



Appeal Decision

Site visit made on 19 October 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2023

Appeal Ref: APP/N4720/W/22/3301690

Hope Farm, Leeds Road, Otley LS21 3DW

- 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 Eddie McGawley against the decision of Leeds City Council.
 - The application Ref 21/10177/FU, dated 17 December 2021, was refused by notice dated 14 March 2022.
 - The development proposed is described as “*Removal of existing storage buildings and structures. Erection of new dwelling house to the equal volume of the existing structures*”.
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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 other relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect on the character and appearance of the surrounding 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
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate Development

3. The appeal site is situated in the Green Belt. The Framework identifies that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate development in the Green Belt. It goes on to state that inappropriate development, is by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist.

4. The construction of new buildings and certain other forms of development should be regarded as inappropriate development in the Green Belt, subject to the exceptions set out in paragraphs 149 and 150 of the Framework, respectively. Framework paragraph 149 d) provides an exception for the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
5. From my visit, the small cluster of structures which would be replaced by the proposal appeared to include a combination of permanent timber stable buildings, a steel cabin, a timber canopy covering a caravan and a number of lean-to sheds. Neither the steel cabin nor caravan could be considered to be permanent structures despite the length of time they may have been on the site.
6. The stables and sheds appear to be used in connection with the stated small scale agricultural and equestrian occupation of the wider site. On my site visit, I did however observe one of the sheds to be in use as an aviary and at the time of my visit there appeared to be no livestock or horses on the site.
7. It is noted that the appellant states that the proposed dwelling would be no larger than the buildings it would replace. However, as the proposed use would not be the same as that of the existing buildings this exemption does not apply, and I have not considered the comparative sizes of the buildings further.
8. Paragraph 149 g), sets out a further exception which relates to the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant considers that the appeal site is previously developed land. However, Annex 2 of the Framework specifically excludes land that is or was last used for agricultural purposes from this definition. From the evidence before me and from my observations at the time of the site visit, I have no overriding reason to dispute the appellant's claims that the land is used for agricultural purposes.
9. Therefore, the proposal would not satisfy the first element of Framework paragraph 149 g), and as a result the proposal would not amount to the redevelopment of previously developed land. Nor would it satisfy any of the other exceptions set out in paragraph 149 of the Framework.

Openness of the Green Belt

10. A fundamental aim of Green Belt Policy as set out in paragraph 137 of the Framework is to avoid urban sprawl by keeping 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.
11. The proposed dwelling would be sited broadly in the location of the cluster of existing buildings on this part of the site. It would, however, be a considerably more substantial single building when compared with the various, dispersed structures which currently occupy this part of the site.
12. The submitted plans and visualisations suggest that the proposed dwelling would stand isolated within a wider grassed field. Whilst I acknowledge the appellant's attempt to draw the application site red line boundary tightly around the proposed dwelling, even then the presence of domestic

paraphernalia would be harmful to openness and the site's open, rural setting. Moreover, there would still be an effect on openness even if, because of the topography here, elements of the site and garden would not be widely visible from existing houses along Leeds Road (A660) directly below the site. I am therefore not persuaded that the proposed dwelling would not have a greater impact on the openness of the Green Belt than the existing development in conflict with that requirement of Paragraph 149 g).

13. Furthermore, the location of the proposed dwelling on the top of the escarpment would mean that it would be visible from further afield, in particular from the A659 Pool Road. Thus, in these longer views, the proposed dwelling's presence would visually encroach into the context of the wider countryside and further erode Green Belt openness and compound my earlier conclusions. This would conflict with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open. As a result, the proposal would fail the assessment required by the Framework paragraph 149 g) and would therefore be inappropriate development in the Green Belt.

Character and Appearance of the Area

14. The site is located in the Otley Chevin Special Landscape Area (SLA), described in the Otley Neighbourhood Plan (2018-2028) (NP) as a rich landscape which includes the southern slopes of the Wharfe Valley and the heavily wooded Chevin Forest Park. Both NP Policy GE1 and Policy N37 (and its supporting text at paragraph 5.5.8) of the Leeds Unitary Development Plan Review 2006 (UDP) recognise the landscape value of the SLA and seek to ensure that development within this designation is sympathetic to its setting and does not seriously harm the character and appearance of the landscape.
15. The proposed dwelling would be single storey with a flat sedum roof and would be finished with timber cladding. It would be approximately 'C' shape in plan form with large areas of glazing on the front elevations. The access would be taken from a gap in the development along Leeds Road via an existing crushed tarmac track which would be retained, albeit stopping short of the proposed building itself.
16. The appeal site lies clearly detached from the built development along Leeds Road and although the steep slope of the site would mean that the proposed dwelling would not be readily visible from the Road, it would nevertheless be visible from further afield, as set out above. Although it would be from a considerable distance and the proposal is limited in height, it would be likely to be a noticeable feature beyond and above the main built-up development along the road.
17. The modern flat roofed appearance of the dwelling, despite the use of sedum and timber in an attempt to soften its appearance, would nevertheless stand out in this context as alien and incongruous, going beyond the more typically rural and discrete appearance of timber stable buildings. The creation of a domestic curtilage and the introduction of domestic paraphernalia and associated parking and turning would compound the adverse impact that the proposal would have on the rural character and appearance of the site and the wider area. Whilst it is stated that the dwelling would restrict the spread of buildings across the site, its more formal and domestic appearance would nevertheless inevitably erode the rural character of the site and that of the

surrounding hillside fields, together with that of the Special Landscape Area the site is located within.

18. Therefore, the proposal would conflict with Policies P10 and P12 of the Leeds Local Plan Core Strategy (as amended 2019) and UDP Policies N33, N37 and N37A which seek, amongst other things, to ensure that new development provides good design that respects the character and appearance of the landscape and the locality. For the same reasons, the proposal would also be contrary to NP Policy GE1. Whilst NP Policy GE2 is also cited in the first of the Council's refusal reasons the officer report does not explicitly consider its provisions and I have no firm evidence before me to demonstrate conflict with it. This policy has not therefore been determinative in reaching my conclusion on this matter.

Rural Housing

19. The appeal site is distinct from the built development fronting Leeds Road and is physically separated from the houses there by a steep incline. Whilst the site would not be isolated in the context of the Framework, the proposed dwelling would be physically and visually separated from existing built development and would not form a natural extension to the built-up area.
20. Otley town centre is some distance from the site. The busy nature of the road leading to the town centre and the need to cross a busy roundabout junction would not encourage walking or cycling to access services. Furthermore, the steep access down from the site (and therefore back up again) would act as a further deterrent to walking.
21. There is a bus stop on Leeds Road close to the site. However, no substantive evidence has been presented to me in relation to the frequency of buses on this route. It is therefore likely that, taking this and the above into account, future occupiers of the proposed dwelling would be heavily reliant on the use of private motor vehicles to access services. This is the least sustainable travel option.
22. Paragraph 79 of the Framework promotes sustainable development in rural area where it would maintain and enhance the vitality and viability of the rural community, whilst paragraph 80 states that the development of isolated new homes in the countryside should be avoided, unless one or more of the circumstances set out therein apply. The Council cites paragraph 79 in its officer report and decision notice. However, the exceptions that it has referred to as being within paragraph 79 are in fact those set out within paragraph 80. Although, the site would not be isolated for the purposes of Framework paragraph 80, nor would it be an appropriate location for housing, taking into account the broad principles regarding rural housing development set out at Framework paragraph 79.

Other considerations

23. The proposal would make a limited contribution to housing land supply which is a matter that weighs in support of the proposal. However, the weight to attach to this is limited given that the proposal is only for a single house.
24. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt except in very special circumstances. In addition, there are adverse impacts on the openness of the area and to its character and

appearance, from countryside encroachment. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

25. The appellant has not sought to make a case that other considerations exist which would outweigh the harm to the Green Belt and any other harm. Thus, whilst the limited contribution that an additional home would make to housing land supply carries some weight in support it falls far short of clearly outweighing harm in the manner described at Framework paragraph 148.
26. The substantial weight to be given to the Green Belt harm combined with the other identified harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the grant of planning permission. The proposal would therefore conflict with saved Policy N33 of the UDP and the Framework paragraphs 147, 148 and 149 which together seek to protect the Green Belt from inappropriate development which is, by definition, harmful to the Green Belt and no very special circumstances exist.

Other Matters

27. I am in receipt of representations which are concerned that the proposal would cause flooding elsewhere from surface run-off. The appellant has submitted evidence that the site is in Flood Zone 1 and therefore at low risk of flooding. I am aware, however, that another Inspector found that flood risk would be an issue on this site. As I have found harm on other grounds, I have not considered this matter further.

Conclusion

28. For the reasons set out and having had regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR