



Appeal Decision

Site visit made on 15 November 2022

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/N4720/W/22/3306507

Pelstone Cobbles, East Chevin Road, Otley, West Yorkshire LS21 3BN

- 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 Mrs Jessica Liddle against the decision of Leeds City Council.
 - The application Ref 21/07398/FU, dated 26 August 2021, was refused by notice dated 1 March 2022.
 - The development proposed is change of use of agricultural building to single dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appeal is subject to an application for costs made by Mrs Jessica Liddle against Leeds City Council. This is subject of a separate decision.

Preliminary Matters

3. My attention has been drawn to a second access to the site which has been constructed to the west of the existing access. Whilst the status of this access is not clear, it is not included within the planning application red line site boundary and is not therefore part of the appeal scheme or a matter before me. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposed development on the character and appearance of the area, having regard to the site's location in the Otley Chevin Special Landscape Area (SLA);
 - The provision of a safe and convenient vehicular access; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

5. 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. Those exceptions are set out in paragraphs 149 and 150 of the Framework, respectively.
6. Development within the Green Belt is thus inappropriate unless it is, amongst other things, the re-use of a building which is of permanent and substantial construction provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Furthermore, any extension to a building should not result in disproportionate additions over and above the size of the original building (Framework paragraph 149 c).
7. The criteria of Policy N33 of the Leeds Unitary Development Plan Review 2006 (UDP) may not now entirely align with the exceptions to development set out in the Framework. Nevertheless, they are broadly similar, and the purpose of the policy is the same as national policy which is to safeguard the function and purpose of the Green Belt. Consequently, I give it significant weight.
8. UDP Policy GB4 sets out how any harm, other than through the inappropriateness of development in the Green Belt should be assessed. In that respect the policy aligns with Framework paragraph 148 in that substantial weight should be given to any harm to the Green Belt. It is clear to me that the criteria must be met for a development to comply with it.
9. The appeal site consists of an existing barn sited in a fenced paddock on the hillside to the south of Pelstone Cobbles. The barn is 'L' shaped in form and appears to be of substantial stone and render construction to eaves height, above which gables, and the upper portion of the rear elevation are constructed of Yorkshire boarding with a corrugated metal roof. I agree that this element of the building is of a permanent and substantial construction. Small timber lean-to sheds are situated to both ends of the barn with a lightweight open sided covered area to the rear. Whilst permanent, none of these could be considered to be of substantial construction. These elements, as well as the structure above eaves level of the main barn are proposed to be rebuilt and replaced to facilitate residential accommodation.
10. Overall, the extensions proposed, according to the appellant, would amount to an additional 26.4% volume over and above that of the existing building. I have not been provided with any illustrations or calculations as to how this figure was arrived at. Nevertheless, the appellant contends that extensions of 30% over and above that of the existing building are generally granted consent within the Leeds Green Belt area. However, I have little in the way of evidence to support this claim, whilst the Council have clarified that this figure relates to extensions to existing residential properties in the Green Belt.
11. The proposed extensions and alterations would almost entirely subsume the original substantially built stone structure, either extending it, at the rear corners and side (at first floor level) and rebuilding it at the front corners and

in parts of the rear elevation. In the absence of robust calculations and demonstration of the extent of the extensions, and in the context of the existing modest partially stone-built building with timber additions, what is proposed would amount to the disproportionate addition to the building, over and above the size of the original building. The proposal would not therefore benefit from the exemption provided by Framework paragraph 149 c) and amounts to inappropriate development within the Green Belt.

12. Framework paragraph 150 states that certain other forms of development are also not inappropriate in the Green Belt if they preserve its openness and do not conflict with the purposes of including land within it. The re-use of buildings, provided that they are of permanent and substantial construction, is one such form of development.
13. Even if the building is permanent and substantially constructed, the disproportionate additions over and above the size of the original building mean that the scheme is inappropriate development. Consequently, whilst noting a structural survey report, I do not need to consider the matter of the building's soundness for conversion any further.
14. Whilst the exceptions to development in the Green Belt in this case fall into both paragraphs 149 and 150 of the Framework, the scheme is for extensions and alterations as well as the change of use, and it is therefore legitimate to apply the exceptions in both paragraphs to the development. The proposal cannot be disaggregated in coming to a view on whether a proposal would have an unacceptable impact on the openness of the Green Belt. Furthermore, the proposal would also involve the creation of hardstanding and the change of use of a fenced area to domestic garden. It would therefore be incorrect to say that the re-use of the building did not involve operational development.
15. The appeal site is on a hillside and partially screened by trees. It is not readily visible from the surrounding area. Nevertheless, there is a spatial aspect as well as visual aspect to openness and as such the proposal would extend a residential use further into the countryside than the existing small grouping of buildings at Pelstone Cobbles and Manby House. When considered as a whole, the proposal would have a moderate impact on the openness of the Green Belt, thereby failing to preserve its openness, as required by paragraph 150. Furthermore, the proposal would not be consistent with the aim and purposes of the Green Belt of keeping land permanently open and to safeguard the countryside from encroachment.
16. For those reasons therefore, the proposal would not accord with the exceptions to inappropriate development under paragraphs 149 c) and 150 d) of the Framework. As a consequence, it would constitute inappropriate development in the Green Belt. The development would also conflict with policies N33 and GB4 of the UDP, which sets out development which is not inappropriate in the Green Belt.

Character and appearance

17. The appeal site is located in the Otley Chevin SLA described in the Otley Neighbourhood Plan (2018-2028) as a rich landscape which includes the southern slopes of the Wharfe Valley and the heavily wooded Chevin Forest

Park. Both the Neighbourhood Plan¹ and the UDP² 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.

18. The appeal site is located beyond the two dwellings served by the drive, well beyond the defined built-up edge of Otley. The appeal site is currently used as a paddock area for the keeping of a small number of sheep. It is surrounded by grazing fields and woodlands which extend into the countryside beyond the appeal site.
19. The existing building on the site is clearly rural in character and appearance and not out of place in this context. The proposal would introduce a more intensive use of the site, with the creation of parking and turning area in front of the proposed dwelling and would lead to a general domestication of the appearance and function of the building and the appeal site.
20. The introduction of large amounts of glazing into the western gable of the building together with the removal of barn doors and their replacement with large expanses of glazing on the front elevation would significantly alter the appearance of the building. It would become appear domestic rather than agricultural and would result in unacceptable harm to the rural character and appearance of the site and the Otley Chevin SLA, contrary to UDP policy GB4(i), as well as Core Strategy policy P10 and UDP policy GP5.

Safe Vehicular Access

21. The proposal would be reached by an existing driveway off East Chevin Road which already serves the residential properties at Pelstone Cobbles and Manby House. The driveway is narrow with little opportunity for passing another vehicle along its substantial length with no pedestrian provision. To reach the appeal site, the access would also pass through a paved courtyard area directly in front of Pelstone Cobbles. The appeal site is some distance further up a track beyond.
22. The Council is concerned with regard to access onto East Chevin Road. However, at this point, East Chevin Road is straight and visibility in both directions is good. The access point is well within the 30mph speed limit on the approach to the outskirts of Otley. It has been demonstrated by the appellant that suitable visibility splays at the site access could be achieved. From my observations on site, which was during the winter months, it did not appear that any significant pruning of vegetation would be required to achieve the splays necessary. I therefore do not consider that the proposal would prejudice highway safety in this respect.
23. However, the Council have also raised other concerns relating to the intensification of the use of the driveway up to the appeal site and other highways matters relating to accessing the site, including refuse collection, cycle storage and electric vehicle charging. The appellant indicated how these could be addressed in email correspondence during the course of the application. Nevertheless, I have little evidence before me to indicate that these matters were formally presented to the Council for consideration as part of the application.

¹ Policy GE1

² Policy N37 and its supporting text at paragraph 5.5.8

24. I recognise that the access already serves two other properties. However, given the long winding nature of the track and its narrowness with few formal places where vehicles can pass, the extra traffic associated with the new dwelling would likely lead to further unacceptable consequences for users of the access. These would include long reverses when vehicles meet head on and cannot pass, with the risk that presents particularly, for example, in the dark, and increased regular inconvenience and frustration to local residents as a result.
25. Overall, therefore, the proposal's failure to demonstrate safe and convenient access to the proposed development renders it contrary to UDP policies GB4(iii) and GP5. Were I minded to allow the appeal, cycle storage and electric vehicle charging could be reasonably capable of either being controlled by conditions, are covered by other legislation or do not relate directly to safe and convenient vehicular access to the appeal site.

Other Considerations

26. A structural report provided with the appeal indicates that the building, as it stands, is in good structural condition. The report does not, however, detail the works which would be necessary to convert the building. Nevertheless, the plans indicate that the existing roof would be replaced with a slate roof, which in itself would be a major alteration to the structure. The plans also indicate that only the front and rear elevations would remain as external walls. The new roof would be largely supported by new gables created by extensions to either end of the existing building. The provision of a structural report is a neutral factor in the consideration of the appeal and does not weigh in favour of the proposal.
27. The proposal would not result in any issues relating to residential amenity. Neither does the proposal raise any issues in relations to the treatment of surface water on the site and would not cause flooding elsewhere. These are also neutral factors which do not weigh in favour of the proposal.
28. 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.

Green Belt Conclusion

29. Substantial weight must be given to the Green Belt harm. I have also attached significant weight to the harm arising to users of the appeal site access. The combined weight of the other considerations does not clearly outweigh the harm to the Green Belt and access harm. As such, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with saved Policies N33, GP5 and GB4 of the UDP and 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.
30. The proposal is also contrary to Policy P10 of the Leeds Core Strategy 2019 (Core Strategy) which seeks to ensure that development is of a high standard of design appropriate to its location, scale and function. It applies to schemes

whether they are in the Green Belt or not. I do not however find any substantiated conflict with Core Strategy Policy T2 which is concerned that development is served by existing or programmed highways.

Conclusion

31. For the reasons set out above 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