



Appeal Decision

Site visit made on 8 November 2022

by C Megginson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022

Appeal Ref: APP/N4720/W/22/3302773

Spear Fir Farm, Spear Fir, Bardsey, Leeds LS17 9EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs E Burns against Leeds City Council.
 - The application Ref 21/08911/FU is dated 28 October 2021.
 - The development proposed is described as the application for construction of part two and single storey house with basement accommodation as replacement of 2no approved dwellings (Refs 14/07209/FU AND 18/02604/FU) (Amended scheme).
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Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for costs was made by Mrs E Burns against Leeds City Council. This application is the subject of a separate Decision.

Main Issues

3. From the evidence I have before me, I consider the main issues in this case to be:
 - Whether the proposal constitutes 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 of the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including the Special Landscape Area;
 - 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 required to justify the proposal.

Reasons

4. The appeal site lies in a prominent hillside position, within open countryside, surrounded by grazing land and a short distance from Spear Fir Farmhouse. A large barn and the part-structure of a mistal barn occupy part of the appeal site. Both these barns have separate planning permissions to be converted into residential dwellings. Both parties describe these permissions as a 'lawful fallback' and there is nothing before me to contradict this or to suggest that the

fallback position is not a real prospect. More recently, permission was granted for a single house, and this is an extant and unimplemented permission. The Council explained that they approved this permission as a replacement building in lieu of the barn conversion permissions.

5. The appeal proposal is an amended design of the recently approved dwelling. This would include raising the ridge height and eaves level of the two-storey part of the roof to provide full internal first floor head height, reducing the length and width of the single storey element to the rear and changes to fenestration.

Whether inappropriate development

6. Whilst the Leeds Unitary Development Plan Review 2006 (UDP) predates the Framework, Policy N33, broadly conforms to the general thrust of national Green Belt policy. 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.
7. My attention has been drawn to 149(d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*. It is agreed by both parties that permissions 14/07209/FU and 18/02604/FU have commenced. Nevertheless, those buildings are not present on the site. The buildings currently existing on the site are agricultural buildings and therefore, as the proposed new building would not fall within the same use, it would not fall within this exception. Furthermore, I have no evidence before me to demonstrate that the development meets any of the exceptions set out in paragraph 149. As a result, the appeal proposal would constitute inappropriate development within the Green Belt, which is, by definition, harmful.

Openness

8. I have taken into account the extant permission for a single dwelling as part of my assessment. Even bearing in mind this extant permission, it is important to set out the objectives of the Framework as it is specific in its explanation that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt is clearly evident around the appeal site and across the surrounding fields and the appeal site is very clearly visible from the surrounding area for some distance.
9. Openness has spatial as well as visual aspects. The appeal proposal would include a reduction in the length and width of the single storey rear element. This would reduce the building footprint, however, this would bring limited benefit to openness due to its location to the rear of the dwelling, set against the rising ground. In contrast, the proposed increased ridge height and eaves level of the roof would run the full width of a significant proportion of the proposed dwelling. As a result, the appeal proposal would result in a noticeable increase in the overall height, would stand out as a bulky, solid mass of

development, and in doing so would result in a harmful reduction to the openness of the Green Belt.

Character and appearance

10. Given the visual dimension in *Turner* there is a significant overlap between this issue and my assessment of the effects on openness above. Nonetheless, as that judgement is clear this is a different exercise.
11. The character of the appeal site and its surroundings is open, rural and verdant, and the site sits in a visually prominent position on the hillside within a Special Landscape Area. Within the open countryside surroundings, built development is sparse and modest in appearance, with dwellings tending to be predominantly single storey or one and a half storeys.
12. The agreed fallback position include two separate dwellings, including a bungalow and a two-storey barn conversion. Whilst as the appellant states, these would not be architecturally exceptional, they would reflect the scale of the agricultural barn through conversion and the bungalow would reflect the single storey design of dwellings in the area. The extant permission for a single dwelling, again would reflect a lower form of development with a combination of single storey and one and a half storey elements. By contrast, the appeal proposal, with its increased height to full two storeys and prominent glazing would draw the eye and appear incongruous, out of character and visually intrusive in the prominent hillside location.
13. For the above reasons, I conclude that the appeal proposal would lead to moderate harm to the character and appearance of the area, including the Special Landscape Area, due to its design and location. Therefore, the proposal would conflict with the design, landscape character and local distinctiveness requirements of Policies P10 and P12 of the Leeds Core Strategy 2014 (as amended 2019) (Core Strategy), UDP Policies GP5 and N37A and the Framework.

Other considerations

14. The appellant states that by comparison to the agreed fall-back position of a single storey bungalow and a two-storey barn conversion, the appeal proposal would have a reduced effect on the openness of the Green Belt. Whilst the appeal proposal may provide less footprint coverage, from a visual perspective, the appeal proposal stretches across the width of the site and also includes both single storey and two storey elements. I am not convinced, therefore, that the appeal proposal would have a reduced effect on openness. This matter is a neutral factor that does not weigh in favour or against the development.
15. There is significant debate between the parties as to the volumetric calculations of the appeal proposal when compared to all of the previous permissions. Nevertheless, even if the proposal would result in a reduction in overall volume of development compared to the fallback position, volume is not the only assessment of Green Belt openness, nor is it specifically referred to as such within the Framework. I afford limited weight to this in my assessment of the scheme.
16. The scheme before me may amount to a reduced means of enclosure and surface treatments compared to that of the fallback position. However, this would be difficult to quantify in terms of their effect on Green Belt openness.

Further, there is nothing provided by the appellant to demonstrate this to be the case. It is therefore a matter of limited weight in support of the proposal.

17. The appellant points to improved levels of domestic paraphernalia and parking numbers when compared to the fallback position. However, it could not reasonably be said that the domestic paraphernalia or parking numbers associated with one dwelling would have a significantly different effect on openness. No evidence has been provided to substantiate this claim and therefore it is a matter to which I apportion limited weight.
18. Even if a single dwelling were to be a more favourable design solution to that of the fallback position, I have found the appeal proposal would lead to harm arising to the character and appearance of the area. Furthermore, there is no mechanism before me to demonstrate that the appellant would not continue to implement the previous barn conversion permissions rather than this one, should it be allowed. The negative effects on character and appearance of the proposal before me attracts significant weight.
19. No harm may arise in relation to residential amenity, highway safety, contamination, flood risk, drainage, crime prevention or sustainability and these matters are not in dispute between the parties. However, the absence of harm in these and other areas not in contention between the parties, should be regarded as neutral in the balance.

The Green Belt Balance and Conclusion

20. 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.
21. In this appeal the other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness, through its harm to openness and the harm to the character and appearance of the area, including the Special Landscape Area. Consequently, the very special circumstances necessary to justify the development do not exist.
22. I have considered all other matters raised, but none outweigh the conclusions I have reached. The appeal proposal would conflict with UDP Policy N33, Core Strategy Policy H2 and the Framework, which seek to protect the Green Belt. The proposal would also conflict with other policies as set out above and would be in conflict with the development plan, when read as a whole.
23. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

C Megginson

INSPECTOR