



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: 16 January 2023

Appeal Ref: APP/N4720/W/22/3304315

Bridle Path Stables, Bridle Path Road, Shadwell, Leeds

- 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 Judith Raynor against the decision of Leeds City Council.
 - The application Ref 21/08151/FU, dated 30 September 2021, was refused by notice dated 28 June 2022.
 - The development proposed is Demolition of existing stables and construction of a new single storey dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The plans submitted with the appeal appear to contain a number of inconsistencies in relation to the red line boundary of the site. I have determined the appeal on the basis of the plans listed on the Council's decision notice.

Main Issues

3. 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 area; 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

4. The appeal site is situated in the Green Belt off Bridle Path Road, a private road and public right of way which lies beyond the edge of the built-up area of Shadwell. A commercial operation and several houses are served from the road. The site is currently occupied by a stable and barn building, together with a metal storage container and other paraphernalia associated with the keeping of horses.

Inappropriate Development

5. 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.
6. 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 paragraph 149 and 150 of the Framework respectively. The exception at Paragraph 149 c) relates to disproportionate additions over and above the size of the original building. As the proposal is not for an extension or alteration to the building on the site, this exception does not apply.
7. 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 Framework definition of previously developed land in Annex 2 excludes temporary buildings. Therefore, would specifically exclude the container which cannot be considered to be permanent.
8. Whilst the proposal would replace the existing stable building it would be located further forward towards the road on an area some distance from the existing building, which is currently open and free of development. The proposal would therefore fail to constitute the partial redevelopment of previously developed land currently occupied by stables.
9. Therefore, on the evidence before me the site is not previously developed land in the terms of the Framework and paragraph 149 g) cannot be applied to the appeal scheme. Nor from the information before me, is there any reason to believe that it would meet any of the other exceptions set out in paragraph 149 of the Framework. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition harmful and should not be approved except in very special circumstances.

Effect on the Openness of the Green Belt

10. A fundamental aim of Green Belt Policy is set out in paragraph 137 of the Framework is prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Other than the stables and barn the site is otherwise open and free of permanent development. The development at this end of the road is surrounded by open countryside. Notwithstanding the neighbouring dwellings and commercial greenhouses, the openness of the countryside is evident around the site and the wider area.
11. The existing stables and barn would be demolished, and the proposed dwelling would be sited closer to Bridle Path Road. It would occupy a smaller footprint than the existing building. Nevertheless, domestic paraphernalia which would inevitably accompany the proposed dwelling would result in a greater area than that of the existing stables being taken up by development. Furthermore, the proposed buffer landscaping to the rear of the site would reinforce the

appearance of the site as residential curtilage and in time, as the planting matured, would compound the impact of the development on the openness of the Green Belt to a greater extent.

12. I have been supplied with photographs indicating paraphernalia associated with the keeping of horses on the site, which includes a horse box, a metal gate, numerous wooden pallets, baths, used sawdust and manure. None of these items could be considered to be permanent development which contributes in any way to urban sprawl.
13. I acknowledge that buffer planting may have been appropriate for site specific reasons on other sites and in other locations. However, I do not have the full details of the example to which I am referred. Nevertheless, in this instance I am of the opinion that buffer planting in the location proposed would in itself have a detrimental effect on the openness of the Green Belt in that it would form a physical barrier between the appeal site and the wider open fields beyond. Moreover, the proposal would have a consolidating effect on the currently widely spaced development along this side of the road.
14. I therefore consider that the proposed dwelling would lead to a loss of openness compared with the existing condition of the site in conflict with that requirement of Paragraph 149 g). This would also conflict with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open. As a result, it would consequently fail the assessment required by the Framework paragraph 149 g).

Character and Appearance of the Area

15. The site lies within a Special Landscape Area. Although I have not been provided with any specific appraisal of the qualities of the locality of the appeal site, Special Landscape Areas within the City have been identified as possessing positive factors¹ which contribute to its attractive character and appearance. Policy N37 of the Leeds Unitary Development Plan Review 2006 (the UDP) seeks to ensure that development within this designation is sympathetic to its setting.
16. The site is currently occupied by stables. Although in a relatively poor state of repair, stables such as these are not unexpected in a rural setting, and in that respect do not detract from the character or appearance of the area.
17. The proposed dwelling would be single storey and would be similar in plan form to that of the existing stables in an attempt to replicate their form and appearance. Nevertheless, a dwelling in this location would inevitably be far more substantial in character and domestic in appearance than the existing stable building on the site.
18. I note that the existing paddock area in front and to the side of the proposed dwelling have been included within the red line boundary of the site. It is proposed to retain this area as a field and not incorporate it into a domestic garden for the proposed dwelling. It would, however, be severed from the grazing fields beyond by the proposed buffer planting and thus would be likely to be used in connection with the occupation of the dwelling rather than for the grazing of horses.

¹ Paragraph 5.5.8 - Leeds Unitary Development Plan Review 2006

19. Therefore, the proposed development would unacceptably harm the character and appearance of the area in conflict with Policies P10 and P12 of the Leeds Local Plan Core Strategy (as amended 2019) (Core Strategy) and Policies N33, N37 and N37A of the UDP 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. It would also conflict with the design aims contained within the Framework.

Other considerations

20. I have concluded above that the proposal would not comply with Paragraph 149 g) of the Framework. In any event, compliance with this exception would also be subject to demonstration that the proposal would not have a greater impact on openness than the existing development. Therefore, in itself would not amount to the very special circumstances required to be demonstrated to justify development in the Green Belt.
21. It is agreed by both parties that the appeal site is not allocated for housing development. Core Strategy Policy H2 allows for new housing development on non-allocated sites, subject to criteria. There is no dispute that the proposal would satisfy criteria (i) and (ii) of the policy. For the reasons set out above, the proposal would be inappropriate development in the Green Belt. Therefore, it does not attract support from criteria (iii) of the policy. The proposal would therefore fail to satisfy the requirements of Core Strategy Policy H2.
22. The proposal would make a limited contribution to housing land supply. However, the weight attached to this is limited given the proposal is only for one house. Moreover, the contribution of the development of the site to assist in the Council's regeneration aims would be likely to be very limited. The proposed buffer planting would offer a benefit to biodiversity. However, this would not be significant and accordingly I also afford this matter little weight.
23. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt except in very special circumstances. 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.
24. I have found that there would be adverse impacts on area's character and appearance from countryside encroachment. In addition, I find that the proposal's failure to align with the fundamental aims of Green Belt policy to prevent urban sprawl to be compelling.
25. I have also found that the proposal fails to satisfy the requirements set out in both the Framework and Policy N33 of the UDP relating to development in the Green Belt. Furthermore, there would be harm to the visual and spatial character of the area.
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, Core Strategy Policy H2 (iii) and the section 13 of the Framework which seek to protect the Green Belt from inappropriate development.

Other Matters

27. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal and instead is a matter for the appellant and the Council to resolve.

Conclusion

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

KL Robbie

INSPECTOR