



Appeal Decision

Site visit made on 10 August 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2022

Appeal Ref: APP/N4720/W/22/3297865

West Chevin Delph off West Chevin Road, Otley LS21 3DH

- 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 Stephen Paley against the decision of Leeds City Council.
 - The application Ref 21/07500/FU, dated 7 September 2021, was refused by notice dated 2 November 2021.
 - The development proposed is the erection of 2no. Residential Dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development is 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 development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area;
 - Whether the appeal site is an appropriate location for residential development, having regard to the approach to rural housing set out in the Framework; and
 - If the development is inappropriate development whether the 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 Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being 149g, in summary, '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.’ Saved Policy N33 of the Leeds UDP Review (2006) (the UDP) broadly conforms to the general thrust of national Green Belt policy

4. Previously developed land is defined in Annex 2 of the Framework as ‘land which is or was occupied by a permanent structure.’ The appeal site has a certificate of lawful use that relates to the storage of skips, machinery, vehicles, a secure locker and the storage of stone and soil. From my site visit I noted that the site currently includes hardstanding, earth mounds, steel palisade gates and fencing, numerous steel cabins/containers, and portalos. Concrete storage bays noted by the appellant as fixed structures are constructed with large blocks that do not appear to be concreted and could therefore be moved. None of the structures on the site could be considered permanent.
5. Therefore, on the evidence before me the site is not previously developed land in the terms of the Framework and paragraph 149g cannot apply to the appeal scheme. Nor, from the information before me, is there any reason to believe that it would meet any of the other exceptions set out in para 149 of the Framework. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances. I shall return to this matter below.

Effect on the openness of the Green Belt

6. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects and the openness of the Green Belt is clearly evident around the appeal site.
7. The construction of two, two-storey dwellings on the site would result in built development where there is presently none. The proposed dwellings by virtue of their location sat right on the front of the plot, where the land then falls away steeply, their bulk and accompanying domestic paraphernalia extends the physical development of the site when compared to the existing use. This would encroach into the context of the wider countryside and in both spatial and visual terms results in a moderate and harmful reduction to the openness of the Green Belt. This would conflict with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open. As a result, even if I had concluded that the land was previously developed, it would not meet the requirement in paragraph 149g which states that development should not have a greater impact on the openness of the Green Belt than the existing development.
8. In summary, the site is not previously developed land in terms of the Framework and the appeal development would reduce openness of the Green Belt. Each of these factors, individually, mean that Framework para 149g) cannot apply to the appeal scheme. The harm to the openness adds to the harm caused by reason of it being inappropriate development.

Character and appearance of the area

9. The appeal site is located in a designated special landscape area, as identified in the UDP. It sits in a prominent location on the hillside of a wide, rural valley characterised by open fields with occasional villages, scattered isolated homes and farmsteads of traditional design. During my site visit I did not observe commercial operations as dominant within the landscape. The adjacent caravan park features traditional static caravans arranged to look out across the valley. Whilst the site is partly screened by existing landforms, the modern flat roof design of the two proposed dwellings, their prominent siting at the front of the plot and the proposed stone, render and timber materials and large windows would stand out as dominant and incongruous against the traditional rural character of the area.
10. In addition, the creation of separate residential curtilages, with parking, turning and domestic paraphernalia, would erode the rural character of the area. Whilst additional proposed planting would provide some screening, the proposals would remain visible, for the reasons set out above and would result in unacceptable harm to the character and appearance of the area and to the special landscape area. This would conflict with Policies P10 and P12 of the Leeds Local Plan Core Strategy (as amended 2019), Policies N37 and N37A of the UDP and the Framework which seek, amongst other matters, to ensure that new development provides good design that respects the character and appearance of the landscape and the locality. In coming to this conclusion, I have had regard to the submitted Landscape and Visual Impact Assessment, however, this does not alter my findings on this issue.

Rural housing

11. The appeal site sits on its own and is distinct from the caravan park and the nearby farmstead which is undergoing some residential development. Whilst the site is not isolated in the context of the Framework, it is both physically and visually separated from the settlement and would not form a natural extension to the built-up area. Paragraph 79 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. The lack of nearby local services means that the proposed development is not in a sustainable location and would make a very limited contribution to the vitality of the rural community. The appeal site is therefore not an appropriate location for residential development, having regard to the approach to rural housing set out in the Framework. This weighs against the development to a limited degree.

Other considerations

12. Improved landscaping, biodiversity enhancements and green roofs are proposed to bring benefits to the Leeds habitat network and to allow the site to sit comfortably within the immediate and wider landscape. The appellant states that the scheme is capable of incorporating biodiversity net gain, although a formal calculation is not included in the evidence. Landscape proposals include tree and shrub planting and retained rough grassland. Whilst the enhancements proposed would offer a benefit to biodiversity and a small amount of landscape improvement, this would not be significant and accordingly I afford this matter little weight.

13. I appreciate neighbouring residents' concerns in relation to the traffic, noise, dust and disturbance generated by the existing use of the appeal site (including the potential for intensification), and the desirability of these being replaced by residential development. Similarly, I note that the proposal will facilitate the remediation of the land. I am not convinced that the proposal is the only way of achieving such aims, nevertheless, I afford these matters some weight.
14. The proposal will bring some economic benefits through construction and social benefits including adding to the local community and contributing to housing supply. These benefits will be limited given that the proposal is for only two dwellings and accordingly I afford these matters little weight.

Planning Balance

15. The proposed development would be inappropriate development in the Green Belt resulting in a loss of openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area and to the special landscape area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
16. Given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the modest benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify a grant of planning permission have not been demonstrated. The proposal would therefore conflict with saved Policy N33 of the UDP and the framework which seek to protect the Green Belt.

Conclusion

17. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR