
Appeal Decision

Site visit made on 16 January 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/W4705/W/22/3310002

Land north of 14 Sykes Lane, Cackleshaw, Oakworth Keighley

- 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 Darren Holmes against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01840/FUL, dated 26 April 2022, was refused by notice dated 21 September 2022.
 - The development proposed is proposed single storey dwelling on previously developed land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal varies between the application form and the Council decision notice 'Single storey dwelling'. The remainder of the original description effectively seeks to address the merits of the case and is not a description of development. This matter will be dealt with later in the decision notice. I have considered the proposal on the basis of the description on the Council decision notice.
3. Policy SC7 of the Bradford Core Strategy (2017) (CS) and policies GB1 and GB2 of the Replacement Unitary Development Plan (2005) (UDP) deal with the Green Belt and seek to protect it.
4. However, the former policy relates to the strategic approach to the Green Belt while the latter policies do not clearly identify exceptions to inappropriate development as identified within the Framework. The latter, development specific, policies lack alignment with the Framework and I have afforded significant weight to the requirements of the Framework with regard to the Green Belt approach.

Main Issues

5. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt including the effect of the proposal on the openness of the Green Belt having regard to the Framework and any relevant development plan policies; and

- ii. if the proposal is inappropriate development, 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

Whether inappropriate development & openness

6. The Framework¹ at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.
7. One such exception at e) relates to limited infilling in villages. Another at g) relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
8. Cackleshaw is described variously as a Hamlet and an Agricultural Hamlet within the evidence. However, it is clear that whilst Cackleshaw does host a number of dwellings, it sits clearly and distinctively away within the countryside across fields from the nearest village, Oakworth. Within this particular context, Cackleshaw cannot therefore be considered a village and therefore I will not make an assessment as to whether the proposal represents 'limited infilling' given that the exception under paragraph 149 e) does not apply.
9. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
10. With reference to paragraph 149 g) and whilst I acknowledge the conveyance to the title of the land, there is nothing compelling within the evidence to confirm that the site comprises previously developed land, the definition of which excludes land that was last occupied by agricultural buildings². The evidence indicates that a substantial part of the site where the dwelling would be located was formerly a pig sty.
11. Even in the event that the site could be considered previously developed land, the introduction to the site of the dwelling would be significant in terms of bulk through its built form given that there are no above ground structures on the site.
12. It would limit views through the site and to the surrounding countryside from various points on Sykes Lane and the tracks that sit astride the site. That bulk would also be noticeable from any surrounding viewpoints on the slightly elevated land that surrounds the site. The proposal would have a greater impact on the openness of the Green Belt than the existing development.

¹ National Planning Policy Framework 2021.

² National Planning Policy Framework 2021 Annex 2: Glossary.

13. The above aspects of the proposal would harm the openness of the Green Belt in both spatial and visual terms. Taking account of the existing situation at the site, its visible location given its setting at the head of where Sykes Lane splits, the harm to openness would be substantial. To conclude, the exceptions under paragraph 149 g) do not apply.
14. The proposal would therefore form inappropriate development within the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt. The proposal conflicts with the Framework.

Other Considerations

15. I acknowledge that Cackleshaw does now have a residential feel and that it would not be the whole of the site that would be developed. I also note that the site does appear to have at one time contained a variety of buildings. The proposal may represent a more beneficial use of the land which could assist in resolving issues of littering, tipping and dog fouling, although none of these issues appeared particularly problematic at the time of my site visit although only a snap-shot in time. It is also stated that the proposal would be self-build and would use locally appropriate materials.
16. There is no disagreement between the parties that the Council cannot demonstrate a 5-year housing land supply. Nonetheless, given the substantial harm to the openness of the Green Belt, the application of Framework policies relating to land designated as Green Belt provide clear reasons for refusing the development proposed. Therefore, paragraph 11 (d) of the Framework is not engaged in terms of supporting the proposal.
17. I afford very limited weight to the matter of currently un-developed potential future housing allocations within the Green Belt close to the site which are separate matters considered through separate processes.

Planning Balance and Conclusion

18. I have found that the development is inappropriate development within the Green Belt and would result in substantial harm to the openness of the Green Belt.
19. The proposal should not be approved except in very special circumstances. I must attach substantial weight to any harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
20. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T J Burnham

INSPECTOR