



Appeal Decision

Site visit made on 11 October 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/N4720/W/22/3305552

Brandon Grange Farm, Brandon Crescent, Scarcroft, Leeds LS17 9JH

- 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 C Higgins against the decision of Leeds City Council.
 - The application Ref 21/10068/FU, dated 14 December 2021, was refused by notice dated 27 June 2022.
 - The development proposed is described as the Change of use, conversion and alterations of stables and store to form 2 bedroom bungalow including car parking and garden.
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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 character and appearance of the area; 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.

Reasons

Whether inappropriate development

3. Paragraph 150 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it including amongst other things, 150d) the re-use of buildings provided that the buildings are of permanent and substantial construction. The essential characteristics of Green Belts are their openness and their permanence.
4. Both parties agree that the buildings are of permanent and substantial construction, and I have no reason to disagree with this finding. The proposals include minimal alterations to the form and appearance of the existing building.
5. A fundamental aim of Green Belt Policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. I acknowledge that public views

towards the appeal site are limited, however, the openness of the Green Belt has a spatial aspect as well as a visual aspect which means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. In addition, the effect on openness might not be confined solely to permanent physical works.

6. The proposals include a residential curtilage with car parking on existing gravelled areas, bin and cycle storage and a garden area to the south of the building, directly adjoining the open countryside. Whilst the proposed residential curtilage would not be a large area, it would give rise to domestic paraphernalia that could not reasonably be controlled by planning condition or by restricting permitted development rights. Whilst there is potential for paraphernalia associated with the current permitted use as stabling, this would not be unexpected within a countryside setting.
7. The openness of the Green Belt is clearly evident around the appeal site and whilst it is viewed in the context of nearby residential properties, it is sufficiently detached to be considered separate to the residential curtilage of Brandon Grange Farm and I have no evidence before me to suggest otherwise. Whilst the alterations to the building would have no effect on openness, by virtue of its location, the proposed car parking, bin and cycle storage and domestic paraphernalia associated with the appeal proposal's residential curtilage and garden space, would result in a small but harmful reduction to the openness of the Green Belt.
8. For the above reasons, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful. It would fail to preserve the openness of the Green Belt, and therefore would conflict with Paragraph 150 of the Framework. It would also conflict with Unitary Development Plan (UDP) Review 2006 Policy N33, Policy H2 of the Leeds Local Plan Core Strategy (as amended 2019) and the Framework which seek to protect the Green Belt.

Character and appearance

9. UDP saved policy N24 states that where development proposals abut the green belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. If existing landscape features would not achieve this, a landscaping scheme will be required to be implemented which deals positively with the transition between development and open land. No such landscaping scheme has been provided. The appellant states that as the appeal site is within the Green Belt rather than abutting it, that the policy does not apply. I consider that as the appeal site abuts open land, that UDP policy N24 applies in this case.
10. Given the size of garden land available, it would be difficult to accommodate both garden space and sufficient landscaping to provide a meaningful transition between the appeal proposal and the open countryside. The appellant has suggested planting in the adjoining paddock that is in their ownership, however, this is not before me to consider. Therefore, without such landscaping, the appeal proposal would result in harm to the character and appearance of the area and would conflict with UDP policy N24.

Other considerations

11. The Framework requires that any harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
12. The appellant states that the proposals will not result in additional public expense as a result of the utility connections and that there would be no harm to the local economy arising from the conversion or loss of a building providing commercial or agricultural use. The proposal will also result in the creation of one new home. All of these matters offer limited benefit; therefore, I afford them limited weight.
13. The proposed development would constitute inappropriate development in the Green Belt, would fail to preserve openness and would be harmful to the character and appearance of the area. The other considerations put forward do not represent the very special circumstances required to clearly outweigh the harm to the Green Belt.

Conclusion

14. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
15. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Megginson

INSPECTOR