Whilst the appeal site is located in a rural location and would have ample external space associated with it, there is nothing substantive to support the appellant's assertion that the type of housing proposed is clearly not what the Council had in mind when formulating Policy H9. Most notably, the policy chooses not to differentiate between different types of areas, and instead refers to all new dwellings. It can therefore only be read as a policy which seeks to ensure that all new dwellings meet a minimum floorspace standard.

11. Future residents would spend much of their time indoors as part of a normal domestic life and the use of the outside areas would be restricted during times of unfavourable weather and during those months where there is limited daylight. The fact that there would be outside space available would not therefore mitigate against a substantial internal space deficiency. That acceptable levels of light and outlook would be achieved, that the proposal would be located in an existing community and have an adequate separation distance to neighbours also does not justify an overall lack of internal space.
12. In conclusion therefore, the proposal would not provide an acceptable amount of internal floorspace, and the level provided would not accord with Policy H9 of the CS. This would mean that the proposed development would not provide acceptable living conditions for its future occupants. Consequently, it would fail to accord with Policies H9 and P10 of the CS and Saved Policy GP5 of the Unitary Development Plan 2006, where they seek to ensure that appropriate living conditions are provided. There would also be a conflict with the aims of the Framework in the same regard.

Other Considerations

13. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling close to other residential dwellings and to Swillington. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment, and there would be on-going spending in the local economy. However, given the small scale of the proposal and the supply of deliverable sites that the Council has, the provision of one additional dwelling attracts limited weight.
14. The appellants wish to downsize and stay in the local area, however there is nothing before me to suggest that there would not be alternative options in that respect. I also acknowledge that a letter of support from the occupiers of the adjacent dwelling has been provided with the appeal. The proposal would not have any significant benefit in improving the visual appearance of the appeal site as a whole because the existing built development is set well back from the public highway and is in a reasonable state of repair. I too afford each of these considerations limited weight.
15. That there would not be any adverse ecological impacts is a neutral consideration.

Conclusion

16. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
17. The proposal would be inappropriate development in the Green Belt and would fail to provide acceptable living conditions for its future occupants. Having regard to the reasons I have set out, I find that the other considerations in this case, taken individually and cumulatively, do not clearly outweigh the harm to

the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

18. For the reasons given above, I conclude that the proposal conflicts with the objectives of the Framework where it seeks to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR