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# Appeal Decision

Site visit made on 5 October 2022

**by C Megginson BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 November 2022**

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**Appeal Ref: APP/W4705/W/22/3302294**

**Land to the South West of Laycock Village Hall, Laycock Lane, Laycock, Keighley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Paul and Gill Roper against the decision of City of Bradford Metropolitan District Council.
  - The application Ref 21/05973/OUT, dated 26 November 2021, was refused by notice dated 21 January 2022.
  - The development proposed is described as outline planning application for residential development of 1 no. dwelling with all matters reserved except access.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

- Whether the proposal 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 proposal on the openness and the purposes of the Green Belt;
- Whether the proposal would preserve or enhance the character or appearance of the Goose Eye and Laycock Conservation Area (CA); and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

## Preliminary Matters

3. The appeal scheme seeks outline planning permission with all matters reserved except access. As site layout is reserved for future consideration, the block plan is considered solely on the basis that it has been submitted for indicative purposes.

## Reasons

### *Inappropriate development*

4. 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.
5. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages.
6. Whilst the parties agree that the policies of the Bradford Replacement Unitary Development Plan (2005) (UDP) were adopted prior to the Framework and are not generally consistent with paragraph 149, Saved Policy GB3 is agreed to carry some weight in as much as it sets out a basis upon which to define limited infill. Policy GB3 states that *'planning permission will only be granted for infilling provided that: it falls within the infill boundary of the settlement; it fills a small gap in a small group of building; it is related to the scale of the settlement and does not adversely affect the character of the settlement or its surroundings; and it would not result in the loss of open space which is important to the character, visual amenity and local identity of the settlement.'*
7. I agree in some respects the proposal would accord with the criteria in GB3. The appeal site falls within the boundary of the settlement, as a single dwelling it would relate to the scale of the settlement, it is bounded on two sides and could be described as a small gap in a small group of buildings. Nevertheless, Policy GB3 requires that development does not adversely affect the character of the settlement.
8. Laycock is a linear village and Laycock Lane runs through the length of the village, with the majority of built development sitting to the northern side of the lane. Up until the appeal site, there is a continuous ribbon of fairly close-knit housing on the southern side of the lane. This ends at Willow Barn, where the character then changes, in that the appeal site forms the frontage to the lane of an open field, sitting behind a stone wall. I acknowledge the presence of trees in the village hall garden and along the boundaries of the appeal site; however, they do not detract from the open nature of the site.
9. I recognise that the appeal site is located within the defined village boundary and that it was not identified as a key view/vista in the Conservation Area Appraisal (2008), nevertheless, the open appeal site represents a definite visual break, marking the point where the character of the lane to the south changes from village to open countryside. The appeal site makes an important contribution to the character of the settlement in this regard. The village hall beyond the appeal site stands alone, separated from the ribbon of dwellings by the appeal site and adjacent mature trees and therefore characterised as lying within the countryside, rather than forming part of the village. For these reasons, I would not describe the appeal site as being located within the village even though that it is relatively close to the centre and its facilities.
10. I acknowledge that in *Wood v SSCLG and Gravesham Borough Council* (2015), a village boundary as defined in a local plan would be a relevant consideration

in considering what constitutes limited infilling in a village. However, whilst a relevant consideration, such a boundary is not determinative for this purpose. For the reasons I have set out, it does not change my view as to what constitutes limited infilling in a village.

11. Accordingly, the appeal site is not within the village and does not comprise limited infilling within a village. Consequently, the proposal would comprise inappropriate development in the Green Belt and would conflict with paragraph 149e) of the Framework. It would also conflict with UDP Policy GB3 and Core Strategy Policy SC7.

#### *Openness of the Green Belt*

12. Openness is an essential characteristic of the Green Belt which has spatial as well as visual aspects. The site is part of the open vista, visible from the lane across the field, with trees and hedges as part of the backdrop. The construction of a dwelling on the site would result in built development where there is presently none. The footprint of the dwelling, its bulk and the accompanying domestic paraphernalia, would encroach into open undeveloped land and in both spatial and visual terms would result in a noticeable and substantial reduction to the openness of the Green Belt.

#### *Green Belt purposes*

13. Paragraph 138 of the Framework sets out the 5 purposes of the Green Belt, one of which is to assist in safeguarding the countryside from encroachment. Policy SC7 of the Core Strategy is broadly consistent with the Framework in this regard. I have characterised the site as open countryside rather than as part of the village. Consequently, the development would conflict with the Green Belt purposes as it would lead to encroachment of development into the countryside.

#### *Character and appearance of the conservation area*

14. The appeal site sits within the CA. The Goose Eye and Laycock Conservation Area Appraisal (2008) (CAA), amongst other things, identifies the survival of key open spaces such as fields and mill ponds as important features that contribute to the essential character of the conservation area. In addition, it identifies as a strength that *'traditional views and vistas have been maintained where the gaps between the houses have not been infilled'*. These gaps contribute to the character, appearance and significance of the CA.
15. Whilst the appeal site location is not specifically identified as a key view/vista in the CAA, the proposal would nevertheless erode the gap and would harm the contribution that the open field makes to the CA and to the countryside around the village.
16. The design and siting of the proposed dwelling and use of appropriate materials, along with the retention of the stone wall to the front of the site could respect the local vernacular. However, the very presence of development would remove the gap between Willow Barn and the village hall and harm the traditional view and vista in this location. The appellant states that the appeal proposal would create two new vistas, either side of the proposed dwelling and would be lower in height than the village hall. Nevertheless, these vistas would be limited due to the width of the proposal and would not compare to the existing open nature of the site.

17. The harm that would arise to the CA would be localised and would be less than substantial when considering the provisions of the Framework. In such circumstances the Framework states that harm should be weighed against the public benefits of the proposal. The appellant states that the dwelling would be occupied by the landowners, who currently live across the road from the site and could release a six-bedroom property with a granny annex into the housing supply. In addition, the dwelling would be constructed to meet and where possible exceed building regulations, contributing to the aim to deliver net zero and reducing CO2 emissions. These factors would bring limited public benefits and would not be sufficient to outweigh the harm that I have found, and to which I am required to attach great weight. The proposal would fail to preserve the character or appearance of the CA.
18. As such, the proposal would have an adverse effect on the character and appearance of the CA, in conflict with Policy EN3 of the Core Strategy, and the Framework which, in summary, seek to protect and enhance local character and distinctiveness. The appellant refers to Policy EN4 of the Core Strategy. For the reasons set out above, the proposal would conflict with this policy, which seeks to safeguard locally distinctive landscape character and quality.

#### *Other considerations*

19. The Bradford Council Five Year Housing Land Statement (2020-2025) indicates that there is a substantial shortfall in housing land relative to the requirements with a current supply of 2.03 years. Small sites can make an important contribution to overall housing land supply.
20. I acknowledge that the proposed development would be occupied by the landowners who currently live across the road from the site and could result in the release of a six-bedroom home into the housing supply. However, there is no mechanism to ensure that the house would be made available and I attach limited weight to this matter. Given the substantial shortfall, I attach moderate positive weight to the delivery of an additional dwelling.
21. Although I do not have any evidence of the features to be incorporated into the dwelling which would achievement net zero and the reduction of CO2 emissions these features could provide for the energy needs of the proposal, it is likely that there would be some environmental benefits associated with the use of renewable technologies and I afford this matter limited positive weight
22. Whilst there have been no objections to the proposal, the absence of objection does not in itself render the scheme acceptable.

#### **The Green Belt Balance and Conclusion**

23. The development is inappropriate development in the terms set out by the Framework and results in a harmful loss of openness to the Green Belt and conflicts with its purposes. The Framework requires that substantial weight should be given to any harm to the Green Belt. The development also results in less than substantial harm to the Conservation Area, which are not outweighed by the public benefits. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
24. 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 environmental benefits of the scheme. 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 required to justify a grant of planning permission have not been demonstrated.

25. 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 11 d)(i). As such, the presumption in favour of sustainable development does not apply.

### **Conclusion**

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

*C Megginson*

INSPECTOR