



Appeal Decision

Site visit made on 18 October 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/N4720/W/22/3304316

The Coach House, Whitecote Lane, Bramley, Leeds LS13 1EF

- 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 Simon Jones against the decision of Leeds City Council.
 - The application Ref 22/01254/FU, dated 18 February 2022, was refused by notice dated 10 May 2022.
 - The development is a summer house 60m from house in paddock area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A summer house is built on site which appears to match the submitted plans.
3. From the evidence before me, it is clear that the Council's reference to paragraph 145 of the National Planning Policy Framework (the Framework) within the first reason for refusal is erroneous and that the relevant paragraph is 149. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the development amounts to inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - Whether the development preserves the settings of listed buildings near the site and the effects of the development upon the character and appearance of the area; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the development would be inappropriate development in the Green Belt

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. 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, unless they fall within a number of exceptions as set out in paragraph 149.

6. Policy N33 of the Leeds Unitary Development Plan (UDP) is the relevant development plan policy in respect of the Green Belt. However, this policy is inconsistent with the content of the Framework, largely because it sets out that only extensions or alterations to dwellings, as opposed to buildings more generally, could constitute development that is not inappropriate. Accordingly, I give greater weight to the content of the Framework.
7. To the immediate rear of the dwelling known as the Coach House there is a garden area clearly associated with the property. Fencing separates this from a much larger expanse of grassland. Beyond this and beyond further fencing is the summerhouse. The summerhouse is situated a significant distance from the dwelling. Given this, and the layout of the intervening land, the summerhouse does not have a close physical relationship to the house. As a result, the summerhouse does not constitute a normal domestic adjunct to the house. It follows that the summerhouse does not constitute an extension or alteration to the house and the exception at paragraph 149 c) of the Framework does not apply.
8. I can discount the exceptions listed within paragraphs 149 a), b), d), e) and f) of the Framework without the same detailed analysis as the development is clearly of a differing nature to those exceptions, which cover matters relating to agriculture and forestry, outdoor sport, replacement buildings, infilling within villages and affordable housing for local community needs.
9. Furthermore, neither the Council nor appellant have submitted that the land constitutes previously developed land by reason of forming part of the curtilage of a building or for any other reason. Given the evidence before me, the physical layout of the land and the degree of dissociation which the site has with the dwelling, I have no reason to come to a different conclusion. As a result, the development does not meet the exception at paragraph 149 g) of the Framework.
10. The summerhouse building meets none of the exceptional forms of development listed at paragraph 149 of the Framework or within Policy N33 of the UDP and, in turn, constitutes inappropriate development in the Green Belt.

The effect upon the openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The summerhouse has introduced built development into a location where previously there was none. The size of the building is quite significant both in terms of its floor area and thereby land-take but also its mass. Situated a considerable distance from the dwelling, and with most of the intervening land being open in character, the summerhouse does not form part of a building grouping. Instead, it is isolated from other buildings. Furthermore, the summerhouse is clearly visible from the canal towpath and from here the incursion of the building into otherwise open land can easily be appreciated.

12. Therefore, in addition to the summerhouse constituting inappropriate development, which, by definition, is harmful to the Green Belt, I also find that it would cause a clear and harmful effect upon the openness of the Green Belt.

The settings of listed buildings and character and appearance

13. The appeal site is located close to both the Leeds and Liverpool Canal and the River Aire. Beside them, and in the vicinity of the site, there is a verdant character owing to the amount of open land and mature trees. A range of land uses are in the area, there are many residential properties nearby but also employment land and businesses, parkland and playing fields.
14. The Coach House forms part of a closely arranged L-shaped building group. Open land surrounds this group of properties which are set some distance away from other properties on Whitecote Lane.
15. The Coach House is Grade II listed. Formerly a stables and hay loft it was substantially rebuilt as a house following fire damage. Nearby is the Grade II listed Whitecote House with adjoining ranges and the adjacent, separately listed, revetment wall with railings and gate to canal (Grade II). The historic interest of each of these buildings contributes to their significance, providing evidence of the history of development beside the canal. That the 3 listed buildings can be appreciated as a group adds further to this.
16. The significance of each listed building is also derived from their architectural and artistic interest. In the case of the Coach House, I find this significance stems from the stonework elevations and slate roofing material, which are reflective of traditional buildings in the area, the feature gable to front and cobbled drive area. Whitecote House, another stone building, has front and rear feature gable ends each containing distinctive fenestration and detailing, such as quoining, with subservient wings on either side. The railings to the revetment wall are ornate in design and thereby distinctive.
17. Given that the grouping of buildings and their appearance can be so readily appreciated on approaches to them on the canal towpath, I find that the visual settings of these buildings contribute meaningfully to their significance. Furthermore, that the local area surrounding is verdant in character with open, grass covered land and mature trees contributes positively to the setting of the listed buildings.
18. Though the summerhouse may not be within the curtilage of the Coach House, being set on rising land and upslope of the canal, there is intervisibility between the 3 listed buildings and the summerhouse. Although the colour finish helps to visually recess the structure, by reason of being constructed of timber and of relatively utilitarian design, the summerhouse, nevertheless, appears incongruous, jarring with the materiality of Whitecote House, the Coach House and revetment wall and the more ornately designed elements of those listed buildings. Having been introduced onto land that was previously open, the summerhouse has eroded and harmed an element of that verdant character which positively contributes to the setting of the listed buildings.
19. I noted that there are electricity pylons in the area and that they may also be visible in the same views as the listed buildings. However, that those pylons are present and may be having harmful effects upon the settings of the listed

buildings does not provide justification for any other development to cause further harm.

20. The harm to each of the designated heritage assets would be less than substantial. Irrespective, and having regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this harm would be a matter of considerable importance and weight.
21. The summerhouse may be for relaxation and enjoyment purposes, but I find that this is principally a private benefit rather than one for the public at large.. I have no substantive evidence before me that the effects of the development, even with the bat and bird boxes and planting, would necessarily be beneficial or provide for biodiversity net gain. Even in a scenario that this would be the case, the extent of this benefit would be likely to be limited. For those reasons, I afford limited weight to the effects of the planting, bat and bird boxes.
22. Having regard to paragraph 202 of the Framework I find that there is no substantive evidence before me that there would be any public benefits derived from the development that would outweigh the less than substantial harm to the heritage assets.
23. That the summerhouse is so detached from the neighbouring building group and exhibits an ancillary domestic building design is unsympathetic to the closely arranged building group. It appears as an anomalous feature, encroaching into the open and leafy surrounds to the group. Therefore, the development would harm the character and appearance of the area. Whilst I noted that planting had taken place around the summerhouse, this is immature, and it will take a considerable period of time for this to afford any effective screening to the development. As a result, the planting does very little to lessen the harmful effects of the development.
24. Consequently, the development would be contrary to Policies P10 and P11 of the Leeds Local Plan Core Strategy, 2014 (CS) and Policies GP5 and BD6 of the UDP. In summary, and amongst other things, these policies seek to ensure that development is of high quality, is of a size, design and layout appropriate to its context and conserves and enhances historic buildings and their settings.
25. For the same reasons the development would conflict with the statutory duty to have special regard to the desirability of preserving the setting of the listed buildings under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other considerations

26. My attention has been drawn to a number of other works, alterations and additions within the local area. I do not have the full details of all of these before me and I cannot be certain of their planning status or history, whilst, based on the description of some of these works, some may not constitute development requiring planning permission at all. Irrespective, of these other works, I must consider this development on its own merits. Even in a scenario that there are unauthorised developments in the local area which may cause harm this would not justify further harm being caused. I do not find that the existence of these other works or features have a strong influence over the prevailing character of the area, nor, therefore, that they establish a precedent

in the area which justifies the summerhouse in this case. Accordingly, I attribute this matter limited weight.

27. Finally, I note that the appellant states that they are willing to make modifications to the scheme. However, plans to this end are not before me and, irrespective of that, the appeal process is not to be used for the purposes of evolving a scheme.

Conclusion

28. The Framework, at paragraph 147, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 explains that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
29. As set out above, the development constitutes inappropriate development and, furthermore, causes harm to the openness of the Green Belt. This harm receives substantial weight. The development would cause less than substantial harm to listed buildings, harm which receives considerable weight and importance and is not outweighed by any public benefit. Further harm is caused by the development to the character and appearance of the area. The other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The development is, consequently, contrary to Policy N33 of the UDP, which amongst other matters, advises that development will only be permitted in the Green Belt for a number of exceptional developments or where very special circumstances apply.
30. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR