
Appeal Decision

Site visit made on 24 May 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/W4705/W/22/3295245

Apple Garth, Chapel Road, Steeton with Eastburn BD20 6NU

- 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 J. Cocker against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/04759/FUL, dated 16 September 2021, was refused by notice dated 11 November 2021.
 - The development proposed is construction of one detached dwelling, residential annexe to serve existing dwelling, and associated works.
-

Decision

1. The appeal is allowed. Planning permission is granted for the construction of one detached dwelling and associated works at Apple Garth, Chapel Road, Steeton with Eastburn BD20 6NU in accordance with the terms of the application Ref 21/04759/FUL dated 16 September 2021 subject to the conditions in the attached schedule.

Procedural Matters

2. The proposal originally included a residential annexe but the evidence indicates that this was later omitted, such that it no longer forms part of these proposals. This accounts for the change of description, and I have also omitted wording that is not a description of development.
3. There is disagreement between the parties as to the extent that the site falls within the Green Belt. However, it is clear from the evidence that the majority of the footprint of the dwelling has been identified as being within the Green Belt. In relation to my consideration of this case I shall therefore consider the proposal on the basis that it is within the Green Belt.
4. Policy SC7 of the Bradford Core Strategy (2017) (CS) and policies GB1 and GB2 of the Replacement Unitary Development Plan (2005) (UDP) deal with the Green Belt and seek to protect it.
5. However, the former policy relates to the strategic approach to the Green Belt while the latter policies do not clearly identify exceptions to inappropriate development as identified within the Framework. The latter, development specific, policies lack alignment with the Framework and I have afforded significant weight to the requirements of the Framework with regard to the Green Belt approach.

Main Issues

6. The main issues therefore 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. the effect of the proposal on the character and appearance of the Steeton Conservation Area (the Conservation Area) and its setting: and
- iii. the effect of the proposal on the setting of the grade II listed Hob Hill and locally listed Apple Garth.

Reasons

7. The Framework¹ at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate other than under certain exceptions. One such exception is for limited infilling in villages.
8. It is established that the terms 'limited' and 'infilling' are not defined in the Framework and these are essentially a question of fact and planning judgement having regard, for example, to the nature and size of the development itself, the location of the application site and its relationship to other, existing development adjoining and adjacent to it².
9. The development would be limited in scale, comprising of one modest detached dwelling. Whilst the gap between Apple Garth to the east and other dwellings to the west on the southern side of Chapel Lane may not be small, the site nonetheless forms a clear gap and has alignment with established development to the east and west.
10. Within this context, the site reads as part of Steeton Village, rather than as part of the steeply sloping pastoral land which forms the countryside surrounding Steeton and which extends upwards immediately to the south of the application site.
11. I therefore conclude on this matter that the proposal would represent limited infilling within a village. The development is not therefore inappropriate development within the Green Belt.

Conservation Area

12. The front part of the site falls within the Conservation Area. I consider that the significance of the Conservation Area sits largely with the form, scale, materials and detailing of its well-established buildings as well as its areas of open space which occasionally afford the Conservation Area and open and spacious feel and appearance.
13. However, the existing site is set above and does not integrate closely with Chapel Road. While a driveway access would be required, the proposal would retain and include some characteristic stone walling to its frontage.

¹ National Planning Policy Framework 2021.

² R (Tate) v Northumberland County Council [2018] EWCA Civ 1519.

14. The evidence³ indicates that the site does not form a key open space within the Conservation Area. Instead, it forms an area which makes a neutral contribution to its character. This limb of the Conservation Area is also heavily influenced by highly modern residential development set closely to the north at The Shroggs, against which the on the whole modern design of the proposal would not appear out of place.
15. I therefore conclude that the development of the site in the manner proposed would therefore not detract from the heritage significance of the Conservation Area which does not depend upon the lack of development on this site. Subsequently, the proposal would preserve the character and appearance of the Conservation Area. For the same reasons, the proposal would cause no harm to the setting of the Conservation Area.

Listed Buildings

16. Hob Hill is a grade II listed dwelling which sits to the east of the site and attached to its west elevation is Apple Garth, possibly constructed as a coach house, and identified within the Conservation Area Appraisal as a key unlisted building. I am required to pay special regard to the desirability of preserving the setting of listed buildings.
17. The garden area and the planting within and beyond the land immediately to the west of Hob Hill and Apple Garth do make a positive contribution to the setting of these buildings.
18. However, the contribution made by the garden further to the west where the development is proposed to their setting is minimal. Firstly, by reason of both the distinct physical separation by distance between the sites and secondly by reason of the narrow and compact views of the buildings from Chapel Road resulting from its narrowness and sense of enclosure which mean Hob Hill and Apple Garth are most easily appreciated at close quarters.
19. I therefore conclude that the characteristics of the application site therefore make very little contribution to the setting and significance of the listed building. The proposal would therefore have a neutral impact on the significance of the heritage assets and would therefore preserve the setting of both Hob Hill and Apple Garth, even were the latter to be treated as part of the listed building.
20. The proposal would subsequently accord with policies DS3, EN3, SC1 and SC9 of the CS which amongst other things require proposals that are appropriate to their context, at a minimum preserve the significance of heritage assets, are well designed and appropriate to local context.
21. I have not identified conflict with policies DS1, DS2 nor EN5 of the CS which relate to Achieving good design, working with the landscape and trees and woodland respectively.

Conditions

22. No conditions have been suggested by the Council, although some are necessary. In addition to the standard three-year time limit for

³ Steeton Conservation Area Appraisal 2008 – P.8 & P.9.

commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.

23. I have imposed a condition requiring the approval of external materials in the interests of the character and appearance of the area and a condition relating to details of levels is necessary in the interests of certainty given the varying levels on and adjacent to the site. A condition relating to tree protection is necessary in the interests of the character and appearance of the area.

Planning Balance

24. The evidence indicates that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that the shortfall is of significance. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date.
25. In such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
26. Given my findings on the scheme, there would be no conflict with Framework policies relating to protecting green belt land nor those which seek to at a minimum conserve the historic environment. Nor have I identified any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
27. The proposal therefore benefits from the presumption in favour of sustainable development which forms a material consideration within the planning balance in support of the proposal.

Conclusion

28. Whilst acknowledging the presumption in favour of sustainable development, I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002 REV C & 003 REV C.
- 3) No development above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling and boundary walling hereby permitted have been

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority: a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. The development shall be carried out in accordance with the approved details.

5) Prior to the commencement of development, tree protection measures in accordance with the Arboricultural Impact Assessment & Tree Protection Method Statement by treeplan Arboricultural Consultants August 2021 shall be in place and retained until construction works are complete. Works at the site shall proceed in accordance with the methods detailed in the above documents.